

POLITICAL CONDITIONALITY AND PRESS  
FREEDOM: THE EFFICACY OF USAID PRESS  
CONDITIONALITIES IN ETHIOPIA AND  
MOZAMBIQUE.

by

ABDEL QAYYUMOU DAROU-SALIM

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ABDEL QAYYOUNMOU DAROU-SALIM  
CWID:11526631

Thesis Approved:

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Laura Thaut Vinson, Chair

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Farida Jalalzai

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Marcus Hendershot

Name: Abdel Qayyoumou Darou-Salim  
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Abstract: the literature on aid effectiveness is ambiguous about the effectiveness of aid and the conditions following aid distribution. This study explores the effectiveness of aid conditionalities by looking at the dynamics of press freedom directed aid conditions in Ethiopia and Mozambique. A most similar case analysis of both countries with an in depth look at election period and at judicial review shows us that the strategic importance of the grantee country and also the specific of judicial review might explain the different in effectiveness of press freedom conditions in sub-Saharan Africa.

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## CHAPTER I

### **AID CONDITIONALITIES AND PRESS FREEDOMS**

The inclusion of aid conditionality requirements has become a common practice within the arena of global relief and development programs. The literature on such programs typically focuses upon the effectiveness of monetary disbursements in terms of economic development (McMillan 2011, Boone 1996), and in doing so disregards the underlying efficacy, or influence, of the attached conditionalities upon grant seeking / holding countries. Yet, it is critical to also understand any effects that are related to institutional constraints, as they may, or may not, have implications for the cultivation of transparency, support for democratic principles and general power sharing within grantee nations. It may be that these constraints create real gains in terms of goals such as public transparency and democratization. Alternatively, it may be that these conditions are merely paper-tiger rules that do not affect meaningful variance within political development.

A primary example of an aid conditionality statement is an institutional rule that seeks to promote transparency and independence within a grantee state's media context. For example standards promoting more robust press freedom have routinely been included among the accompanying conditionalities of the foreign aid agreements of the

20<sup>th</sup> century foreign aid paradigm and it continues today (Kumar 2006). Donor countries, seeking to encourage political development alongside economic improvements, have frequently introduced such requirements within the boilerplate of their agreements. Similarly, the World Bank has funded the Media Map (Nelson Susman Pena 2012) project to understand the potentially endogenous relationship between a free media environments and economic development. This particular project focuses on the critical aspect of media development and the costliness of information, which is inherently a contributor to efficient economic exchange. Thus, these condition statements may serve as a way to increase, or multiply, the underlying effectiveness of economic oriented funding.

Despite the potential for dual fold improvement and synergy, it is clear that aid agreements are not equally effective (McGillivray 2003:8). Some grantee state should potentially benefit, but they continue to lag both in economic aspects and in their respect for human rights and support for democratic institutions (Knack2004, Goldsmith 2001). This is particularly the case for Sub-Saharan Africa countries like Ethiopia, the Democratic Republic of Congo, and Uganda. This is a region and a set of states that has historical lag in terms of economic and political development, but also an established history of international aid support.

My thesis project therefore seeks to evaluate the propensity of press freedom conditionality statements to affect real changes in observed media freedoms within the elections found in two Sub-Saharan African contexts – Ethiopia and Mozambique. In particular, I am interested in whether press freedom conditionalities associated with USAID agreements have meaningful implications. Countries in Africa have provisions in

their constitution to advance press freedom. African countries also receive aid with press freedom conditionalities, however, they vary in their press freedom scores and their advancement in press freedom over the last 16 years. Although scholars certainly debate whether conditionalities have any effect on the strength of democracy broadly speaking (Uvin 1993), little attention is directed at exploring more narrow relationships that may exist between grant conditionalities and specific institutions, such as press freedom, and its role in democratic processes. This paper focusses on press freedom conditionalities by looking at unquantifiable factors that can better explain the success of press freedom directed aid conditions in sub-Saharan Africa. The findings suggest that the nature of the relationship between the donor country and the receiver and also the degree of independence of the judiciary especially judicial review matters.

## **THE ORIGINS OF THE USE OF AID CONDITIONALITIES**

The incorporation of conditionality requirements (i.e., primarily economic ones) began after World War II and provided new incentives for grantee nations to implement reforms that would help bring them closer to the global community. The World Bank and the IMF – the premiere institutions in the distribution of global economic aid – began introducing new forms of conditionality requirements during latter half of this period they call structural adjustment (Easterly 2003).

Ironically, conditionalities seems to have been a response to those challenges encountered on the economic development front. Conditions imposed by the World Bank and the IMF too often were seen as hurting local economies more than they were helping (Harrigan, Mosley 1991). World Bank and IMF structural adjustment programs

previously had included condition statements that focused upon economic adjustment and not political reforms. Although it clearly can be said that political and economic conditions are in some sense related, the ineffectiveness of economic conditionalities in the 1980s led donor countries to move toward a new emphasis on political conditionalities in the 1990s (Emmanuel 2009). Donor countries and governmental agencies, such as USAID, began incorporating new political conditionalities. Such requirements were first applied in Latin America with moderate success (Brown 2004). These practices were later adapted to sub-Saharan Africa in order to foster development.

Bratton and van de Walle (1997) found that the political conditionalities of this period were not wholly effective in promoting democratization, but that conditionalities to some extent influenced the liberalization of political institutions within grantee countries. Conditional statements also helped engender multiparty elections and encouraged some aspects of political freedom in authoritarian African countries. Not surprisingly, then, the application of the strategy has tended to incrementally increase throughout the Cold War period. Still, the resulting influence of the application of these conditions remains somewhat ambiguous. Today, countries shift between the ex-ante and ex-post application of conditionalities with an intention of spreading democratic norms. It is, however, important to also consider the endurance of any of these positive effects, because, if anything, democratization seems to be regressing within sub-Saharan Africa over the last decade<sup>1</sup>. If institutional aid conditions are going to be a contributing element within the democratization process, it is crucial to better understand their narrow effects

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<sup>1</sup> "Freedom in the World." Historical Data-Comparative Scores for All Countries from 1973 to 2015. N.p., 2015. Web. 24 Dec. 2016.

using specific grantee states as case studies (Eckstein 2000). Perhaps this type of knowledge is even more crucial today given the availability of largely condition-free aid from China and other non-democratic donor countries.

Certainly aid to developing countries is provided with the intention of affecting positive change and reform efforts within grant-seeking countries. The effectiveness of that aid and associated conditions that are attached most likely depends on the relative magnitude of the donor and the amount of power they can exert within the international realm (Svensson 2000). This project will focus on one of the largest single sources of funding – USAID.

In 2014, USAID distributed \$10 billion in economic aid to sub-Saharan Africa countries.<sup>2</sup> U.S. motivations when allocating these amounts may not be purely altruistic, however, as Berthelemy (2006) shows that former colonial countries tend to be more egotistic with respect to their intentions. Although the European Union also has an organization that controls the distribution of international aid, USAID is the largest single donor to poor countries. Given that the United States has few colonial ties within Sub-Saharan Africa (other than Liberia), it tends to maintain a more neutral relationship with African grant seekers (especially when compared to European countries).

Establishing environments that are able to maintain sustained economic growth is at the core of the USAID mission. However, the U.S. has stipulated other concomitant goals such as strengthening human rights institutions. A seminal part of this initiative has taken the form of the promotion of independent and/or free media outlets. The USAID

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<sup>2</sup> Congressional Budget Justification Department of State, Foreign Operations, and Related Programs  
url:<https://www.usaid.gov/results-and-data/budget-spending>

Media Assistance Program in sub-Saharan Africa consists of routine diplomatic pressure upon those countries receiving aid. The U.S. can, and will, leverage aid relationships and lobby grantee countries to prevent the harassment of journalist or to encourage the distribution of independent media content (e.g., Lesotho in July 2016).<sup>3</sup> It also offers training to journalists in order to improve the quality of news content and provides funding to promote the creation of new media outlets within sub-Saharan Africa (Kumar 2004). For example in 2010, USAID funded a substantial media program within the Democratic Republic of Congo to improve professionalism, enhance economic sustainability, and improve the legal and regulatory environment (Mottaz 2010).

The U.S. likewise will issue official policy statements and at times threaten to block grant disbursements in the context of media repression. It offers help to countries in order to advance the development of independent media that can act as a check on authority and it encourage countries receiving aid to increase the prevailing level of transparency and accountability measure by relaxing obstructive laws and regulations.<sup>4</sup> It often urges countries to rescind their laws for libel (e.g., the Democratic Republic of Congo in 2014) and it lobbies for the release of imprisoned journalists (e.g., those recently jailed in Somalia).<sup>5</sup> To buttress these intentions, the United States also enacted the *Daniel Pearl Freedom of the Press Act of 2009* that forces bureaucrats to monitor and evaluate the level of press freedom within annual aid reporting. It utilizes this information

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<sup>3</sup> <http://www.state.gov/r/pa/prs/ps/2016/07/260119.htm>

<sup>4</sup> Other countries such as those in European Union put human rights at the forefront of their aid agreements reflections such as the Cotonou agreements (Gathii 2013)<sup>4</sup>. The Cotonou agreements also introduces human rights criteria in their agreements. However, it does not make human right binding to the other pillars of the accords. Dictators seem to have found a way around many of the conditions imposed to them. Press freedoms represent a challenge to them and a problem that is difficult for them to overcome thus it is the focus of this research.

<sup>5</sup> [https://www.state.gov/j/drl/rls/afdr/2014/index.htm#\\_edn32](https://www.state.gov/j/drl/rls/afdr/2014/index.htm#_edn32)

to determine whether donor countries are truly making an effort to promote press freedom or are participating in the harassment and jailing of journalists.

The USAID approach to aid allocation emphasizes collaboration with local forces making it one of the better resources for development aid (Bertelemey 2006).

Nevertheless, USAID is not the only potential source of grants-in-aid to Sub-Saharan African countries. Despite the large scale of this single program, other countries are also engaging in these same activities. Given the multitude of possible aid agreements, wherein countries are receiving different amounts from different donors, grantee states can find themselves in competing constraints associated with the strings attached to alternative funding sources. Receiving countries in such situations will tend to focus on the more lucrative, or more powerful, donor. This can establish levels of conflict with Western powers and alternative sources of funding such as China. These differences in goals and constraints are why it is important to study the effect of USAID aid conditions within countries that are both highly dependent and potentially exposed to contrary pressure from more authoritarian states.

## **AID PARADIGMS AND SUB-SAHARAN AFRICA**

In recent years, a general reversal in global democratization has tended to take place. Sub-Saharan Africa, in particular, has experienced a steep decline in the prevailing level of democratization across the continent. Due to the presence of Chinese investment and the involvement and an evolving fight against radical terrorism, African countries are experiencing a new period of insularity from Western pressure and to some extent a

change in focus on the level of democratization (Diamond 2014). This reversal increases the importance of foreign aid and the conditions that are supposed to enhance its effectiveness. This section addresses the historical patterns in aid allocation from the end of WWII to the beginning of the 21<sup>st</sup> century. It will begin by focusing on the early stages of aid allocation, continue through the structural adjustment plans of the 1970s and conclude with an explication of the changing aid environment of the 1990s.

### **Early focus on Aid Allocation**

Aid to developing countries certainly is not a new phenomenon. During colonial eras, former colonies were often the subject of aid for development. Aid was given both before and after independence and this aid was frequently associated with policy concessions for the receiver state. Giving aid to former colonies was a way for imperial powers to help the countries become economically independent. However, the policy concessions often proved to have the opposite effect, making grant seeking former colonies more dependent on their imperial counterparts (Stokke 1987).

### **The Logic of Cold War aid in Africa**

The primary sources of international aid during the Cold War were the United States, the IMF, and the World Bank. The IMF and the World Bank maintained structural adjustment programs in order to help grantee countries develop mature and functioning market economies (Easterly 2005). A number of different types of aid were disbursed through such programs during the Cold War, but at least initially economic and military aid were the primary categories. The World Bank was the primary avenue for funds specifically addressed for economic aid (Dollar and Svensson 2000). Whereas Western



powers such as the USA, were more often directly tied to the distribution of military assistance in order to maintain stronger control of force capability. The USA, did however, provide some economic aid during that period with goals that run largely similar to those that exist today. Generally, the goals underlying this aid were to promote stability through democracy and economic development (Poe and Meernik 1995).

During the Cold, War aid was proposed mainly by European countries to their former colonies (with the exception of the United States). By 1970, aid programs went through a period of alteration with the funding more often focused upon economic and political reforms that were intended to achieve levels of economic convergence in historically lagging areas of the world. This revision has been referred to as the *first generation of aid* (Stokke 1995). At this time, Western countries also viewed foreign aid as a source of leverage and a means to obtain diplomatic support and market ties to third world countries (Mosley 1987; Stoke 1995). Boschini & Olofsgård (2007) found that Western countries frequently gave assistance to countries that were perceived as a threat or that were seen as susceptible to the socialist appeals of the Soviet Union. Thus, foreign aid was very much about a bipolar international power structure, and disbursements was a part of the tension that tended to exist within the broader system.

Because third world countries essentially had the binary choice between a U.S. alliance or the Soviet bloc, development disbursements often pulled from both the economic development pool and available military assistance. Economic aid was thus closely tied to military aid during this period (Poe and Meernik 1995). For instance, within the former Zaire and Angola, grants of economic aid usually came with promises of military support against communist rebels that were engaged in insurrections against

the regime. Thus, aid agreements tended to take on the form of guns *and* butter and not one or the other.

### **Economic assistance**

During the 1970's economic crisis, OPEC production agreements instigated a period of rapid inflation in the price of oil, which engendered a cascade of economic recession throughout the developing countries of sub-Saharan Africa and South America (Adelman 1972). In the context of rapid inflation, economic disequilibrium and popular disruptions, many countries resorted to the credit markets to balance budgets and help counteract market volatility. Borrowing money to fix endemic structural problems, however, is generally not the best solution. In fact it tended to compound the problem because countries were often unable to pay back their debt according to schedule, creating huge interest obligations that further crippled their economies (Dollar and Svensson 2000, Harrigan and Mosley 19991).

In an attempt to counteract this downward cycle, the IMF created structural adjustment programs that frequently introduced conditional obligations. Essentially, it offered money to emerging countries under the condition that they adopt a series of economic policies that would help them regroup and hopefully gain the stability necessary to be able to pay their debt on time. These conditional requirements addressed liberal trade policies, general resource mobilization, the efficient use of existing resources and other institutional reforms (Mosley 1987).

The institutional innovations in these structural adjustment situations were economic and not political per se (Harrigan and Mosley 1991). They might call for the

improvement of the efficiency of public enterprises or create support for agriculture and different industry subsectors. For example, African countries were often forced to privatize national organizations, devalue their currencies, and reduce their public workforce (Nellis 2005). These structural adjustment programs can be thought of as attempts by the World Bank and the IMF to transition countries from insular economies with trade protections toward outward-looking market economies. According to the World Bank, outward-looking economies would better integrate these countries into the existing international system, which in turn would help them improve their living standards and fight poverty (Mosley 1991). In most cases, these policies proved unsuccessful, but they remained a prescription for new countries experiencing economic crisis.

Structural adjustment policies tended to fail for a number reasons. First, they forced countries to reduce their workforce, which exacerbated market disequilibrium. For example, From 1986 to 1996, six African countries (i.e., Benin, the Central African Republic, Guinea, Madagascar, Mali, and Uganda) shed more than 10 percent of their civil service workforce as a result of the structural adjustment programs (Moyo 2009). These policies also tended to reduce local industries' control over the prices of their core products and thus profit levels were eroded in the face of foreign competition. Further, the process of devaluing local currencies acted to increase levels of poverty and inequality, making the programs widely unpopular (Nellis 2005; Herbst 1990).

Poor countries in debt really had no choice but to abide by these rules in order to continue to obtain much needed foreign aid. The eventual failure of these structural adjustments eventually led African countries into vicious cycles where, in order to

survive, they were obliged to borrow money and abide by the conditions that were drowning their economies (Herbst 1990, Loxley 1990). Alternative international aid donors tended to follow in lock step with the World Bank and the IMF. Thus, structural adjustment was the only possible policy outcome for those countries seeking outside funds to deal with real economic dilemmas.

Ultimately, the success of these one-size-fits-all policies depended on the strength of institutional authority already in place within the grant seeking states. Because these policies represented difficult implementation problems, eventual outcomes typically led to major labor share reductions that created even more capital flow increases (Pastor 1987). Between 1980 to 1999 most of the countries receiving aid from the IMF (e.g., Cote d'Ivoire, Togo and Mali) still were experiencing negative growth rates (Easterly 2003). That decline often meant that elites in these countries were able to adjust and even profit from these policies. Still, majorities of the poor in these settings were getting poorer and that was unsustainable over the long run. Scholars such as Bueno de Mesquita & Smith (2011), Djankov, Dutta, Leeson, & Williamson (2013) found that international aid and structural adjustment often would help consolidate the autocratic structures dominated by the elite, which maintained control of the distribution of resources for purposes of patronage.

Doucouliafos and Paldam (2009) and Santino (2001) also highlight these types of failures. They found that economic aid and conditionalities were not effective in poor countries, especially those located in sub-Saharan Africa, but that aid was relatively more effective in those countries possessing better respect for human rights and less prevalent corruption. Thus the World Bank began to identify good governance as the issue at the

root of Africa's economic troubles. The emerging theory was that the poor quality of institutions, the weak rule of law, absence of accountability, tight control over information, and crippling levels of corruption were to blame for lagging African track records (Brautigam and Knack 2004). Similarly, Dollar and Svensson (1998) suggested that public institutions were crucial for the successful implementation of reform programs. A country's institutions and political features, including the level of democratization in a country, can largely predict the successful repayment of loans.

Restricted by its mandate, the World Bank and the IMF decided to limit its efforts to the economic dimension of governance and in turn to leave the political issues to other donor institutions (Santino 2001, Nanda 2006). The World Bank worked in collaboration with donor countries in order to determine what kind of conditionalities should be applied to the grantee countries. Institutions like USAID followed in the wake of these steps and began to place new emphasis on aid condition requirements (Nanda 2006).

### **Political Conditionalities in the 21<sup>st</sup> Century**

The first wave of political oriented conditionalities began in the 1990's and was largely ineffective because of the lack of coordination between the donors and the fact that donor countries were not implementing full agreements (Brown, 2005; Crawford, 1997, 2001; Stokke, 1995). Aid conditionality has begun to take different forms within the 21<sup>st</sup> century context. Now, they are more specific, and donor countries are more invested in monitoring countries. There are two types of conditionalities used in the 21<sup>st</sup> century- *ex-post* and *ex-ante* conditionalities.

Under *ex-post* conditionalities, conditions are used as a way to evaluate and select those countries that are worthy of funding. Programs such as the Millennium Development Goals and a number of European countries utilize the technique. They only disburse amounts to those countries that reach a certain level of development. It is thought that this makes their aid relatively more effective and at the same time gives a strong incentive for countries to take critical steps and insure a commitment from the state entity (Svensson 1999; Santiso 2001).

The other way countries use political conditionalities is *ex-ante*. With *ex-ante* conditional requirements are used to leverage future political change. These types of requirements often have to be implemented before the continued disbursement of intervals of support take place. They require close cooperation between the donor country and the receiver. In terms of effectiveness, Dollar & Pritchett (1998) and Molenaers et al. (2015) found that the level of uncertainty between the selection and maintenance of aid agreements provides available leverage for future policy change. Because selection comes with strings attached and the incentives exist to make improvements in public institutions to keep aid funding pipelines open.

## **INSTITUTIONAL THEORY AND THE LOGIC OF AID CONDITIONALITIES**

The conditionality statements attached to foreign aid agreements represent the operationalization of North's (1990) institutional theory of the role that transaction costs play within society. He tackles the dilemma of economic convergence across the global economic system, or in reality, the lack thereof. According to North, neoclassical theory

and international trade stipulates that countries' economies should act to converge as they trade goods and services and more importantly adopt efficient market practices. Since emerging countries' economies are relatively small, they have the potential to grow much faster than rich countries whose growth rates are diminished by the larger scale of their economies. By adopting best practices, poor countries should be able to reach the economic efficiency of other countries over time. This convergence, unfortunately, does not occur in a uniform manner.

The observed difference in the ability of different countries to converge led North (1990) to study the phenomenon. His answer to the dilemma of the lack of convergence was found in the role that institutions play in economic development. Institutions, as North defines them, are the rules, laws, habits, and customs that govern a society. North, then, seeks to understand how variance in the institutional structure of different societies influences whether goods and services are efficiently distributed. In his effort to explain how institutions influence societies, (North 1990) focuses on the concept of information cost.

Information is at the center of all interactions within a society. It is also important in the democratization process. For example, information about past market transactions is necessary for one economic actor to determine whether it is safe to conduct business with another (i.e., whether the party will defect or cooperate as in the prisoner's dilemma). Information helps consumers identify a fair market price for products. Information also helps us understand and prognosticate likely future scenarios, such as market reactions to shortages. Since the world is not perfect, it is impossible to obtain

complete information about any given topic, but that type of perfect knowledge is at the heart of the econometric theories that predict economic convergence over time.

Information cost is just one a component of transaction costs that prevail within a society. For North (1990), transaction costs also comprise the cost of the protective rights and policing agreements. Hill (1990) associates these types of costs with the need to negotiate, monitor and enforce a contingent contract claim to ensure against the possibility that the contract is broken. If property rights do not exist, or the monitoring process is flawed, then transaction costs are unnecessarily inflated. Market exchanges tend to include the total production cost of a product as well as the costs of protecting and enforcing property rights for purchased goods and services. Minimizing these costs is critical to the development of a society. When these transaction costs are high, and the available benefits for adopting strategies that are more efficient are low, then economic convergence will not take place. The high level of transaction costs that exist in a society affect the attractiveness of market convergence strategies. Having more efficient strategies also helps promote more diffuse power and democratic institutions.

Good institutions allow societies to reduce the level of transaction costs and these institutions take different forms, such as informal and formal rules. Informal rules are those that naturally occur within societies, such as customs, and they are not easily changeable because they were created over a long period and are deeply integrated with existing culture. Some type of political processes, such as a legislative process, bureaucratic rulemaking, and judicial adjudication, create formal rules. According to North (1990), the purpose of these rules is to facilitate political and economic exchange. These rules are usually interconnected. They are designed to facilitate transactions and



create path-dependent ways to solve routine collective action problems. From this perspective, constitutions are fundamental institutions that establish the general boundaries of a state's policy-making authority. They establish the process for more narrowly tailored policy innovations. For example, some rules may increase democratic representation, establish legislative oversight, and importantly for this project create standards of transparency. Transaction cost facilitating rules also influences laws that are passed in a country and the degree to which countries follow laws such as human rights and press freedom.

### **Transaction Costs, Transparency, and Aid Conditionalities**

According to North's (1990) institutional theory, the root causes of countries' lagging economic performance and lack of convergence can be found in the institutional rules of these societies. Simply put, they are states where information and transaction costs are high and ingrained. In sub-Saharan Africa, these path dependent transaction costs can be found in the prevailing level of corruption, the lack of accountability, and the general lack of transparency such as free media outlets. These problems are attributed to colonization that created extractive institutions in these countries and that also led to civil war after these countries gained independence (Bertocchi and Canova 2002). Tanzi and Davoodi (2000), for example, find that corruption cripples enterprise growth by misappropriating talent and funds that drain money out of more efficient small enterprises. Corruption also leads to a mishandling of taxes, with inordinate tax burdens distributed across society and the misallocation of the revenues. These situations act as an inefficient status quo that deters economic exchange and the benefits of converging economic strategies.

Along these lines, transaction cost theory suggests that these lagging countries must begin to change their institutional rules in order to plant the seeds of future economic convergence. International assistance programs thus have started to tie conditionalities to aid agreements that seek to foster substantive changes in institutional rules that potentially have long run future benefits. By adhering to these new standards, it is believed that receiving countries will effectively reduce the prevailing level of transaction costs over time and that the resulting lower transaction cost environments will allow market mechanisms to work. It is hoped that fundamental changes in rules that lower information and transaction costs will help these societies become efficient enough that market forces will engender measures of economic convergence.

Conditionalities are designed to create an incentive for the receiving country to initiate changes that it would not otherwise. Findings within the development literature (Brautigam and Knack 2004) suggest that inefficient institutions, such as a weak rule of law, a general absence of accountability, the secretive control of public information, and high levels of corruption are crippling African countries. Dollar and Svensson (1998) have similarly found that institutions are critical to the success of economic reform programs. They suggest that the underlying success of loan programs can largely be predicted through an evaluation of a country's institutional context (i.e., market conditions and political features such as the level of democratization).

What institutions do we take into account? This project is interested in transparency and press freedoms because they are so central to the other institutional rules and regimes that may govern economic convergence (e.g., open markets and popular influence, etc.). In particular the question of the conditions under which aid and

political conditionalities can improve press freedom. Without a strong degree of press freedom, it is difficult for any authoritarian country to move in the direction of economic convergence.

Aid conditions are designed to increase institutional accountability by forcing countries to establish and adhere to new norms of behavior, such as freedom of the press, independent judiciaries, and fair elections. Of these institutional rules, press freedoms tend to be critical elements within the prevailing level of transaction costs of a society. A free press acts to increase the accountability of the government and to target corrupt practices (Besley, Burgess and Prat 2001). It can create environments that encourage foreign investment and spur business transactions.

Because information is so vital to business and markets, a free press is a prerequisite for establishing legitimate and eventually efficient transactions. When these types of exchanges begin to routinely take place, the adoption of best practices and international standards tends to take place, and these lagging economies begin the long process of integration into global markets.

Press freedoms are in turn predicated upon the level of transparency that exists within a society. Transparent institutional norms help countries develop because they dramatically reduce information costs. In developing countries, these norms are even more critical because they can forestall the appropriation of power and help push the process of democratization forward. Transparent institutions similarly can create better bureaucratic institutions that help development. Mauro (1995), for example, found that countries with less bureaucratic efficiency tend to stall development.

Together, transparency and a free press can substantially reduce transaction costs and facilitate better exchanges with other countries. With institutional rules that lower transaction costs and facilitate mutually beneficial trade, lagging countries can begin the slow process of convergence with Western economies and potentially improve the livelihoods of their citizens.

## **EFFICACY OF AID AND CONDITIONALITIES**

In a previous section, I discussed the historical origins of international aid allocation to poor countries. I explained the different paradigms of aid distribution to African states, with the contemporary era of aid politics focused upon setting good governance standards to create political reforms that further the effectiveness of financial support. The following section discusses the findings of the research focused upon the effectiveness of this approach.

In general, the foreign aid literature (e.g., Dollar and Svensson 1998; Brautigam and Knack 2004) suggests that foreign aid works better in those environments that favor the effective distribution resources. Unfortunately, these types of conditions are only rarely met and other proxy variables have also been wanting. For a long time donor countries associated good institutions specifically with the idea of multiparty elections (Resnick 2001:5). However, research has shown that, in isolation, multiparty elections have not necessarily created a favorable context for sustained growth (Brown 2001, Shelder 2006).

The failure of these expectations to deliver sustained results has eventually led to consideration of other smaller rule changes such as those employed in aid conditionality statements. Most of the literature on these conditionalities focuses upon the general effects of aid to economic development or democratic reforms (Knack 2004, Finkel, Pérez-Liñán, and Seligson 2007, Easterly 2003). Although research designs and conclusions vary, the general consensus within this literatures that aid dependency is not good for grantee countries and that aid conditions do not work (Svensson 1995, Doucouliagos and Paldam 2009; Moyo 2009).

Some of the conditionality literature can be seen as somewhat dated (e.g., Hook 1994; Barya 1993).<sup>6</sup> Newer literatures (Collier 2000; Svensson 2003) suggest that aid should be allocated on merit and not tied to conditions. However, these works rarely focus on the specific effects of conditionalities. Dutta and Williamson (2016), for example, are one of the only studies in the literature on foreign aid and media freedom. They do find that a positive relationship exists - aid increases press freedom – but effects were predicated on governance. Aid tended to prove positively related in democratic countries, but was ambiguous in nondemocratic countries.

The Dutta and Williamson (2016) study does not specifically focus upon aid conditionalities and this is often the case. One exception, however, is Wright, Dietrich, Ariotti (2015) who studied foreign aid effects on judicial independence. They looked at

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<sup>6</sup> The literature often disregards effects related to the origins of the conditionalities. Berthelemy (2006) identified three types of donors egoistical, semi-altruistic and altruistic. Altruistic countries interact more with the receiver to get to a consensus regarding the disbursement of aid. The United States (i.e. USAID), which is the single largest donor, is considered a semi-altruistic country. Due to the size of aid disbursed by the United States, it would be helpful to study their aid and aid conditions on press freedom in Sub-Saharan Africa.

the effects of conditional statements on judicial reforms following the disbursement of aid and found a positive effect excepting in election year situations. Thus there is a relatively open space within the research environment to study the narrow effects of aid conditionalities on realized press freedoms. This relatively concise look at the topic can be useful in furthering our understanding of whether or not press oriented conditionalities are effective in terms of helping establish a foothold for other reforms.

### **Theories of Good Governance and Aid Effectiveness**

The focus on political conditionalities starts with the introduction of good governance reforms. Breton Woods's institutions took notice of the political constraints that were impeding the appropriate use of foreign aid and donor countries needed a novel concept to introduce to their constituencies that would justify the giving of aid (Stokke 1995). The literature on good governance and aid allocation usually equates human rights with political and civil rights. Some of them use a concept of personal integrity rights (Poe and Sirirangsi 1994; Poe, et al., 1994) and limit their research to U.S. aid allocation. The literature clearly is not consistent in the definition of good governance indicators, but is generally concerned with a similarly vague standard of effectiveness.

At times the relationships seem to emerge. Trumbull and Wall (1994) introduce a political/civil rights variable in the estimation of the effectiveness of aid flows and found a positive relationship between the two. Neumayer (2002; 2003) used a similar strategy while distinguishing between bilateral and multilateral aid sourcing. His results suggest that countries that are more likely to respect civil rights and that have improving respect for personal integrity are positively related to that receipt and allocation of aid.

These studies may exhibit some aspects of being case specific. Most studies on the effect of human rights and bilateral aid focus particularly on the United States as the funding source (Poe 1992 Apodaca and Stohl 1999). Relatively fewer studies focus on other donors and some of these studies (Maizels and Nissanke 1984; Schroeder et al. 1987) do not focus on the development of rights but rather on other needs of the recipient countries and conflicts between the economic interests. Still other studies, consider non U.S. funding (Svensson 1999; Alesina and Dollar 2000), but results tend to be ambiguous. These latter studies, found lower levels of respect for human and political rights on the basis of aid allocation. Alesina and Dollar (2000) did find, however, that countries that democratize tend to receive relatively more in aid.

### **Impact of Political Conditionality on Aid Effectiveness**

Political conditionalities were initially viewed as effective by those scholars first interested in the topic (e.g., Robinson 1993; Healey, et al. 1993; Baylies 1995). These studies saw conditionality and possibility of sanctions for noncompliance as a means for Western countries to induce political reform within African countries. The eventual result of the introduction of political conditionalities was considerably less clear. Moyo (2009) identifies a general compliance problem and suggests that aid continues to flow to those countries where conditionalities are disregarded. She also argues that the democratic institutions and reforms associated with these conditional statements actually do little to help development.

Nonetheless, the research literature seems to widely agree that the effectiveness of any aid depends upon the relationship between the donor and the receiver (Crawford

1997; Alesina and Dollar 2000). The primary issue appears to be that these conditionalities are viewed as punitive and reactive – donor countries will punish receivers if they do not respect human rights or let their resistance to democratization drop (Stokke 1995 and Uvin 1993). Clearly, the intention is for donor countries to use these conditionalities as an incentive for political change. In the end, the eventual effectiveness of the aid may not depend upon the strength of the receiving government, but rather upon the commitment of the donor institution to punish the grantee countries when they fall short (Burnell 1994; Crawford 1997). Of course the issue of capacity is relevant in this context as well. Robinson (1993) and Baylies (1995) find that countries' inherent capacities strongly predict the eventual success of political conditionalities. Some scholars also found targeted investment in democracy to be effective ( Finkel et al ; Scott and Steele 2011). Both of them studied the effect of USAID democracy assistance.

Along these lines, the literature,(Baylies 1995) tends to be concerned that donor organizations get diverted from their original goals. One of the frequent concepts employed in this research is the concept of *ownership* – a willing assumption that stipulates the grantee countries will respect the conditions and carry them out because they believe in their effectiveness (Humphreys and Sandbu 2007; Dreher 2009). Ownership is the probability that the receiving country will embrace the policies and is considered essential to the success of conditionalities by some scholars (Paloni and Zanardi 2004. Burnell 1994).

The literature in general the literature has a mixed review of the effectiveness of conditionalities and targeted aid. Targeted investment in democracy however was seen as more effective while USAID was studied. Despite these finding there has been a



discrepancy in press freedom and advancement in press freedom in sub-Saharan Africa in the last 2 decades in Africa. The next chapter will study the reasons of the variations in the effectiveness of press freedom conditions and aid.

## CHAPTER II

### **THE PUZZLE OF MEDIA FREEDOM AND USAID**

USAID aid conditions are supposed to increase press freedoms, but we continue to observe variation (Clemens, Kenny, & Moss 2007) in capacity and freedoms associated with those countries receiving assistance from USAID. Some countries seem to be improving while others regress despite being receiving similar levels of support. Thus, to answer my research question about the efficacy of aid, I to explore the variation in cases that exemplify this puzzle. This section discusses my case selection, as well as my theory and hypothesis, first I provide an overview of the theory regarding USAID aid and press freedom.

#### **The relationship between Press Freedoms and International Aid**

The study of media and democratization typically focuses on the development of media outlets. For most of the 1990's, media assistances meant the creation of alternative media outlets within developing countries. The purpose of these assistances was to introduce new independent media that will in time develop enough to inform the population and conduct unbiased investigations that is willing to denounce governmental wrongdoings.

In the 2000s, this practice changed and became more much more complicated. USAID media assistance as of today offers journalist training, legal support, funding, and encourages the creation of networks between different media outlets (EV, PPC 2004). The constituent goals and funding mechanisms have become more complex and more specialized compared to the 1990s when dramatic changes in the international system such as the fall of the Berlin Wall had taken place. In Africa, the introduction of multiparty elections in part stimulated the creation of free radio and the passing of laws that authorize competitive journalism. Myers (2014) found that international donors played an important role in that transition by offering counsel, giving startup funds and forcing countries to adopt these laws. Donor governments began including human rights and press freedom in the conditionalities attached to their economic aid. The amount of money governments targeted to press freedom grew substantially from the 1990 to the 2000. USAID spent \$260 million dollars worldwide on media assistance during the decade (Kumar 2006).

Donor countries and agencies shifted their focus to press freedom because research (Norris 2006, Tettey 2001) had identified a relationship between press freedom democratization and economic development. Svensson and Reinikka (2003) conducted a study on press freedom and government accountability in Uganda and found that the free circulation of press had increased the effectiveness of government allocation of funds to schools by 60 percent. Norris (2006) found a direct relationship between press freedom and economic development using a panel of 180 countries in 2004. She also found a direct relationship between press freedom and democratization in the world.

Free media is associated with transparency and accountability in general (Dutta and Roy 2009). Press freedom is associated with good governance and human development. Countries with a free press are anticipated to have less corruption overall, more administrative efficiency, and better economic development. The effects of free media have numerous synergies. It also tends to be associated with political stability (Dutta, Pal and Roy 2011) and furthers the circulation of aid and governmental funds in developing countries. Given the amount of this type of aid targeted by USAID every year, it is important to understand its potential influence on grantee states' levels of press freedom.

### **USAID Emphasis on Press Freedom**

USAID agreements with foreign countries cover a wide variety of conditionalities. Some of these can be thought of as general conditions, and they concern items such as the respect for basic human rights, the prevention of child labor/slavery, prolonged detention without charges, and illegal abductions /extrajudicial killings (Kumar 2003). The second set of conditionalities concerns aspects of good governance. Good governance conditionalities seek to establish responsible and independent media organizations, financial disclosure standards for public officials, responsibility, and transparency within legislative processes. They also push grantees to pursue legal reforms and create mechanisms that allow free and fair elections. Those countries receiving funds from USAID must develop a legal framework for commercial transactions that foster fair business practices and that promote transparent, ethical, and competitive forces within the economic sector.

Of these various USAID conditionalities, I theorize that the ones involving press freedoms are the most important in institutional change. In many ways, they can be seen as necessary conditions for the other institutional changes sought by USAID (e.g., fair elections, human rights, and criminal justice). Through grant conditionalities, donor countries can provide incentives that encourage the development of a free press that makes other institutional reforms possible. The rules and regulations governing the press are largely determined by central governments. Through aid conditionalities, USAID can pressure governmental actors to reduce the regulation of media content and to alter rules of licensing procedures to allow entry for more independent press outlets.

Countries that receive aid from USAID are therefore subjected to the conditions that are present within their aid agreements. Due to the USAID commitment to promote accountability, the respect of human rights through close monitoring of receiving countries actions, and direct funds to support free and independent media, their influence on press freedom is likely to be more important than other countries with looser monitoring of activities. The receiving country dependency on aid should also influence their likelihood to respect these provisions. If the receiving country is not dependent on aid, then there is no real incentive for them to respect the provision that follows aid disbursement. Finkel, et al. (2007) conducted a study that focuses on USAID media assistance in the world and press freedom in receiving countries and found a positive relationship between media assistance disbursement and press freedom.

The literature on media assistance largely focuses on the larger globe and does not tend to be specific to African countries (Finkel 2007; Dutta 2016). It tends to yield mixed results with respect to the effectiveness of assistance targeted on investment in

democracy (Finkel, et al 2007; Scott and Steele 2011). Media assistance is important not only because it helps fund independent media organizations. It also provides valuable legal counseling and networking to maintain an environment of independent media in sub-Saharan African countries.

Carry and d'amour (2013) found that until recently the United States media assistance had been targeted to eastern European and Arab countries. African countries have become an emerging emphasis and they noted a pattern of exponential growth in media assistance to Africa. According to a study conducted by Finkel, et al. (2007) on the effectiveness of USAID media assistance (1990 to 2003), improvements in press freedom scores are positively correlated with funding. After that period, however, the average score of all the countries receiving media assistance from USAID tended to retrench so the robustness of the relationship is not clear cut.

My study will focus on countries that receive targeted press freedom aid from USAID. First, because it is easy to trace and identify possible states for a comparative analysis. And second, because that media assistance is tied to the USAID conditionality requirements. In effect, states received specific media assistance have both of the key requirements to understand efficacy. They have funding and resource put toward this topic and they have the institutional conditions that are tied to the financial assistance.

### **The Puzzle of USAID aid and Press Freedom**

Almost all countries in sub-Saharan Africa receive aid from USAID. These countries vary, however, in their prevailing levels of press freedom. Of the 15 countries that received USAID media assistance more than three years between 2001 and 2016,

54% were associated with an increase in their press freedom score (Freedom House 2016).<sup>7</sup> That means, however, that 46% saw a relative decrease in estimated freedom, so the effectiveness is rather murky.

Of all countries receiving press freedom aid from USAID at least once, 50% of them saw at least some improvement. The average press freedom score of these countries increased by 2 percentage points during the period. Some countries such as Liberia and Cote d'Ivoire saw substantial improvements. Others, like Ethiopia, Senegal and Mali saw substantive levels of erosion during the same period. When we count only those countries that received targeted media development aid from USAID, the average media score was 55.41 in 2001 and incrementally increase to 57.8 in 2016. While that might provide some evidence of a positive association, countries that never received media assistance from USAID showed the same levels of improvement (i.e., from 55.0% in 2001 to 57.5% in 2016). This means that in total countries that receive press freedom aid conditionalities from USAID have better scores in general however their score is also getting worse over the last decade or so. What explain why some countries receiving USAID improve their press freedoms cores and others do not? In the upcoming sections, I will introduce possible explanations on the effectiveness of USAID aid assistance.

## **COMPARATIVE CASE SELECTION**

To evaluate the question on the effectiveness of press freedom, I am going to use a simple two-country comparison and a Most Similar Systems (Lijphart 1975) research

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<sup>7</sup> In order to determine media assistance I gathered my dataset from the United States foreign assistance database. It contains data on media aid received by countries from 2001 to 2016 the amount received and the project it went to. 30 sub-Saharan African countries received media assistance from the United States between 2001 and 2016 . 15 of them receive it for more than four years.

design. The comparative research design will to the best extent possible eliminate alternative explanations for variance in press freedoms within my pair of settings. In this section, I will introduce these competing explanations for press freedom that I will be using as selection criteria within my research design.

### **Possible explanation to aid effectiveness**

In this section I will introduce the possible explanation to aid effectiveness and the reason why they work and in some instances do not. These explanations are not false, but, explain only part of the press freedom variation in sub-Saharan Africa.

### **Level of Aid Dependence**

The first possible explanation for the variation in press freedom among states receiving media assistance is the level of grantee country's dependence on foreign aid. Scholars have studied the effectiveness of aid conditions and found that a state's dependence on aid can highly influence the effectiveness of those conditions following aid disbursement are in terms of constraint. Pfeifer and Englebert (2002) found that aid conditions are more vulnerable to foreign donor pressure when they rely heavily on aid and when they are a primary commodity export economy. Lewintzky and Way (2006) also found these relationships, showing that USAID should have more power over countries where USAID have higher leverage. Considering that USAID is the biggest bilateral aid donor to Africa, USAID conditionality provisions should be more effective in countries that are primary product exporters and that rely heavily on foreign aid.

There is, however, large variation in press freedom for those African countries highly dependent aid. Excluding failed states and countries with conflicts, such as Sudan,



South Sudan, and Somalia; countries that have the majority of their aid coming from USAID vary a lot in press freedom score improvement. Highly dependent<sup>8</sup> countries such as Botswana and Ethiopia<sup>9</sup> saw their Freedom House press freedom scores increase from 19 to 18 percentage points respectively<sup>10</sup>. Some countries that received less than 10 percent of their total aid from USAID, such as Congo, Brazzaville, Togo and Ghana,<sup>11</sup> saw rather big improvements in their press freedom scores. Furthermore, when we look at countries receiving media assistance from USAID, there is no pattern between countries dependence on USAID and the effectiveness of the media assistance in sub-Saharan Africa. Countries that are less dependent such as Zimbabwe are seeing a positive change in press freedom score, however; countries that are more dependent such as Burundi seem to have a more negative change in press freedom. Since dependence on aid fails to completely explain why media directed assistance is successful in some countries and not others, we must continue to examine alternative explanations, such as the strength of democracy in these countries.

### **Strength of democracy within States**

Another possible explanation for variation in press freedom in sub-Saharan Africa is the strength of democracy. That is, one would anticipate stronger democracies to provide stronger guarantees and respect for press freedom. However, democratization is

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<sup>8</sup> This is expressed as USAID as a share of revenue. I have two measures for this variable; the first one is AID as a percentage of government expenditure and USAID as a percentage of government expenditure. The database on the government revenue was obtained from the IMF database on government revenue, and the database on the disbursement of USAID was obtained from the United States foreign assistance database.

<sup>9</sup> Botswana has an average of 51% of foreign aid coming from USAID (2001-2014). Ethiopia has an average of 21% of total aid coming from USAID (2001-2014).

<sup>10</sup> Freedom house score goes from 0 free to 100 not free. Increase of press freedom score means worse score.

<sup>11</sup> Ghana saw a change of 24%, Togo 12% and Congo Brazzaville 12%.

not clearly associated with press freedom in sub-Saharan Africa. African leaders (democratic and authoritarian alike) are known for violating press freedom despite the establishment of press freedom laws in these countries. In every United States Department of State Human Rights Report, every African country has instances of press freedom violations.

Examples of press freedom go from unlawful jailing and killing of journalists and closing radio stations.<sup>12</sup> A prominent example of this can be found in Malawi – a country that has been a multiparty democracy since 1994. Malawi has seen four changes of leadership at the head of state level and it remain volatiles. Within this setting, issues like the jailing of journalist or the closing of independent radio stations are very common, Ociti (1999) conducted a historical analysis of the media in Africa since independence and noticed that even historically democratic African countries pass laws to restrict or punish the media, especially during election years.

This disparity in press freedom and democratization can be seen throughout Africa over the last decade. Sub-Saharan Africa had eight countries with a free press in 2001. By 2016, that number was down to three. Sixteen countries were classified as partly free in 2001 as compared to 26 in 2016. Twenty-one countries had a press that was considered not free in 2001 compared to seventeen in 2017. The average press freedom score of sub-Saharan Africa in 2001 was 56 compared to 58.17 in 2016. Contrarily, the POLICY4 database shows at least some moderate improvement. In the year 2000 19.5% of African countries were considered a democracy, 70.7% were classified as an anocracy,

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<sup>12</sup> Unesco: press freedom in Africa [unesco.org url: http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/WPFD/WPFD2011/Report\\_Press\\_Freedom\\_2010\\_Africa.pdf](http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/WPFD/WPFD2011/Report_Press_Freedom_2010_Africa.pdf)

and 6.9% as an autocracy.<sup>13</sup> Twelve years later, 37.2% of sub-Saharan countries were considered a democracy; 55.8% were considered anocracy and 6.9% were considered as autocracies. Freedom House press scores for the same year that 5 countries (10%) were rated Free, 23 (47%) were rated Partly Free, and 21 (43 percent) were rated as not free. Freedom House also has a measure of democratization, however, the Freedom House measure of democratization includes a measure of press freedom, therefore, making it problematic while studying the effectiveness of press freedom on democracy. The strength of democracy, therefore, may not explain all the variation in media assistance effectiveness. A Country such as Zambia is considered a full liberal democracy by the polity 4 database, however Zambia's press freedom is considered as not-free by Freedom House.

Table 1

Press freedom	2001	2016
Free	8	3
Partly free	16	26
Not free	21	17

<sup>13</sup> [https://www.ida.org/idamedia/Corporate/Files/Publications/IDA\\_Documents/IAD/2015/D-5393.pdf](https://www.ida.org/idamedia/Corporate/Files/Publications/IDA_Documents/IAD/2015/D-5393.pdf)

Table 2

Democratization( polity IV)	2001	2015
democracy	19.5%	41
Anocracy	70.7%	47.8
autocracy	6.9%	6.5

### **Economic Capacity (Per Capita Income)**

A third possible explanation of the variation in effectiveness of press freedom aid is relative economic capacity as measured by income per capita. Media assistance in Africa has often been considered ineffective. For instance, Gicheru (2014) found that short-term donor country goals do not help create truly free and independent media. Kumar (2003) found that the effort by USAID to enhance free press in Africa in the 1990's was largely unsuccessful because of the inability of these media outlets to survive economic challenges. Advertising – one of the most important revenue sources for an independent media – is weak and sometimes inexistent in some African countries. In others, newspapers and media outlets have to secure the support of political powers in order to survive. A pertinent example would be the DRC, where the newspapers cannot be unbiased and have to secure political support in order to keep going to press.

Securing political support prompts self-censorship in light of pressure from political leaders (Guy Berger 2011). In countries with elections, those newspapers that have an affiliation with a specific political party lack credibility and lose all financial

support when if their candidate loses the election. Due to the political polarization of news agencies in general, African governments readily use their bureaucratic powers to punish news agencies that do not support them (i.e., they cut funding, pressure journalists, jail them or create discriminatory laws against privately owned media outlets). Companies will consequently withdraw their advisements from any news agency that is criticizing the government leading to a lot of self-censure.

In countries where the press can rely on advertisement as source of revenue, the lack of privatization weighs a lot on the advertising companies. Since the government owns most of the big banks and industrial corporations, their spending frequently is within the governmental domain (Djankov et al. 2003). Where the population can afford go pay for news consumption, media organizations, and track records of press freedom, tend to fair much better. Djankov et al. (2003) found that a higher income per capita is significantly correlated with better levels of press freedom.

In order for media assistance to be effective, it has to be sustained over a long period. From 2001 to 2009, for example, the percentage of media classified as not free in Africa went 27 to 50. For an international organization to have any influence on the media, there is a need for sustained funding and pressure on the government. The countries with the highest gni per capita<sup>14</sup> that media freedom assistance from USAID (Angola Nigeria DRC, Cote D'Ivoire and Kenya ) all saw a improved change in their

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<sup>14</sup> Gni per capita

I have obtained my measure of GNI per capita from the World Bank database. In the list of countries receiving media aid from USAID, the top 5 countries with the highest gni per capita have seen positive changes in their press freedom scores between 2001 and 2016. The only countries with 500 dollars or less of GNI per capita, Zimbabwe Mozambique Sierra Leone and Liberia are the only one with positive changes in press freedom. Liberia and Sierra Leone being smaller countries, Mozambique and Zimbabwe are the out layers .

press freedom scores from 2001 to 2016. However, countries like Liberia and Ethiopia who have similar income per capita saw different changes in press freedom score during the period of 2001-2016. Liberia score decreased by 19 while Ethiopia score worsened by 22. But, Uganda's and Zimbabwe that have similar income per capita saw similar changes. Uganda score increased by 15 while Zimbabwe's score decreased by nine.

Assessing this hypothesis for sub-Saharan Africa, the evidence only further highlight the puzzle. Income per capita is therefore a possible but not complete explanation of the disparity in the effectiveness of media directed assistance.

### **The Growing Influence of China**

Another competing explanation of press freedom within Africa is the inconsistent signals or constraints associated with different foreign donors, especially between USAID and China. Unlike the U.S., the Chinese government gives aid with few, or no, conditions to African countries. This aid helps reduce the level of leverage or control big international donors have within the internal politics of grantee states. As we have learned (Wright 2011), aid lacking conditions often helps consolidate authoritarian governments and that may be seen as in China's long term interests as it provides access and insures stable trade relationships.

The track record of Chinese help to African countries (Tull 2006; Dreher and Fushs 2012), generally shows a regression in the ongoing process of democratization. The fact that the average press freedom score increased from 2001 to 2010, but that the number of authoritarian countries decreased during that same period, suggests that another actor like China may be making aid and conditionalities relatively less effective.

Indeed, having an electoral democracy is not sufficient anymore to show increases press freedom.

In 2016, for example, Angola saw all their funds from the U.S. frozen due to anti-gay laws. The government, however, proceeded to retain the controversial policies and disregarded the sanctions. Angola receives a lot of funds and loans from the Chinese government too and the lack of binding constraints from the East may be supplanting USAID attempts to initiate institutional reforms. The Angolan government was said to have broken off talks with the IMF in order to receive more than \$2 billion in soft loans from China in 2005 (Reisen 2007). They ended up receiving more than 12 billion dollars (Brautigam and Hwang 2016) of aid during the period between 2001 and 2014.

These Chinese funds increasingly are available to sub-Saharan countries allowing them to pose resistance to Western pressure. China is now eroding traditional forms of leverage by taking the initiative to support countries unconditionally and sometimes even rogue states. In 2002, for example, Chinese oil companies took over the production of oil in Sudan after Canadian and Swedish companies were pressured by the international community to leave the country. China is also taking further steps in their foreign aid policy by forgiving more than \$2.13 billion in debt for 44 countries (31 of which are African). Further, it is in the process of and making plans to forgive an additional \$1.28 billion. By 2005, it is reported that China canceled a total of 10 billion dollars in debt owed by 31 African countries and it vowed to open a zero-tariff trade with the continent (Woods 2008).

China also is financing infrastructure in these same African countries. Chinese financing for infrastructure went from being insignificant in 2000 to representing 20 percent of the total External Infrastructure Investment Commitments in Sub-Saharan Africa in 2012 (Gutman, et al. 2015). This heightened level of aid from China is weakening the Western authority that aid organizations have exerted in the African context. These countries are now able to finance development projects while maintaining central authority and violating fundamental rights, such as the freedom of the press and free speech.

Chinese aid also tends to be elite oriented, thus while the dollars continue to flow the beneficiaries are quite different than in the past. African governments feel less constraint with respect to these rights and regimes can use Chinese funds to develop some basic institutions and secure the critical support of elite actors. By securing these commitments, African governments are in a sense becoming less centralized with respect to authority, but there is ample grip on the reins of power to violate basic rights without major repercussions.

The China hypothesis is fascinating and may play a growing role in the area of press freedoms. Clearly, it does not explain all the observed differences in the success of media assistance in sub-Saharan Africa. However, countries that receive more assistance from China, such as Angola (\$21 billion) Kenya (\$5 billion) did indeed see their levels of press freedom worsen. Thus it remains a viable explanation of variance.

### **Consistency of Media Assistance**



One of the critical reasons that media assistance failed in the 1990s is the lack of consistency in the disbursement of aid (Kumar 2003). The previous attention to Chinese influence can explain how African governments economically punish independent media organizations and bully them. For media aid assistance to be an effective, aid to media needs to be consistent and the leverage afforded international donors must be relatively stable.

The database on USAID media assistance in Africa proves that those countries that consistently receive aid are more likely to see a positive change in their press freedom scores. As an example, sub-Saharan African countries that receive USAID media assistance more consistently between 2001 and 2016 were more likely to sustain positive changes in press freedom. Countries like Liberia and Zimbabwe that receive USAID media assistance for more than ten years have seen the relative level of press freedom improve. Other countries also receive media assistance for less 10 years such as Cote d'Ivoire Kenya and Angola saw their press freedom score increase. The consistency of media assistance therefore is not able to fully explain the variation in press freedom in sub-Saharan Africa.

The puzzle of this study is to identify why some countries improve their press freedom scores and others fail to do so despite the fact that they all receive press freedom aid conditionalities from USAID.in This section proposes possible explanations for the effectiveness of USAID media directed assistance that have not been sufficiently examined in prior research. I concluded that the strength of countries democracy, the influence of Chinese loans, income per capita and the dependency these countries have on aid are not sufficient explanations.

## CHAPTER III

### **EXPLAINING USAID AID EFFECTIVENESS: THE ROLE OF EFFECTIVE MONITORING, RESPONSIVENESS AND DOMESTIC INSTITUTIONS.**

My overall theory is that countries' respect for and improvement in press freedom scores is strongly associated with the degree of donor responsiveness to violations and the degree of domestic protections for press freedom through judicial institutions. In particular, USAID conditionalities should be more effective in improving press freedom where donor governments take active steps to respond to receiving governments violations and where judicial institutions are more independent of political influence and can better protect press freedom. The following discussion explains the rationale behind these hypotheses.

#### **Donor Monitoring of Grantee Performance**

It may also be important to differentiate the propensity to monitor aid agreements. Monitoring is the degree to which donor countries are aware of the progress made by countries receiving aid and any shortcoming or violation of aid assistance. Responsiveness, on the other side, is the degree to which donor countries apply sanctions or respond to alleged violations of aid agreements.

One of the critiques of aid conditions has been the lack of monitoring from donor countries. Although media freedom is part of the conditions imposed by USAID to African countries, it can be difficult to reliably quantify it. One can assume that there will be more monitoring from USAID to countries that receive media assistance because of the work donors put in to the study of the media in these countries. The assistance may even be associated with a particular action plan, making monitoring more feasible. Given intermittent levels of source information, donor countries and agencies like USAID may react differently to violations of aid agreements and political conditionalities.

The variation in the results of media targeted assistance might not be due to a lack of monitoring, but the associated lack of response from the donors. Brown and Raddatz(2012) studied the international community response to electoral violence in Kenya and found that donor country rarely punished countries that violate conditions that will ensure future support. Sometimes recipients of this aid also play a series of games with donors by using humanitarian and geopolitical conditions to avoid punishment. In Uganda (Fisher 2012), the government used their interventions in Somalia to keep receiving aid. The Ugandan government also went ahead and tied the rebel group the LRA to al-Qaida in order to maintain U.S. support (Fisher 2013:18).

The United States also tends to favor specific allies in order to secure their help in international matters. An example of that will be the support given to the dictator Mobutu during the Cold War and the East African conflicts (Robarge 2014:6). Donor countries subsequently close their eyes on any human rights violation committed by the country

during that period. Donor monitoring and response thus is a viable explanation of the cultivation of media freedoms and shed light on the puzzle.

### **Strength of Judicial Institutions**

A final possible explanation for variation in press freedom among African states receiving aid is the prevailing level of judicial independence. For countries to respect the conditions imposed by the USAID, there is a strong need for judicial independence. Wright (2015) found a positive relationship between the amount of foreign aid received by a country and the corresponding freedom of the judiciary.

Due to the new wave of democratization started in the 1990's, the majority of African countries adopted the universal declaration of human rights in their constitutions thus enacting provisions to enhance press freedom. Previously, the African Charter on Human and people's rights was ratified in 1986.<sup>15</sup> Governments in sub-Saharan Africa were also compelled to release more information to the public to promote better journalism (Gicheru 2014). The only obstacle in the way of these laws is the ability of the government to control the judiciary system, which would arbitrate failures and conflicts.

If conditions accompanying economic assistance can influence judicial independence then these conditions indirectly may also influence press freedom. Judicial independence allows for any law that was passed in a country to be respected and give to limit the government's ability to bully citizens. Juridical independence also allows for

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<sup>15</sup> <http://crm.misa.org/upload/web/African%20Human%20Rights%20System.pdf>

institutional review of laws passed in a country that will go against constitutional authority or the universal declaration of human rights.

I introduced two new explanations that could explain it which are the independence of the judiciary and the United States responsiveness to aid treaty and human right violations. In the next section, I will therefore present the methodology employed to explore these hypotheses.

## **METHODOLOGY**

In the previous chapter, I identified theories that might explain the effectiveness of USAID media directed assistance. I then proposed an alternative set of theories and hypothesis that might better explain the variation that are donor responsiveness and judicial independence. To assess the explanatory power of donor responsiveness and judicial independence, I will adopt a most similar systems case study methodology, exploring two cases that are as similar ways relevant to theoretical expectations but that have a different outcome in terms of their press freedom trends. Ethiopia and Mozambique are ideally suited for this analysis in terms of evaluating the effectiveness of USAID conditionality provisions. Both countries receive media assistance from USAID: nine years and ten projects for Mozambique and seven years and thirteen projects for Ethiopia.<sup>16</sup> Both countries share an average low income per capita for the period of 2001-2016: 297 for Ethiopia and 426 for Mozambique.<sup>17</sup> Both countries are also very

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<sup>16</sup> USAID database

<sup>17</sup> World bank

dependent on foreign aid. Foreign aid represents 58% and 65% of the government expenditures respectively of Ethiopia and Mozambique. USAID in particular represents 2.6% and 4.5% of their total government expenditures respectively.<sup>18</sup> Both countries also receive substantial aid from the Chinese government.

Despite such similarities, both countries are on a different scale when it comes to press freedom. Mozambique press freedom improved by 2 points between 2001 and 2016 while Ethiopia press freedom worsened by 22 points. During the same period Ethiopia average a press freedoms score of 75.2 while Mozambique averages a press freedom score of 43.6<sup>19</sup>.

### **Election monitoring and responsiveness**

To better understand the responsiveness of press freedom in these two countries I am going to move beyond the indices and look to specific events to see what leverage they can provide on my research question. To accomplish that I must take into account external and internal events happening in the countries during each period. To make my analysis more reliable, I decided to compare two election periods in both countries - the 2004 and 2009 election in Mozambique and the 2005 and 2010 election in Ethiopia.

I decided to compare election periods for different reasons. First, elections are highly monitored by the international community, which sends observers and media representatives who write extensive reports about the elections (Kelley 2012). Due to the

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<sup>18</sup> ( which is high compared to the average).the average united assistance as a percentage of the gni during the period of 2001 to 2016 is 1.5 if we exclude out layers like Somalia , sudan and countries that got out of was Liberia sierra Leone.

<sup>19</sup> Freedom house

critical nature of elections and their facial relationship with media freedoms, I should be able to understand and qualitatively assess violations of the conditions found in aid agreement. Such discrepancies will be more visible and thus more likely to lead to an official responses from international actors by donors.

In addition, both elections occurred during the same period, so any changes in the policies of USAID will similarly influence both countries. Donors consider election behavior important and it is elemental to evaluation of democratization and future political stability. Elections are also sensible times in countries' history and are more likely to see violations of press freedom by governments because of the important role media plays in elections. According to the Media Council of Tanzania, more than 75% of press freedom violations in Africa are election related.<sup>20</sup> Hence, election periods are well suited for examining the role of donor responsiveness and other alternative explanations such as judicial independence in shaping countries' adherence to USAID conditionalities.

Countries, depending on how they are treated by the United States should react to election pressure in two ways. They will take measures to reduce press freedom and human right violation if they felt pressured by the United States. In the opposite case, they will disregard any condition following aid disbursement because they expect no sanctions.

### **Independence of the judiciary**

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<sup>20</sup> Media council of Tanzania: press freedom report 2015  
<http://www.mct.or.tz/index.php/downloads/category/39-press-freedom-violation-report>

To examine the potential influence of the judiciary in explaining the variation in press freedom, I also examine how the judiciary is formed in both countries and take a closer look at judicial review of laws passed by the general assembly and decision made by government officials in both Ethiopia and Mozambique. Looking at the structure of the judiciary will help me understand how susceptible both Ethiopia and Mozambique judiciary are to government pressure and how tied the judiciary is to the party in power and politics. Looking at judicial review will help identify how both countries assure that their constitution is respected. I will also look at any major laws passed and any changes in the constitution that can affect both judicial review and press freedom laws during the period of 2001 to 2016.

Domestic institutions and their independence from central governments are important in the aid literature. Like North(1994) explained, institutions are important in facilitating countries development by reducing constraints; in the example of press freedom, the judiciary is one of the institutions that can help explain why different states experience different outcomes . All the African countries signed the Universal Declaration of Human Rights and the African Human Rights Chart that forces them to include in their laws provisions to respect human rights, the freedom of information, and press freedom. Article 9 of the Africa Charter for Human and People's Rights stipulates that every individual has the rights to receive information and express his opinion ( Gicheru 2014). The difference between these countries therefore can reside in the way the judiciary upholds these laws.

The constitution used today by both Mozambique and Ethiopia was created at the beginning of the 1990's. Both countries were under communist rule before that and



experienced a great deal of civil conflict. The new constitution in both countries was created to respect the Universal Declaration of Human Rights and the African Human Right Charter, which means that they have provisions that respect freedom of information and press freedom, respectively article 19 of the Ethiopian constitution and article 49 of the Mozambican constitution. Both countries, however, apply these laws differently. Both countries have a judiciary that is considered biased and under the influence of the executive. However Mozambique judiciary have better checks such as the Supreme Court, the constitutional court and the administrative courts that have some degree of freedom and that can better check violations. These courts are also easily accessible in Mozambique compare to Ethiopia. UNESCO identified the press freedom law in Mozambique as guaranteed by the law and respected in practice.<sup>21</sup> However, Ethiopia seems to be the opposite, having press freedom laws that are not respected in practice. In the following sections, I will identify the process of judicial review in both countries and see how it works and how it can influence press freedom.

### **Why comparing both countries**

Both countries are similar because they are both heavily dependent on aid and the majority of their aid comes from the United States. Both countries are also close when it comes to income per capita. During the period of 2001 to 2016, both countries received media aid from USAID for seven years for Ethiopia and nine years for Mozambique. The same government that took power after a civil conflict and stayed in power until recently.

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<sup>21</sup> Unesco press freedom report 2009 mozambique. url: <http://unesdoc.unesco.org/images/0021/002169/216942E.pdf>

In sum, the veracity of aid conditionalities should be able to be discerned from state level reactions to press freedom and human right violations as well as the inner working of the judiciary and judicial review in both countries. The reaction of donors, specifically USIAD, can help understand how donors are monitoring agreements. In sum, both countries have laws that allow for press freedom; the question here is to understand why these laws are respected in one country more than the other one considering that they are similar in their allocation USAID aid.

## CHAPTER IV

In this section, I will evaluate the respect of press freedom during the 2005 and 2010 Ethiopian general election. I will conduct an overview of each election and examine the degree to which the independent media is able to work in the country. I will examine the degree of responsiveness of the United States to violation during these elections. I will additionally examine laws in place in each country that allows press freedom provisions to be respected and see if these law played a role in the support or demise of press freedom in the country.

### **THE ETHIOPIAN CASE**

Ethiopia was one of only two African countries that was not colonized; the country, however, went through periods of political turmoil that shaped its history. In 1974, Haile Selassie the emperor of Ethiopia was ousted by a group of militarias called DERG. The DERG led the country from 1974 to 1991 and created a Marxist regime under the rule of Megitsu their leader (Marcus 2002). After a brief period under a communist reign, Ethiopian People's Revolutionary Democratic Front (EPRDF) started a revolution helped by foreign donors and was able oust the DERG in 1991. The EPRDF installed a transitional government and declared independence in 1993. The first election was organized in 1995, putting the Ethiopian People's Revolutionary Democratic Front (EPRDF) in power and making Negasso Gidada president (Adejumobi 2007).

Independent

media started flourishing after the EPRDF took power and especially when the country adopted the Universal Declaration of Human Rights. The first press law was introduced in the country in 1992 (Wondwosen 2009). Media outlets increased after that period, the major press outlets in the country were owned by the government, leading to self-censorship and journalist harassments. In 2007 it was estimated that the country had 1500 journalists and 300 to 400 of them work in private medias; Ethiopia also has 58 commercial newspapers (as of April 2008, Skjerdal 2008). In 1998 Ethiopia started a border war with the newly independent Eritrea that officially ended in 2000, but clashes still happen as of today with both countries still disputing territories. Ethiopia organized another contested multiparty election in 2005.

Ethiopia is a federal parliamentary republic with a bicameral parliament and an independent judiciary. The prime minister is elected by parliament and controls the legislature. The country is divided into regions that are semi-autonomous and represented in the national parliament. The parliament is divided into two houses; the House of Federation and House of People Representative. Local state councils elect the members of the House of Federation, which is the upper house (Abbink 2009). In my first step into comparing the effectiveness of USAID aid conditions, I first need to identify how USAID responds to human rights violations especially after contested elections.

### **The 2005 Election**

The regional and parliamentary elections in Ethiopia in 2005 were considered the first real competitive election in the country since the EPRDF came to power in 1991 (Teshome 2013). The EPRDF uncontested in the last two elections faced their first true

opposition in the coalition between two of the country's biggest political parties the United Ethiopian Democratic Forces (UEDF) and the Coalition for Unity and Democracy (CUD) (Aalen & Tronvoll 2009). The 2005 election, however, was marked by important post-election crackdowns on political parties and independent media. The day after the election, May 16 2005, the Prime Minister Meles Zenawi's party the EPRDF stopped the vote count and declared himself head of the police and the military (Aalen & Tronvoll 2009). They also declared a month-long ban on any demonstration and outdoor meeting. Preliminary results in June showed the EPRDF winning most of the seats. According to the Carter Center for Democracy, these results led to demonstrations that apparently led to a police crackdown that killed 40 people on June 6 to 8.<sup>22</sup> The National Electoral Review Board of Ethiopia pushed back announcing the election result until July to let the situation in the country cool off and give space to opposition groups to file complaints. In all 383 complaints were filed, and 180 were reviewed. Irregularities were still observed during the review session. According to the Carter Center for Democracy; in August the votes were rerun in 31 constituencies; 26 of which was won by CUD; and the UEDF. The EPRDF ended up winning all the reruns. The final election results were delayed until their final publication in November 2005 giving the victory to the EPRDF, thus leading to a number of protests in the country. A student protest in the capital three weeks after the election led to 34 deaths. The opposition parties also protested these irregularities, accusing the EPRDF of trying to change the election results in their favor. The protest in

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<sup>22</sup> Carter center Ethiopia 2005 elections : final report .2006  
url :[https://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/ethiopia-2005-finalrpt.pdf](https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/ethiopia-2005-finalrpt.pdf)

the country after the election lead to the arrest and detainment of 5000 people and mainly opposition members (Aalen & Tronvoll 2009).

### **Ethiopia's Media Environment**

rior to the 2005 election, the Ethiopian national electoral board issued guidelines to media outlets in order for them to cover the election fairly and not give an advantage to any political party. The media outlets were told for example to “avoid facilitating discrimination based on race, sex, language, religion, political or other beliefs, national or social origins; report only on credible and well-sourced facts.” Moreover, they were requested not to “hide key information or falsify documents.”(Techone 2009). State-owned media also announced that they would give 54 percent of their election coverage to opposition parties. USAID, in the pre-election period noticed the difference in media coverage , the harassment of journalists and the harsh media laws in the country and proposed a weekly qualitative and quantitative assessment of the media during the 2005 election.<sup>23</sup>.

Studies show that the media did not respect these provisions and that the state-owned media advantaged the party in power, the EPRDF. For example, the EPRDF received more than double the coverage of any other political party, and they also received a more positive coverage compared to their opposition counterparts (Yosef 2005). Before election day the press enjoyed relative freedom, however, The government press focused on the EPRDF and the independent media focuses on the opposition party. Yosef (2005) found that the independent media was giving a more positive coverage of

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<sup>23</sup> McMahon, Edward; Stephen Beale, IFES Technical Genet ,Menelik-Swanson, IFES Staff ‘Ethiopia Pre-Election Assessment Report July 2004’ url : [http://pdf.usaid.gov/pdf\\_docs/Pnadc705.pdf](http://pdf.usaid.gov/pdf_docs/Pnadc705.pdf)

the election to opposition groups and a more negative coverage to the EPRDF. The government owned media was doing the opposite of independent media.

During the turmoil following the elections, a number of journalists were jailed, and some of them were harassed. The Ethiopian ministry of defense gave a warning to Ethiopian newspapers that were writing about the crackdown and accused them of violating national security and initiating violence with the help of the opposition. Thus endangering public safety.<sup>24</sup> According to the *Addis Tribune* (June 2005) a government owned newspaper, the minister of defense accused some private media of circulating dozen of gossips stories about the army and threatened to sue them for tarnishing the army's fame. In June 2005, for example, the Ethiopian Broadcasting Board revoked the licenses of five Ethiopian journalists working for Voice of America and Deutsche Welle because of their negative coverage of the EPRDF during the election.<sup>25</sup> Amnesty International said that during the post-election turmoil in 2005, two journalists were given prison terms during that year and multiple journalists were arrested during the post-election turmoil and were on bail waiting for judgment. Fifteen journalists were arrested during an opposition round-up in November 2005. Amnesty International also indicated that some of journalists arrested have been arrested and imprisoned before due to 1992 press laws that were reversed.<sup>26</sup> Seven journalists were charged in absentia (Lyons 2006). The United States Human Rights Watch also indicated that the Ethiopian

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<sup>24</sup> Teshome B, Wondwosen. "Media And Multi-Party Elections In Africa: The Case Of Ethiopia". *ethiosun* 2009. Web. 27 Apr. 2017.

<sup>25</sup> Human Rights Wacth ethiopia report 2005 <https://www.hrw.org/world-report/2006/country-chapters/ethiopia>

<sup>26</sup> Amnesty International, *Amnesty International Report 2006 - Ethiopia*, 23 May 2006, available at: <http://www.refworld.org/docid/447ff7a62f.html> [accessed 27 April 2017]

government cracked down on journalists and newspapers. In the post-election period, eight privately owned newspapers were closed and their editor in chiefs arrested<sup>27</sup>. Six other newspapers stopped publishing because of government crackdown or the refusal of the government-owned printing press to print their papers. Foreign journalists were arrested, and some have been expelled from the country due to their depiction of the Ethiopian government. The report also indicated that broadcasting licenses authorized two private radio to operate in the country at the beginning of the year. By the end of 2005, none of these two private radios were broadcasting. After looking at the 2005 elections now let's look at the 2010 election.

After the 2005 elections in Ethiopia, the crackdown saw a lot of local newspapers harassed and threatened if they published any news criticizing the military and the government that killed almost 48 people in the May 2005 riots. The news about the riots were missing in the local independent news such as the *Addis Zemen* owned by the government the *Anwaran times*. *The Ethiopian Reporter* and the *Addis fortune* that are independent newspapers refrain themselves from publishing any article critical of the government. They however reported government announcement that any critic of the military will be punished and also that any covering of the opposition protest will also be punished and the journalist be considered as members of the opposition trying to initiate violence. Since the government owned the only paper printers in the country, they therefore were able to control any news content before it comes out. The Addis Zemen

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<sup>27</sup> Human Rights Watch Ethiopia report 2005 <https://www.hrw.org/world-report/2006/country-chapters/ethiopia>



went along with government accusing opposition politicians of instigating the violence and being responsible for the killing.

### **International Accounts of the Election**

The international community was more critical of the Ethiopian government pin pointing the police in their violent crackdown of protests and the killing of 48 protesters. *The Washington post* of June 2005 for example accused the Ethiopian military of firing live ammunition in a crowd of protesters.<sup>28</sup> The associated press also criticized these killing and interviews conducted by *The Independent* noting that the police was shooting people indiscriminately wounding a 7 year old girl in the process.<sup>29</sup>

The 2005 election in Ethiopia were overall violent with apparent signs of journalist harassment and other press freedom violations such as jailing of journalists in the post-election period. The next section will look at the 2010 Ethiopian elections.

### **Ethiopia: The 2010 Election**

After the 2005 elections, the Ethiopian government launched an operation to close down the political sphere. For example, in 2009 the Ethiopian government passed a law that forced any organization advocating for democracy and the freedom of the press to have 90 percent of their budget coming from local sources.<sup>30</sup> In 2008 they passed the freedom of the Mass Media and Access to Information Proclamation” (HPR, No.

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<sup>28</sup> "Government Forces in Ethiopia Kill 22; Police, Troops Fire on Crowds Contesting Results of Parliamentary Vote." *The Washington Post*. June 9, 2005 Thursday . Date Accessed: 2017/04/14. [www.lexisnexis.com/hottopic/academic](http://www.lexisnexis.com/hottopic/academic).

<sup>29</sup> "POLICE BLAMED AFTER PROTESTS IN ETHIOPIA LEAVE 42 DEAD." *The Independent (London)*. Date Accessed: 2017/04/14. [www.lexisnexis.com/hottopic/academic](http://www.lexisnexis.com/hottopic/academic).

<sup>30</sup> election watch iri.com url: <http://www.iri.org/sites/default/files/Ethiopia%20Pre-Election%20Watch,%20May%202010%20Parliamentary%20Elections.pdf>

590/2008) that give the power of licensing media outlets to the minister of commutation instead of giving that power to an independent agency made of media professionals (Ali 2015). Opposition leaders were jailed during that period; journalists were harassed some of them fled the country. The Ethiopian government created a system of surveillance that spread through the grassroots, forcing villagers to support the EPRDF in exchange for food fertilizers and other product and punishing voters that support the opposition.<sup>31</sup> In October 2009, the EPRDF and minor political parties-without the presence of any major political party-signed an election code of conduct for political parties (Tronvoll 2010).

### **Ethiopia's Media Environment**

The 2010 election in Ethiopia was in many ways similar to the election in 2005. The government also tried to hinder the free flow of information in the country but in the period prior to the election. There were many of arrests of opposition leaders leading up to the election day. The government also harassed and detained a large number of journalists. According to Human Rights Watch, at least 13 of Ethiopia leading press freedom advocates fled the country in fear of repercussion.<sup>32</sup>

Many of the country's independent newspapers were closed for that specific reason notably, *Addis Neger*; the nation largest independent newspapers, whose administrator was beaten by the police a few days later. The signal of *Voice of America* and *Deutsche Welle* were also jammed during the elections. According to Human Rights.gov, the Ethiopian Broadcasting Authority asked the editor in chief of a local

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<sup>31</sup> report 2010 election in Ethiopia human right watch url: <https://www.hrw.org/world-report/2011/country-chapters/ethiopia>

<sup>32</sup> "World Report 2011: Ethiopia Events of 2010" <https://www.hrw.org/world-report/2011/country-chapters/ethiopia>

newspaper called the *Weekly Awraman Times* to appear in front of a review board and accused him of favoring a major opposition party called FORUM.<sup>33</sup> The editor in chief later resigned. The conditions during the crackdown in 2005 still existed in the country. Journalists could not criticize the government under the threat of getting their journal suspended or fined or even jailed. There was, therefore, no major coverage of the election by independent media in 2010. The election itself was plagued with many irregularities such as harassment of journalists. The European Union noticed that insufficient measures were taken to protect candidates from harassment and threats. Seventy-two candidates are known to have withdrawn their candidacy due to harassment and economic reasons Tronvoll (2010). These intimidation practices led most of the journalists in the country to practice self-censorship and avoid criticizing the government in place. Disregarding the funds spent by USAID and condition provided in aid agreements that the government has with them. The Carter Center for Democracy also declined the offer to monitor the 2010 election in Ethiopia. The EPRDF won a big majority in the Senate, increasing their power in the country. This election did not see any post-election violence because the opposition leader and the press were afraid of violent repression by the government in light of the 2005 election example.<sup>34</sup>

The 2010 election proceed in the mood of the postelection crackdown of journalist in 2005 with laws passed to restrict media coverage of the election and fund provided by international governments attributed to human rights organization in 2008

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<sup>33</sup> 2010 Country Reports on Human Rights Practices Mozambique  
url:<https://www.state.gov/j/drl/rls/hrrpt/2010/af/154346.htm>

<sup>34</sup> 2006 Country Reports on Human Rights Practices Ethiopia  
<https://www.state.gov/j/drl/rls/hrrpt/2006/78734.htm>

and 2009. The Ethiopian government had a bigger grip on the opposition and the media reducing the amount of editorials coming out that would be critical of them. The *Addis fortune* which is the nation's largest independent English newspaper only published article about how the election is taking place and almost no article about individual political party or party leaders. They wrote about the electoral committee, possible observers of the election. None of the pieces written during that period were negative criticizing the government.

### **International Accounts of the Election**

International news outlets such as the guardian had more negative coverage calling the landslide win of the EPRDF suspicious and fraudulent and accusing the Ethiopian of harassing opposition leaders and journalists. The BBC also reported that elections fell short of international standard and had doubt on some of the district won by the EPRDF that are historic stronghold of the opposition . Voice of America reported that the some opposition members were barred from entering the polls, and some pools ran out of papers. It is hard for newspapers to follow the election because of the limits the EPRDF put on election monitoring. Looking at the press and human right violation in the aftermath of the election let us see the reactions of the United States and USAID.

### **United States Monitoring**

The United States criticized irregularities in the election in 2005; however, they did not dispute the election results and asked the opposition party to take their seat.<sup>35</sup> The European Union and the World Bank reacted and withdrew, announcing it was

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<sup>35</sup> U.S. Department of State <https://2001-2009.state.gov/r/pa/prs/ps/2005/47807.htm>

withholding \$374 million in budget support to Ethiopia in December 2005 (Abbink 2006). The United States, however, remained mostly silent and without any major reaction. The United States renewed their commitment to enhance their relationship with Ethiopia in an interview given to BBC by the United States embassy envoys. They also stated that they respect countries sovereignty and will not interfere in judicial affairs of Ethiopia concerning the jailing of journalists and opposition leaders.<sup>36</sup>

Since the United States was aware of the irregularities, a couple of representatives drafted a bill H. R. 5680(2005-2006) that was introduced to encourage and facilitate the consolidation of security, human rights, democracy, and economic freedom in Ethiopia. The role of the bill also, was to support the independence of the judiciary, freedom of the press, peacekeeping, capacity building, and economic development in the Federal Democratic Republic of Ethiopia<sup>37</sup>. The bill also proposed a collaboration with Ethiopia in the Global War on Terror. They sought the unconditional release of all political prisoners in Ethiopia. Foster stability, democracy, and economic development in the region; strengthen United States-Ethiopian relations.

The law stipulated that it would cut the funds if efforts were not made by the government to respect and advance human rights and if the government tries to obstruct the United State effort to enhance human right democracy and press freedom. One of the specific stipulations of this law was that the print and broadcast media in Ethiopia should

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<sup>36</sup> BBC US says committed to enhance partnership with Ethiopia url:  
<https://global.factiva.com/redirect/default.aspx?P=sa&NS=16&AID=9OKL000100&an=BBCAP00020051228e1cs001e1&cat=a&ep=ASI>

<sup>37</sup> H. R. 5680(2005-2006) r H.R.5680 - Ethiopia Freedom, Democracy, and Human Rights Advancement Act of 2006 109th Congress (2005-2006)

operate free from the interference of the Ethiopian government; laws restricting media freedom, including sections of the Ethiopian Federal Criminal Code, were to be revised so that the licensing of independent radio and television in Ethiopia would be open and transparent<sup>38</sup>.

This bill was introduced on three occasions and was never passed. However, The House Of Representatives, but not the Senate passed the last Introduction H.R.2003 (2007-2008). Few sanctions were enacted by the United States on the Ethiopian government, and one of the main reasons was due to the Bush administration's propensity to create counter-terrorism alliance with authoritarian leaders such as Ethiopia's Meles Zenawi. The Obama administration also disregarded most of the violations committed by Ethiopia. They claim to have promoted talk between the government, journalist organizations, and opposition parties that led to the liberation of a journalist jailed in the 2005 election. But their measures to help reinforce independent media law in the country had little to no effect<sup>39</sup>.

These counterterrorism alliances forced the United States government to stop any strong democratization promotion toward Ethiopia. This factor can explain why they did not withdraw their funding when the European Union and the World Bank did. For many years, their policy in the Middle East favored stability over democracy. In this case, monitoring was not the issue but the fact that the United States had other interests in Ethiopia that rendered the U.S. largely non responsive to violations. According to Teshome (2013), the ruling party in Ethiopia, the EPRDF successfully convinced the

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<sup>38</sup> H.R.5680 - Ethiopia Freedom, Democracy, and Human Rights Advancement Act of 2006  
<https://www.congress.gov/bill/109th-congress/house-bill/5680>

<sup>39</sup> United states state department report on Ethiopia url: <https://www.state.gov/r/pa/ei/bgn/2859.htm>

United States that the country would crumble in instability due to ethnic politics if they did not hold power. Ethiopias practices to undermine democratization in the face of foreign observers allegedly started since the independence in 1991 first by imposing ethnic federalism to protect minor ethnic groups (Wondwosen and Záhorský 2008).

Before 2005, there was also an issue with the goals of USAID in Ethiopia. According to USAID, their first goal was to eliminate famine in the country and focus on social issues. There are also suggestions that democratization and press freedom were not the main/ strategic focus of the United States toward Ethiopia during that period (Leicht 2009). Since the country is very poor, donor countries closed their eyes to human rights violations in order to take care of basic needs and the humanitarian crisis, such as poverty, and droughts, which occurred every couple of years in the early 2000.

There was also a lack of response from the United States regarding the 2010 election.<sup>40</sup> The 114<sup>th</sup> Congress wrote a bill to S.Res.432 supporting respect for human rights and encouraging inclusive governance in Ethiopia. The bill was placed on the Senate's calendar waiting for further actions. The bill was never passed by the Senate and therefore died.

While this study argues that the Chinese factor is not sufficient to explain the variation in press freedom scores among African states, the increasing interest of China in Ethiopia might worry the United States. According to Eisenman and Kurlantzick (2006:220), China's bilateral trade with Ethiopia is increasing, although there is an imbalance between the China-Ethiopian trade that is advantageous for the Chinese

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<sup>40</sup> Foreignrelation.gov

government. In 2005, 12.6 percent of Ethiopia import were coming from china, compared to 2.42 percent of Ethiopian export's going to China. The percentage of the imports coming from the United States was 9.5; 4.71 percent of Ethiopia's exports were going to the United States. Chinese exports to sub-Saharan Africa is increasing exponentially. In 2015, for example China represented 16.54 of all sub-Saharan Africa imports. China was the biggest importer to Ethiopia with 26.51percent of all imports; 9.51 of Ethiopia export were going to China, representing the biggest non regional exporter. The imports from the United States represented 4.11 percent of all import to Ethiopia and 5.53 of the export going out of Ethiopia was going to the United States.<sup>41</sup> The United States is still the biggest bilateral donor in West Africa, but china is increasing its influence on the continent with Interest free loans and aid for infrastructure construction. By increasing easily accessible loans and becoming the main trade partner in Ethiopia, china is slowly surpassing the United States as the most important aid partner.<sup>42</sup> Due to their importance in the fight against terrorism, the United States is afraid to lose their influences in the Ethiopian government over China.therefore the U.S. is hesitant to apply sanctions that will hurt the country and make it turn to China. After studying the United States response to press freedom violations in ethiopia I will now focus on the judicial system in order to identify the potential shortcoming judicial institution can have on press freedom in Ethiopia.

## **The Legal Environment in Ethiopia**

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<sup>41</sup> World Integrated Trade Solutions Ethiopia url:  
<http://wits.worldbank.org/CountryProfile/en/Country/ETH/Year/LTST/TradeFlow/Import/Partner/all/>

<sup>42</sup> <https://www.chinafile.com/infographics/visualizing-chinas-aid-africa>



Ethiopia Congress is composed of two houses: the House of Federation and House of People's Representatives. Members of the House of Federation are elected by individual state assemblies for a period of 5 years. The members of the House of People Representative are chosen through direct elections. Ethiopia, being a parliamentary republic, has a more independent judiciary, one that can clearly be discerned from the legislative and the executive. Linzer and Staton (2015) considered the country to have a relative judicial independence a level of 1.<sup>43</sup>

There are a couple of problems in the allocation of judicial power in Ethiopia. However, The Ethiopian judiciary consists of two branches the federal branch and the local branches. There are the regional and federal, first instance, high court and supreme courts (Abebe 2013). The Federal Supreme Court has the power to review decisions in courts. However, it does not have the power of constitutional review.<sup>44</sup>In short The Supreme Court in Ethiopia cannot interpret the constitution. The judiciary, therefore, has limited power in terms of their control over the administration due to a law passed by the Congress to reduce the review decisions of administrative agencies (Yemane 2011). The Ethiopian House of Federation is the one that can discuss the constitutionality of decisions made by the government and the Senate. According to the Ethiopian constitution, the House of Federations has the power to interpret the constitution, decide a constitutional dispute, and adjudicate the constitutionality of the law (Vibhute 2014). There have been discussions about the interpretation of that law in the country that ended with the conclusion that courts in the country can interpret the constitution if they believe

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<sup>43</sup> 0 no judicial independence 1 somewhat judicially independent 2 judicially independent.

<sup>44</sup> FDRE CONSTITUTION ARTICLE 80(3) A

that the law in front of them is not contrary to the constitution; in the opposite case, courts shall refer to the House of Federation (Abebe 2013). Courts can uphold the constitutionality of laws but shall refer to the House of Federations if the laws happened to be unconstitutional. Abebe (2013) concludes that by granting the power of judicial review to an entity that is controlled by political appointees or elected officials, Ethiopia cannot ensure the protection of human rights. Judicial review is a complex process in Ethiopia. For a law to be constitutionally reviewed it first has to be submitted by the courts to the council of constitutional inquiry. The council of constitutional inquiry then will review the case and refer the law to the house of federation if need be (Vibhute 2014). The framework for a review of administrative actions in Ethiopia is also not clearly defined by the constitution. Secondly, according to Yemane( 2011), there are articles in the constitution of Ethiopia that allow the House of People's Representative to take power away from the judiciary and give it to a special ad hoc court or an administrative agency.

Due to this constitution, the judiciary in Ethiopia does not have a lot of say in laws that control freedom of the press and free media. To respond to the infraction committed by government institutions during elections such as jailing journalists or jamming the signal of some radio or press. For any constitutional review the plaintiff and justice department have to refer their cases to the House of Federation that is mainly composed of members of the ruling party, the EPRDF. If any law were passed in the country that limits press freedom, the judiciary would still be incapable reversing the law or even taking the case. Their only role is to uphold laws and judge people according to laws passed by the Executive or the Congress. The Executive in this case possesses most

of the powers and can control laws as they please as long as they have the majority in the House of Federations. For example, The Ethiopian constitutions under The Constitution (under Article 29, 3a) prohibit any form of censorship. However; this law is largely disregarded in the country.<sup>45</sup>

Capitalizing on the weakness of the country's judicial institutions, The Ethiopian government used its advantage to pass a law that is repressive toward the press. In July 2008, for example, the Ethiopian government passed a mass media law that gave the government the power to initiate defamation suits easily and create heavy financial penalties for publishing houses and journalists that do not adhere to guidelines imposed by the government.<sup>46</sup> It also gave the government the power to deny easily the licenses and registration of journalists and media outlets by giving that power to the minister of information (Ross 2009).<sup>47</sup> Article 43(7) of the same law stipulates that defamation or false accusation against any constitutionally elected official judiciary or executive can be prosecuted. This law, therefore, seals the mouth of journalists when it comes to criticizing government officials (Ross 2009). The vagueness of the definition of defamation and false accusation gives a lot of freedom to the government to define it as it pleases.

In conclusion, the judiciary in the country does not allow for free review of laws voted by the Congress, giving almost total power to the Congress to act as they please under the of national security or defamation. These practices impede human rights from

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<sup>45</sup> Human rights in the horn of Africa url:

[http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/ET/HR\\_LHA\\_ETH\\_UPR\\_S06\\_2009.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/ET/HR_LHA_ETH_UPR_S06_2009.pdf)

<sup>46</sup> Joel Simon "Ethiopian press bill flawed, needs revision" July 2008 <https://cpj.org/2008/07/ethiopian-press-bill-flawed-needs-revision.php>

<sup>47</sup> Human rights watch. Org Ethiopia. <https://www.hrw.org/report/2010/03/24/one-hundred-ways-putting-pressure/violations-freedom-expression-and-association?print=>

being respected in the country. Furthermore In 2009, the Ethiopian Senate passed the anti-terror law Proclamation No. 652/2009, that contains a vague definition of terrorism and allows the government to jail journalists and citizens easily.<sup>48</sup> The law does not conform to any international definition of terrorism and violates human rights. A number of journalists were illegitimately jailed under that law. The law was not reviewed by the House of Federation despite the opposition of human rights activists, journalists, and opposition members<sup>49</sup>. In 2013, for example, the Supreme Court upheld an 18-year sentence for a journalist jailed in 2012 under that law<sup>50</sup>. The Ethiopia NGO law also allowing NGO's to obtain only 10 percent of their revenue from international donors was passed in 2009( Nerhanu and Milofsky 2011). Press freedom is critically affected by the degree of influence the regime in power has over the judiciary. The strength and independence of the judiciary is a proxy for the influence the regime has on the press. Where the judiciary has greater independence from the regime/political interests and has the ability to protect rights of journalists and a free press, we would expect better press freedom scores. This is not the case in Ethiopia and, in combination with the regime's efforts to silence the opposition during elections, it helps to explain the regression in press freedom scores despite USAID aid.

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<sup>48</sup> Federal Negarit Gazeta "Ethiopia anti-terror law a tool to stifle dissent"  
:url:[https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI\\_Ethiopia\\_Legal\\_Brief\\_final\\_web.pdf](https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI_Ethiopia_Legal_Brief_final_web.pdf)

<sup>49</sup>Human Rights Watch Analysis of Ethiopia's Draft Anti-Terrorism Law URL:  
<https://www.hrw.org/news/2009/06/30/analysis-ethiopias-draft-anti-terrorism-law>

<sup>50</sup> "Ethiopia terrorism law decimates Media" human rights.org  
<https://www.hrw.org/news/2013/05/03/ethiopia-terrorism-law-decimates-media>

To conclude this section, economic sanctions are implemented when Ethiopia violate human rights because they are a strategic country in the region; Ethiopia is also a country considered to be highly unstable because USAID focus more on humanitarian crisis rather than advancing human rights and democratization in the country. The United States response to human rights violations in ethiopia confirm my hypothesis that the reaction to violation of press freedom is very important. Their interest in ethiopia expand on my thypothesis introducing elemenets such as the fights against terrorism and more promordial need such as famine. Judicial institutions also allows the governeemt to vote for laws that furthers their goals by violating basic human rights. In my next section, I will now focus on Mozambique.

## CHAPTER V

In this section, I will evaluate the respect of press freedom during THE 2004 and 2009 Mozambique election. I will conduct an overview of each election and examine the degree to which the independent media is able to work in the country. I will examine the degree of responsiveness of the United States to violation during these elections. I will additionally examine laws in place in each country that allows press freedom provisions to be respected and see if these law played a role in the support or demise of press freedom in the country.

### **THE MOZAMBIQUE CASE**

Mozambique is a country off the east African coast, a former Portuguese colony that gained independence in 1975. The group that drove the independence movement was called FRELIMO. After independence, the FRELIMO took control of the country, then installed a one-party Marxist system of governance. Their system would soon face the resistance of a South African Rhodesian backed group called the RENAMO starting a civil war that would last until a peace treaty was signed in 1992. The country's first multi-party election was held in 1994 with both the FRELIMO and the RENAMO

participating as political parties. The FRELIMO won with a narrow margin taking control of the parliament and the country once again. The country integrated into the British Commonwealth in 1995. In 2004, the country organized their third election with the monitoring of international organizations. Mozambique has a semi-presidential system where the president is elected by majority vote on a two round system. The presidential election takes place at the same time as the parliamentary elections.<sup>51</sup>

The media in Mozambique developed after the peace treaty of 1992; the country saw an influx of independent news and radio stations. Since the country was developing, radio was the most important communication channel. As of 2010, there are 83-radio stations operating in the country.<sup>52</sup> There are three daily newspapers in the country and nine weekly newspapers.<sup>53</sup>

### **The 2004 elections**

The 2004 elections in Mozambique were criticized for multiple reasons. One reason is the fact that the country was very poor and many poll stations ran without electricity. Another reason for criticism is the fact that the electoral committee in the country (electoral commission (CNE) Technical Secretariat for Electoral Administration (STAE), Secretariado Técnico de Administração Eleitoral) are dominated by party nominees and disclosed very little information about the number of polling stations (Hanlon and Fox 2010). The electoral commission seats were allocated based on the party

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<sup>51</sup>Observing 2004 Mozambique election <https://www.cartercenter.org/documents/2218.pdf>

<sup>52</sup> Unesco presd freedom report <http://unesdoc.unesco.org/images/0021/002169/216942E.pdf>

<sup>53</sup> European Union Election Observation Mission Mozambique 2009  
url:[http://www.eods.eu/library/FR%20MOZAMBIQUE%202009\\_en.pdf](http://www.eods.eu/library/FR%20MOZAMBIQUE%202009_en.pdf)

position in the parliament, making the majority party the FRELIMO the one with the control of the Commission (Ostheimer 2005:7). The fact that 699 result sheets representing approximately 5.4 percent of the polling stations in the country were not included due to alleged unresolvable technical mistakes did not help their cause. The final result also excluded an additional 881 polling stations representing 6.9 percent of the total polling stations in the country without any explanations (Hanlon 2010).

The number of people registered to vote was also erroneous due to administrative mistakes such as duplication of names, names incorrectly written and assignment of the wrong voter numbers. Also, some of the political party observers were barred from some polling stations. The districts that were considered as a stronghold for the opposition saw voter rolls disappear (Ostheimer 2005:5). Some voters were unable to vote, and the RENAMO accused the FRELIMO of ballot stuffing in some regions (Halon and Fox 2006). International organizations were worried that secrecy surrounding the final vote count might shift the vote count for the FRELIMO (Ruigrok 2005:6). In terms of other irregularities such as violation of human rights and killing, the election happened without major issues.

### **Mozambique's Media Environment**

The media in Mozambique was reported as being biased during the election according to the Carter Center for Democracy observers. The media was biased and in some instances forgot to show the coverage of rallies by some nominees.<sup>54</sup> Independent media in the country were considered professional in their coverage of the election in

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<sup>54</sup> Observing the 2004 Mozambique Elections. Report. Carter center for democracy. url <https://www.cartercenter.org/documents/2218.pdf>



most of the cases. Welles (2005) found that news coverage of the election was dominated by the two major parties: the FRELIMO and the RENAMO. Aside from these cases, no cases of violence or harassment of journalists during the election or related to the election were reported by international or national observers. The United State Human Rights Watch still notices that journalists were harassed in the country and some jailed earlier that year. They also reported that most of the journalists usually practice self-censorship but are still able to be critical of the central government without any repercussions.<sup>55</sup> Mozambique, however, is known for journalist harassment. The example of the assassination of the investigation journalist Carlos Cardoso, murdered in 2000, is one proof. During May of the election year, a journalist working for a private paper *Faisca* was briefly detained and accused of libel after quoting the director of human rights saying that the country was corrupt<sup>56</sup>. There were, however, few events involving journalists that raised red flags in the country during the 2004 elections.

The local newspapers in Mozambique during the 2004 election were reliable trusted by international organizations the public. Their coverage were seen as unbiased<sup>57</sup>. As an example in a clash between the RENAMO and the FRELIMO over voter registration was reported without any bias by the Mozambique News Agency. The beating of a radio journalist by RENAMO supporters in October 2004 was also reported without any bias<sup>58</sup>. The Mozambique News Agency noticed fraud where polls have more

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<sup>55</sup>Bureau of Democracy, Human Rights, and Labor

2005 report mozambique <https://www.state.gov/j/drl/rls/hrrpt/2005/61583.htm>

<sup>56</sup> Freedomhouse Mozambique 2004 report url:<https://freedomhouse.org/report/freedom-press/2005/mozambique>

<sup>57</sup> Mozambique 2004 election final report . Report. Carter center for democracy. 2005.

<sup>58</sup> Hundreds of results goes missing url:

<https://global.factiva.com/redir/default.aspx?P=sa&NS=16&AID=9OKL000100&an=AFNWS00020041231e0cv002h6&cat=a&ep=ASI>

than 100 percent turnout and they also noted that the majority of these cases benefited the FRELIMO.<sup>59</sup>

### **International Media Accounts of the Election**

International news report on Mozambique election followed the tone of local news. There some issues due to the registration of some party leaders in provincial elections , issues that were criticized by both the international community and the constitutional council.<sup>60</sup> BBC and the European Union also reported the fact that some polling station had more than 100 percent turnout benefiting the FRELIMO. The international news found no major foul play in the elections and the displaying of their results going along with local news outlets.<sup>61</sup> The incumbent president was also considered favorite by both local and international actors due to its good economic policies.<sup>62</sup>

### **The 2009 Election**

The 2009 election LIKE the 2004 election happened without any major problems. The election saw the emergence of a new political party called the Democratic Movement of Mozambique (MDM) that split off of the RENAMO in 2008. The MDM's message

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<sup>59</sup> Cne conceal full election report:

<tps://global.factiva.com/redir/default.aspx?P=sa&NS=16&AID=9OKL000100&an=AFNWS00020041230e0cu001e8&cat=a&ep=ASI>

<sup>60</sup> "Mozambique constitutional council criticizes actions of elections commission." *BBC Monitoring Africa - Political Supplied by BBC Worldwide Monitoring*. December 29, 2009 Tuesday . Date Accessed: 2017/04/18. [www.lexisnexis.com/hottopics/lnacademic](http://www.lexisnexis.com/hottopics/lnacademic).

<sup>61</sup> ozambique: Commonwealth observer group report says election well conducted." *BBC Monitoring Africa - Political Supplied by BBC Worldwide Monitoring*. December 23, 2009 Wednesday . Date Accessed: 2017/04/18. [www.lexisnexis.com/hottopics/lnacademic](http://www.lexisnexis.com/hottopics/lnacademic).

<sup>62</sup> Mozambique's Guebuza headed for election victory." *defenceWeb*. October 30, 2009 Friday . Date Accessed: 2017/04/18. [www.lexisnexis.com/hottopics/lnacademic](http://www.lexisnexis.com/hottopics/lnacademic). And "Mozambique's elections expected to return president and his party to power." *Carleton Place*. October 28, 2009 Wednesday . Date Accessed: 2017/04/18. [www.lexisnexis.com/hottopics/lnacademic](http://www.lexisnexis.com/hottopics/lnacademic).

resonate better with the youth. Two days before the election there was an assassination attempt on Daviz Simango in Nacala-Porto, a leader of the MDM. the MDM, therefore, accused sympathizers of the RENAMO for the coup attempt according to European Union report<sup>63</sup>. The FRELIMO were, however, able to gather more funds for their campaign because of their access to administrative resources. The election committee in the country (STAE) deployed around 2000 educators in the country to educate the population about the vote (Wimpy 2009). There was still however a lot of secrecy around the way the electoral commission works. The election saw a very low turnout though a little higher than the 2004 election. The incumbent president easily won with 67.51% of the votes.<sup>64</sup> The 2009 election was also the first election where Mozambicans outside the country could vote. The new election rule in the country allows polling stations to be run independently with the staff of the polling station selected through a competition of the local community's members. Despite these measure some observers noticed tabulations errors and ballot stuffing, however, these infractions were isolated and considered not enough to distort the election results.<sup>65</sup>

### **Mozambique's media environment**

Television and newspapers coverage of the election were better than the 2004 election, it was less bias<sup>66</sup>. Moreover, the media coverage was more informative. The

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<sup>63</sup> European Union Election Observation Mission final REPORT Mozambique 2010  
url:[http://www.eods.eu/library/FR%20MOZAMBIQUE%202009\\_en.pdf](http://www.eods.eu/library/FR%20MOZAMBIQUE%202009_en.pdf)

<sup>64</sup> Post-Election Review of the Mozambique General Elections of 2009 Joseph Hanlon  
<https://www.open.ac.uk/technology/mozambique/sites/www.open.ac.uk.technology.mozambique/files/Mozambique%202009%20election%20Hanlon%20EISA-1.pdf>

<sup>65</sup> 2010 Freedom house country report Mozambique <https://freedomhouse.org/report/freedom-world/2010/mozambique>

<sup>66</sup> European Union Election Observation Mission Mozambique 2009 url:  
[http://www.eods.eu/library/FR%20MOZAMBIQUE%202009\\_en.pdf](http://www.eods.eu/library/FR%20MOZAMBIQUE%202009_en.pdf)

airtime given to the FRELIMO was always superior to the other political parties in the country. According to the European Union observation mission, the FRELIMO obtained more than 45 percent of the coverages<sup>67</sup>. Their domination in coverage is because the FRELIMO controls national radio stations and have more funds for commercials and other publicities<sup>68</sup>.

The 2009 election is similar to the 2009 election qualified by the press as the most peaceful election in the country. The Mozambique news agency was critical of the national electoral agency the NEBE because of suspicious voter turnout in some areas that were not removed from the general vote count. These irregularities were, however, not considered enough to change the result of the vote<sup>69</sup>.

### **International media accounts of the election.**

The international news also went along with the local news qualifying the 2009 election of peaceful. The BBC also criticizes the NEBE for integrating districts with suspicious voter turnout in their final vote count. The international uses usually uses local news as sources for their coverage showing the relative freedom of the press in Mozambique and the impartiality of journalist. International news during the 2009 Mozambican election were usually similar to local news with little to no differences.

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<sup>67</sup> Electoral mission commission of South African countries observer mission report presidential, parliamentary & provincial election provincial elections Mozambique 28th October, 2009 url: file:///C:/Users/darousa/Downloads/SADC%20ECF%20Election%20Observation%20FINAL%20REPORT-%20Mozambique%20(1).pdf

<sup>68</sup> Mozambique: Report shows ruling party enjoyed most media coverage in 2009 polls." *BBC Monitoring Africa - Political Supplied by BBC Worldwide Monitoring*. June 30, 2010 Wednesday . Date Accessed: 2017/04/27. www.lexisnexis.com/hottopics/lnacademic.

<sup>69</sup> "Mozambique: Attorney-general says 245 arrested over electoral offences." *BBC Monitoring Africa - Political Supplied by BBC Worldwide Monitoring*. December 29, 2009 Tuesday . Date Accessed: 2017/04/27. www.lexisnexis.com/hottopics/lnacademic.

The violation of press freedom during the election in Mozambique were less than the ones in Ethiopia. The country kept a cleaner press freedom record during their election compared to the previous years. Mozambique press freedom is actually better than Ethiopia's despite their similarities and despite the fact that both countries receive press freedom aid from USAID. This issue is one of the main puzzles we are studying in our analysis. Hence for this reason, I will turn to the discussion of the United States responsiveness and judicial institutions for possible explanations.

### **United States Monitoring**

The United States reaction to the 2004 election was positive except for the way the results were delivered. The Carter Center for Democracy found the election peaceful despite some irregularities in the voting list and some technical irregularities.<sup>70</sup> In fact, a Bilateral Investment Treaty (BIT) between the United States and Mozambique went into effect in March 2005.<sup>71</sup> In this case, we see the absence of sanctions. The case of Mozambique during this election is more peaceful compared to the 2005 Ethiopian elections. Despite all the irregularities, the international actors considered the results valid. Mozambique actions in the case of the 2004 election are what we were supposed to expect from a country under the supervision of international actors. There were few events, and the media was able to do their work. Countries under high monitoring are supposed to act accordingly to conditionalities especially when the bilateral treaties between the monitored country and the United States are on the line. Mozambique is highly dependent on international aid. The United States helped the country go through

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<sup>70</sup>Observing 2004 Mozambique election final report <https://www.cartercenter.org/documents/2218.pdf>

<sup>71</sup> Bureau of African affairs "U.S. Relations With Mozambique" Url <https://www.state.gov/r/pa/ei/bgn/7035.htm>

war and financed the peace process that led to the first elections<sup>72</sup>. There seems to be a respect of press freedom provisions in the country without major issues. In 2004 only 1.4 percent of Mozambique imports were coming from China, the United States represented 2.28 percent of the exports coming in Mozambique the same year. In 2015, import from China were 12.6 percent compared to 2.47 coming from the United States. The biggest trade partner of Mozambique is South Africa representing on average 30 percent of the import in Mozambique.<sup>73</sup> The United States, china is the biggest trade partner in Ethiopia and the second biggest trade partner in Mozambique.

The comparison between both election periods offers a glimpse in the explanation of why media directed assistance works in some countries and not others. These explanations, however, are still insufficient especially because the election in Mozambique was more peaceful than the Ethiopian election despite both countries being anocracies. The United States noticed the shortcoming of the 2004 and 2009 election, however they still fall short of punishing the country<sup>74</sup>. Their response might be due to the fact that the transgressions in Mozambique were minimal compared to the one in Ethiopia. What other factors might explain the fact that the Mozambican government respect press freedom more than the Ethiopian government. In the next, I will focus my analysis on the judiciary and the process of judicial review in both countries.

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<sup>72</sup> “Mozambique Peace Accord donor countries named,” BBC Summary of World Broadcasts, December 23, 1992.

<sup>73</sup> World Integrated Trade Solutions Ethiopia url:  
<http://wits.worldbank.org/CountryProfile/en/Country/MOZ/Year/2004/TradeFlow/EXPIMP>

<sup>74</sup> 2010 Country Reports on Human Rights Practices Mozambique url:  
<https://www.state.gov/j/drl/rls/hrrpt/2010/af/154360.htm>

## The Legal Environment in Mozambique

Mozambique has a semi-presidential regime with the executive, legislative and judiciary that are supposed to be separate, however, the fact more often is that they are not. The legal system in Mozambique is a civil law. The judiciary is separated in civil and criminal courts. Judges are usually appointed by other judges with the exception of the Supreme Court members. The supreme court is composed of 7 judges appointed by the president of Mozambique on the advice of the Superior Council of the Judicial System and 18 elected judges 8 of whom are substitutes (Trindade, Pedroso 2006).<sup>75</sup>

According to Linzer and Staton (2015), they have a de facto judicial independence of zero, which mean that they have no judicial independence in practice<sup>76</sup>. In general, the judicial system in Mozambique has two big problems. First, the judiciary is plagued by corruption and, secondly, by the interference of the ruling party, the FRELIMO. Corruption of the judiciary takes the form of buying and selling of verdicts, losing evidence and case files while paid to do so, intimidation of witnesses, and freeing key suspects.<sup>77</sup> The Superior Council of the Justice Magistrature (CSMJ) has the power to review judges performance and if need be punish or promote them. The World Bank did not record extensive manipulation or nepotism in the appointment of judges as that is usually done based on merits<sup>78</sup>.

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<sup>75</sup> Separation of Powers and Independence of the Constitutional Council

[http://www.venice.coe.int/WCCJ/Rio/Papers/MOZ\\_Conselho\\_Constitutional\\_autotrans\\_E.pdf](http://www.venice.coe.int/WCCJ/Rio/Papers/MOZ_Conselho_Constitutional_autotrans_E.pdf)

<sup>76</sup> This measure was only used as a comparison and not one of criterias. It also emphasis the fact that measure of judicial independence usually fail to explain the full scope of judicial institutions in African countries.

<sup>77</sup> World bank corruption assessment Mozambique 2005. World bank url:

<http://www1.worldbank.org/publicsector/anticorrupt/MozambiqueCorAsm.pdf>

<sup>78</sup> USAID corruption assessment final report url:

<http://www1.worldbank.org/publicsector/anticorrupt/MozambiqueCorAsm.pdf>

The government of Mozambique, like the one in Ethiopia, has provisions that respect freedom of the press, and according to the United States Human Rights Report, unlike Ethiopia, these provisions are generally respected despite the corruption and government interference<sup>79</sup>. This section will assess judicial review of constitutional laws in the country to identify why the government seems to respect press freedom laws despite the significant problems associated with the judicial system.

The constitution of 1990 in Mozambique led to the introduction of the constitutional council to check the constitutionality of laws enacted in the country. The council, however, was not created until 2003 along with a new law that clarified the way they should be elected. Before 2003, the role of the constitutional council in the country was taken care of by the Supreme Court. The national assembly nominates members of the constitutional council. The court is composed of five members elected for five years renewable.<sup>80</sup> Due to the threat made by the RENAMO to boycott elections if changes were not made to the electoral system, the Mozambican parliament started changes in order to strengthen the accountability and parliamentary system in the country. These changes led to the introduction of a bill to set up the constitutional council as it was written in the constitution.<sup>81</sup> The 2003 law took action to ensure the independence of the members of the council and to make sure that the members are not politicized.

Constitutional judges verify the constitutionality of laws and actions taken by members of the government and of laws voted in the general assembly of the country. The new

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<sup>79</sup> Mozambique <https://www.state.gov/documents/organization/160135.pdf>

<sup>80</sup> Separation of Powers and Independence of the Constitutional Council  
[http://www.venice.coe.int/WCCJ/Rio/Papers/MOZ\\_Conselho\\_Constitutional\\_autotrans\\_E.pdf](http://www.venice.coe.int/WCCJ/Rio/Papers/MOZ_Conselho_Constitutional_autotrans_E.pdf)

<sup>81</sup> Freedom house Mozambique report 2003. Freedom in the world.  
url:<https://freedomhouse.org/report/freedom-world/2003/mozambique>



constitution also stipulates that the interpretation of the constitution shall always be in accordance with the universal declaration of human rights.<sup>82</sup> Both the government and opposition groups can submit cases in front of the constitutional council. For a case to be submitted to the constitutional council, a third of the member of Parliament have to vote, or 2000 citizens' complaints have to be submitted.

The constitutional judges in Mozambique, despite the fact that they are appointed proportionally by the Senate, have a great deal of independence compared to other judges in the country and have taken action both for and against the party in power. Due to their relative independence compared to the other courts the constitutional council has the power to impeach the creation of any law that will go against the constitution and violate human rights. The constitutional council can also stop any law that will violate press freedom and freedom of information. In 2001, for example, Mozambique created their first Coordinating Council for Legality and Justice composed of members of the ministry of justice and the judiciary. In 2003 they expanded on that and created a strategic plan<sup>83</sup>. The constitutional judges can judge the constitutionality of both a priori and concrete laws.

The judiciary in Mozambique, despite it not being perfect and the corruption and government influence on judges and decisions, can find some redemption through their constitutional courts and their council for legality and justice. These courts can perform with a better degree of independence subsequently preventing the government from

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<sup>82</sup> [tbinetnet.ohchr.org/Treaties/CCPR/.../MOZ/INT\\_CCPR\\_NGO\\_MOZ\\_14746\\_E.doc](http://tbinetnet.ohchr.org/Treaties/CCPR/.../MOZ/INT_CCPR_NGO_MOZ_14746_E.doc)

<sup>83</sup> Open Society Initiative for Southern Africa (OSISA). "Mozambique: Justice Sector and the Rule of Law." Open Society Foundation, Johannesburg (2006).[http://www.unicef.org/mz/cpd/references/21-Mozambique%20Justice%20report%20\(Eng\).pdf](http://www.unicef.org/mz/cpd/references/21-Mozambique%20Justice%20report%20(Eng).pdf)

creating and implementing unconstitutional laws especially ones that go against press freedom. There are a set of rules in the constitution such as: the Constitutional Council cannot exercise any functions in the organs of political parties and political associations, or functions associated with them, nor develop activities of police-public nature. The status resulting from membership in a political party or association, by members of the Constitutional Council, was suspended for constitutional judges (article 17).<sup>84</sup> The council can explain why the government has a greater respect for press freedom despite having a heavily corrupted judiciary. The Mozambique also has administrative courts that will review any administrative action taken by the government. The Mozambican law also provides mechanisms to investigate executive misconducts such as the ad hoc committees of inquiry and the petition committee.<sup>85</sup> Mozambique however has a libel law which is common for commonwealth countries and countries like the United States and Ireland. However while libel is more likely to lead to self-censorship from journalists (Summerville et al 2016:131). This libel law however does not always give advantage to politicians. In June 2010 a journalist Jose Da Gama was found guilty of libel against a RENAMO member of the parliament that sued for damages and was charged for non-cooperation with the justice because he refused to disclose his sources. Because of the constitution that permits the protection of professional independence and confidentiality, he filed for appeal and got a reduction of sentence (Freedom House 2010). In 2013, a journalist and an economist were arrested for posting an open letter on Facebook criticizing the president of Mozambique. Both were judged and found innocent based on

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<sup>84</sup> [http://www.venice.coe.int/WCCJ/Rio/Papers/MOZ\\_Conselho\\_Constitutional\\_autotrans\\_E.pdf](http://www.venice.coe.int/WCCJ/Rio/Papers/MOZ_Conselho_Constitutional_autotrans_E.pdf)

<sup>85</sup> Open Society Initiative for Southern Africa (OSISA). "Mozambique: Justice Sector and the Rule of Law." Open Society Foundation, Johannesburg (2006)[http://www.unicef.org/mz/cpd/references/21-Mozambique%20Justice%20report%20\(Eng\).pdf](http://www.unicef.org/mz/cpd/references/21-Mozambique%20Justice%20report%20(Eng).pdf)

article 48 of the constitution that highlights the freedom of expression and press freedom<sup>86</sup>. Moreover, the deputy state attorney in Mozambique criticized laws that identify defamation by a journalist as criminal law and not civil law and vowed to take action to get rid of it in 2011<sup>87</sup>.

The judicial review in Mozambique serves as a way to control judicial decision and laws passed that could go against article 48 of the constitution on press freedom. In 2008 a bill was passed to create a new human rights commission in the country, however the opposition refer the bill to the constitutional council because the bill stipulated that the head of the human rights commission shall be elected by the president. The constitutional council therefore ruled against the bill and stripped that part from it.<sup>88</sup> It serves as a check on the government in case they want to unlawfully try journalist or pass laws that will be detrimental to press freedom in the country. As a result, the country passed in 2012 the access to information act in 2014 that will allow for greater transparency from government officials.<sup>89</sup> In conclusion, Mozambique judicial systems create checks that discourage the legislative and the executive from harassing journalists or misuse the libel law in place in the country. Compare to Ethiopia's constitutional review system that is politicized, the accessibility of the review in Mozambique is also easier than the one in Ethiopia who has a special council that judges if the law should be submitted to the house of federation for review council that is also politicized (Vibhute 2014). In Mozambique

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<sup>86</sup> Public Ministry v. Castel-Branco and Mbanze  
<https://globalfreedomofexpression.columbia.edu/cases/public-ministry-v-castel-branco-mbanze/>

<sup>87</sup> Irex sustainability url: <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-africa-2012-mozambique.pdf>

<sup>88</sup> Mozambique News Agency AIM Reports No.380, 4th June 2009 url:  
<http://www.poptel.org.uk/mozambique-news/newsletter/aim380.html>

<sup>89</sup> Freedom house press freedom report 2014 Mozambique. <https://freedomhouse.org/report/freedom-press/2015/mozambique>

an inquiry by 2000 people or the president of the senate the president of the republic and two third of the senate can ask for a constitutional review<sup>90</sup>.

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<sup>90</sup> Separation of Powers and Independence of the Constitutional Council  
[http://www.venice.coe.int/WCCJ/Rio/Papers/MOZ\\_Conselho\\_Constitutional\\_autotrans\\_E.pdf](http://www.venice.coe.int/WCCJ/Rio/Papers/MOZ_Conselho_Constitutional_autotrans_E.pdf)

## CHAPTER VI

### DISCUSSION

I tried to understand why countries receiving assistance from USAID have different outcomes. I introduced explanations that seem to explain some of the puzzle but not fully such as democratization, income per capita, and countries dependence on aid, the influence of China and the consistency in their aid acceptance. I then introduced two new hypothesis I used in my analysis that are response to press freedom violation and independence of the judiciary. My case comparison led me to two conclusions about the importance of constitutional review and the U.S. reaction to press freedom violations. First, in the analysis of the United States' reaction to press freedom violation during election years, this research showed that the United States is reticent to punish Ethiopia when they violate press freedom or other human rights laws. The reason is that Ethiopia is strategic for the United States in the fight against terrorism and because of the fear that China will take over if funds are frozen or retracted as punishment. In a testimony in front of the Senate foreign relation agency, the U.S. Agency for International Development Assistant Administrator for Africa Earl Gast acknowledged the Ethiopian government effort to restrict press freedom and undermine political opposition, evidently by their brutal takeover in the 2005 elections. However he also maintained that the United States should maintain a close working relationship with the Ethiopian government because they are a key partner in the fights against terrorism in east African and the Middle East and also in promoting food security and providing peacekeepers in

difficult areas such as the Darfur and fighting al Shebab in somalia<sup>91</sup>. My hypothesis covers Chinese aid and loans, however, it did not cover Chinese trade to Africa. Mozambique china relations are increasing like everywhere in sub-Saharan Africa, however China is not yet the main importer of goods in the country, that role belongs to South Africa. China is now the second biggest trade partner in Mozambique. The United States remain the biggest bilateral aid donor to Mozambique, but the rise of china's trade in the country couple with their loans is weakening the grasp the U.S. have in these countries. Since Mozambique is a less strategic country especially in the fights against terrorism, its relation with the United States are different from Ethiopia's. As an example the United States made it known to the Mozambican government that it is reviewing the annual \$400 million in aid, they give to Mozambique in lights the scandal indicating that the country was hiding \$1 billion in debt. In the aftermath of that fiasco, the Mozambican government is turning to china for financial help. Other competing aid interests also affected USAID monitoring. Due to the poverty and famine issues Ethiopia was faced with, USAID assistance was focused on addressing these issues, and diverting attention from human rights issues or abuses. The USAID strategic budget for Ethiopia from 2001 to 2005 for example, mentions the growing drought and famine in the country and prioritized food security, health services and basic education over democratization and civil society. By 2009, the strategic plan of USAID was prioritizing peace and security over good governance and civil society. The report for the fiscal year of 2005 also indicates that 21 percent of 71 million people were requiring food and emergency

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<sup>91</sup> Testimony of U.S. Agency for International Development Assistant Administrator for Africa Earl Gast Senate Foreign Relations Committee Subcommittee on African Affairs April 18, 2012 URL [https://www.foreign.senate.gov/imo/media/doc/REVISED\\_Gast\\_Testimony.pdf](https://www.foreign.senate.gov/imo/media/doc/REVISED_Gast_Testimony.pdf)

assistance. This does not mean that the U.S. entirely overlooked press freedom violations, however. As previously noted, the House of Representative sought to pass laws that would make the country increase their respect for human rights and press freedom. However, since the Bush and Obama administration focused their efforts on maintaining peace and increasing antiterrorist efforts, there has been less pressure on Ethiopia to respect press freedom laws as a requirement for USAID aid. As an example a law was passed that restricted the amount of funds NGO's get from international donors to 10%.the law only allows only Ethiopians organizations to work in the domain of human rights. The U.S. government had a weak response to that law saying that it might restrict the U.S. assistance to civil society organizations which was part of their strategic plan for Ethiopia. The same law passed in Zimbabwe was labelled by the United States as an assault on civil society and an attempt to block political discussion (Carothers and Brechenmacher 2014). The government of Ethiopia seems to know that and use that to their advantage in their relations with the United States. As a result, the United States did not stop funding going to Ethiopia in response to the 2005 election.

Other the other hand, compared to Ethiopia, Mozambique seems to be the good child of international aid agreements; their elections are not perfect. However, they occur without much conflict and are more democratic than the one in Ethiopia. However, due to the peacefulness of their election, it was difficult to compare both. The fact that no sanctions or threats were made is understandable in Mozambique because of how their elections were organized. The USAID strategic plan in Mozambique in 2004-2005 focused more on good governance, human rights, economic development and aids rather than famine. Their new strategic plan for the period of 2009 to 2014 also put more

emphasis on democratic governance and economic development.<sup>92</sup>As USAID main strategy in the country, the Mozambican government is well aware of the goals, and they look to please their biggest aid donor. The United States also has harsher responses to press freedom violations in countries that are not important strategic allies (Carothers and Brechenmacher 2014).Mozambique might be leaning lessons from Zimbabwe that saw the United States impose economic sanction due to the non-respect of press freedom and rule of law in the country. Ethiopia however did not see similar sanctions applied to them<sup>93</sup>. The United States is still Mozambique’s biggest aid partner, like in the Ethiopian case. China’s influence in Mozambique is growing, but it is not as important as its influence in Ethiopia. In terms of loans from 2001 to 2014, China gave \$12 billion in loans to Ethiopia and only 1.9 billion to Mozambique. The total amount of aid coming from USAID during the same period to Ethiopia was 7 billion. The total amount of aid coming from USAID to Mozambique was 3 billion.

In sum the finding suggest that it may be the case that there are fewer or less drastic violations because of closer monitoring by the U.S. government. Countries may have less restrictive of press freedom because they know the U.S. is monitoring them and is prioritizing democracy and human rights in the country over other issues. Also, the finding suggest that it may be the case that the U.S. is a more important aid partner in Mozambique compared to the Ethiopia case even though Ethiopia receives more total U.S, aid, which renders Mozambique more reliant on its relationship with the U.S.

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<sup>92</sup> Mozambique country assistance strategy 2009  
2014[https://www.usaid.gov/sites/default/files/documents/1860/CAS\\_%202009-14.pdf](https://www.usaid.gov/sites/default/files/documents/1860/CAS_%202009-14.pdf)

<sup>93</sup> Zimbabwe: Current Issues and U.S. Policy<https://www.everycrsreport.com/reports/R44633.html>



Hence, the nature of the relationship between press freedom and monitoring by the U.S. government is more difficult to trace. It does suggest, however, that incentives to monitor countries and their commitment to aid conditionalities are shaped by the nature of other ties such as trade and security concerns which will make the monitoring body or state more or less likely to ensure that the receiving countries abides by the conditionality requirements. My next analysis of individual institutions, however, provides me with a better explanation of the differences between both countries.

Beyond issues of monitoring and the stakes of holding a country accountable to aid conditionalities and press freedom stipulations, this analysis also highlights the importance of domestic institutions in shaping restrictions on press freedom. Comparing the judicial review in both countries highlighted important interaction that can heavily influence the effort to improve press freedom and human rights. The de facto and de jure independence of the judiciary matters because the Ethiopian constitution allows for less separation of powers of the judiciary and the executive than the Mozambican constitution. However, the Ethiopian constitution by not allowing the judiciary to conduct constitutional review makes the review process political giving whoever controls the Senate power over judicial review. The Mozambican constitution also makes it easy to the population and the Senate to submit a case for constitutional review. However, while both judiciaries are corrupted, but the Mozambican constitution took measures to make sure judges apply the law impartially and respect the Universal Declaration of Human Rights.

Comparing the judiciary highlighted the importance of institutions in African states and the role they play in shaping the degree to which aid conditions such as press

freedom are respected. Simple measures of democracy that aggregate measures of institutions and respect for such as Polity IV or Freedom House are unable to get at the domestic role played by certain institutions in shaping press freedom. Linzer, and Staton (2015) for example classified Ethiopia's judicial Independence as better than Mozambique's. My argument is that these measures of judicial independence do not take into account the full scope of the judiciary in both countries. That is, in assessing why some countries do a better job at respecting aid conditionalities, one has to look not only at the monitoring of aid and the relationship between the aid receiver and the giving country, but also the institutions especially the judiciary that shape the ability of regimes to infringe on press freedom. Both Ethiopia and Mozambique are good case studies.

After my analysis, for further research, I identified that one factor country do not have is oil. Oil is a very important commodity and it might affect the way the United States react to press freedom violations too. In countries such as the Democratic Republic of Congo, the presence of other mineral resources might also affect the United State relationship with the country and their competition with China in order to obtain such resources. The bad record of rentier countries such as Angola, the democratic republic of Congo, Equatorial Guinea, Cameroon, the republic of Congo and strategically placed countries such as Uganda may be explained by these relationships; this requires further exploration. All these countries are either big oil exporter or strategic allies of the United States in their region. It may also explain the poor press freedom record of North African countries before the 2011 revolution and even today in Egypt. The constitutional court in Mozambique can judge the constitutionality of both a priory and concrete laws, however the house of federation can only judge the constitutionality of already concrete laws

making it difficult for human rights to be respected especially due to the politization of the house of federations in Ethiopia. A high dependence on USAID aid coupled with a situation in a less strategic place and a fairly transparent judicial review system may be able to explain why countries such as Sierra Leone, Nigeria, Niger have and historically higher press freedom scores.

## **CONCLUSION**

In this study, I tried to identify the reason why media directed assistance work in some countries and not in others. After eliminating possible explanations made in former researchers such as democratization. Gnp per capita, the Chinese interference, and dependence on aid I conducted a case comparison between Ethiopia and Mozambique. I compared both countries based on the response they got from international actors and based on judicial. The content analysis of the press in Ethiopia showed the repression they receive from the national government and USAID disregard of these violations. I also found that interest of the United States could change based on situations such as the fights against terrorism or extreme famine in a country. The rationale being a most similar case study id to identity factors that could not be seen using broad indexes or large N analysis. This study expanded on the explanation of the effectiveness of aid conditions using the biggest aid donor in Africa, USAID. Judicial review in both country is complex, but the accessibility of the review and the impartiality of the organism reviewing decisions can highly influence the respect of press freedom. The case of Mozambique shows that even with the existence of laws such as libel laws, a country can

still have a moderately free press if the judiciary allows it. There is a need compare these process in all African countries to further understand the generalizability of this hypotheses and especially the process of judicial review..

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## APPENDICES

Table 1

Press freedom	2001	2016
Free	8	3
Partly free	16	26
Not free	21	17

Table 2

Democratization( polity IV)	2001	2015
democracy	19.5%	41
Anocracy	70.7%	47.8
autocracy	6.9%	6.5



VITA

Abdel Qayyoumou Darou-Salim  
Candidate for the Degree of

Master of Arts

Thesis: POLITICAL CONDITIONALITY AND PRESS FREEDOM:  
THE EFFICACY OF USAID PRESS CONDITIONALITIES IN ETHIOPIA AND  
MOZAMBIQUE.

Major Field: Political Science  
Biographical:

Education:

Completed the requirements for the Master of Arts in Political science at  
Oklahoma State University, Stillwater, Oklahoma in May, 2017.

Experience:

Professional Memberships: