



# Ethiopia's return to federalism

A renewed *House of the Federation* could bolster minority rights and languages.

BY TOM PÄTZ

**The** next general elections in Ethiopia are scheduled for May 2005. Observers are hoping for a real competition this time. During the last elections, in May 2000, the government candidate ran unopposed in 50 per cent of the electoral districts for the lower house. But since then, Prime Minister Meles Zenawi has already appeared on television in a debate with two opposition leaders. Other opposition parties boycotted the debate.

Ethiopia has had a federal, democratic constitution, on paper, since 1994. But until quite recently, the reality more closely resembled an autocratic centralized regime, with power concentrated in the Prime Minister's Office.

The 1994 constitution emerged out of a national negotiation that followed more than a quarter century of brutal, bloody civil war and dictatorship. That negotiation had engaged all of Ethiopia's many ethnic groups and regions in an open and inclusive process. What emerged demonstrated a sincere effort to fully integrate Ethiopia's 82 different ethnic groups in the country into the sinew and bone of the constitution.

The constitution provided for strong regional governments and a two-house federal legislature in which the upper house, the House of the Federation, would be the voice of the regions at the centre. (See box: *The House of the Federation*) It also included, quite unusually, the constitutional right for states to secede, after a two-thirds majority vote of the council of the respective state and a simple majority in a referendum organized by the federal government.

Although it did so before the Ethiopian constitution of 1994 was adopted, Eritrea actually followed much the same process when it seceded in 1993.

But between the best intentions of the constitution and actual practice there was a great gulf. The Tigray People's Liberation Front, the leading party in the Ethiopian Peoples' Democratic Front coalition, had established something close to a one-party rule.



Prime Minister Meles Zenawi (r.) of Ethiopia signs the peace treaty between Ethiopia and Eritrea on December 12, 2000 in Algiers.

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## **The House of the Federation**

Because there is no constitutional court, the power to interpret the constitution was given to the House of the Federation. Furthermore, the House decides on issues relating to the "rights of nations, nationalities and peoples to self-determination", and has the responsibility to "promote and consolidate their unity based on their mutual consent". The House of the Federation is also charged with finding solutions to disputes or misunderstandings that may arise between states. It decides on division of revenues derived from joint federal and state tax sources and sets the subsidies that the federal government provides to the states. Finally, it has the power to order federal intervention "if any state, in violation of this constitution, endangers the constitutional order."

The composition of the House of the Federation is quite open. The election of members can be direct or indirect – the decision is left to the state councils, accepting local habits in nominating and electing ethnic representatives. Thus, state councils can decide whether they elect the members themselves or whether elections will be held. Additionally, each "nation or nationality" gets one member for each one million of its population. At present there are 112 members. Of this number, 71 are appointed by the states, and the other 41 seats are apportioned according to population.

## **A split and a policy change**

In 2001, there was a split within the ruling party. Prime Minister Zenawi described it in an interview with the BBC:

"The divisions had to do with ... whether we have done enough in terms of institutionalizing democratic government in this country or not; as to whether we have done enough to promote economic growth and reform in this country or not ..."

Those divisions also extended to foreign relations and to relations with Eritrea.

As a result of the power struggle in the ruling party, the rulers gave greater powers to Ethiopia's second chamber, the House of the Federation. They downsized the power of the Prime Minister's Office, equipped the government with more technocrats and fewer former combatants, allowed frequent internal party debate, and gave the states more space to protect their own interests.

A more genuine practice of federal governance made it possible to resolve conflicts among the states and between the states and the federal government. Self-confidence and self-assurance of the states resulted in open debates on intergovernmental conflicts such as disputes over constitutional jurisdictions and revenue sharing. There were

## **Ethiopia - a recent history**

- 1935 – Italians invade Ethiopia
- 1941 – Emperor Haile Selassie restored to throne
- 1952 – UN federates Eritrea and Ethiopia
- 1962 – Haile Selassie annexes Eritrea
- 1974 – Haile Selassie overthrown by Marxist revolutionaries
- 1991 – Ethiopian Peoples' Revolutionary Democratic Front takes power
- 1993 – Eritreans win independence
- 1994 – New constitution drafted for federal Ethiopian state
- 1999 – War with Eritrea
- 2000 – Peace agreement with Eritrea
- 2002 – Agreement on boundary with Eritrea
- 2003 – Italians agree to return 2,000-year-old Axum obelisk

also debates on regional development policies, debates over cultural, linguistic and religious differences, and resolution of conflicts arising due to lack of intergovernmental consultation. Members of the House of the Federation set up special committees, workgroups, and coordination mechanisms to manage “unity in diversity”.

Because of the self-confidence and new demands of the states, the House of the Federation gained considerable influence. The government gave the House of the Federation adequate financial resources and legal provisions through a special proclamation in July 2001. The House is on its way to making itself into a core institution in Ethiopia's nation-building process.

## **A state copies the national initiative**

The federal government's new-found commitment to federalism found echoes at the state level. One of the nine states, the “Southern Nations, Nationalities and Peoples' Regional State” has created its own version of the House of the Federation. The state added the provision for a “Council of Nationalities” to its constitution in November 2001. This council is made up of at least one representative from each nation, nationality and people in the state. The council was given the power to “interpret the state constitution, organize the council of constitutional inquiry, and decide on (certain) issues relating to nations, nationalities or peoples”. The council was also mandated to “strive to find solutions to disputes or misunderstandings”. Other states with more than one ethnic group are actively considering this innovative and unique institutional arrangement.

## **Canada: Two official languages protect minorities**

### *Gil Rémillard, interviewed by Forum staff*

Canada is a huge country, a vast territory with a small population and two national minorities: francophones, who are the majority in Quebec, but in the minority everywhere else in Canada, and anglophones, who are the minority here in Quebec, but the majority in all other Canadian provinces. This is the current situation and so it was in 1867 when Canada's founders - the “Fathers of Confederation” - decided to create this country. The challenge was to create a country that was decentralized enough to accommodate both the various interests from the different local communities and the rights of minorities, allowing them not only to survive, but to flourish in a new federation.

In 1867 we included certain measures to protect minority rights. In that year, the word minority more or less meant linguistic minority, which also meant religious minority. The Catholics were mostly francophones, since the Irish came to Canada after 1867, and the Protestants were Anglophones. In the Constitution of 1867 there were clauses dealing with minorities which gave rights to francophones in Quebec as well as to francophones outside of Quebec.

The Constitution of 1982 finally completed the Constitution of 1867 and included rights for minorities. With the Constitution of 1982, we recognized that Canada was made up of two national minorities – francophones and anglophones – when we recognized that Canada has two official languages – English and French. From then on we established rights in the Constitution of 1982, such as minority rights – to have public servants and federal authorities across Canada who are fluent in a citizen's own language when there is sufficient need. Most significantly, the 1982 Constitution gave the right to francophones to receive primary and secondary education in their own language throughout Canada, when the numbers are large enough to justify such schools.

Quebec has a population of seven million. Approximately 80 per cent of these seven million have French as their first language and then there are the anglophones, as well as many ethnic communities that speak different languages. There is a very large Italian community, and the Arabic community is also very well represented.

In Quebec, where the majority language is French, there is a law which we call the French Language Charter and which establishes the French as the official language of Quebec. As a result, if you walk the streets of Montreal now you will see the French presence everywhere. Montreal has a French look to it. Montreal also has an internationally renowned character, but still maintains its francophone presence. I would say that this is one of the major success stories of the last 30 years.

At some point in history of the federation all the other provinces had to share when they were in a better situation than the others. But, sometimes, for economic or social reasons – language, history, culture – a province or state might be tempted to say that this autonomy is not sufficient. Some might say “We must become a

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The institutional, legal, technical, and logistic challenges associated with this rapid transformation process are myriad. Borders between states are still not demarcated. Violent conflicts between ethnic groups of different states are common, even though each state has set up a Border Affairs Office to settle conflicts. In sharp contrast to the past, conflicts based on religion are rising. Aggressive campaigns mainly by Protestants and *Wahhabis* – a fundamentalist Muslim group – have led to violent clashes. All attempts to further develop Ethiopia’s political system are affected by the level of poverty and the enormous death-toll rate of the HIV/AIDS epidemic. Apart from keeping the nation together, there is still a lot ahead.

### **Filling the democratic deficit and the food reserves**

Will the powers given to the second chamber and the democratization so far be enough to bring real democracy? If so, will that democracy be able to cope with poor harvests, drought and the threat of a famine such as that of 1984 and 1985?

In January, journalist Michael Buerk, who covered the 1984 famine, told a BBC interviewer why the repeat of such a famine was less likely today.

“First of all the civil wars that cut these people off in 1984 and 1985 and made it so difficult to actually get food to them are over.

“Secondly, there’s a very elaborate early warning system that’s been put in place, so they’re monitoring the price of food and so on and what’s happening in the villages, so it’s an early warning system too.

“And thirdly ... they’ve got a more benign government, at least, than existed in 1984.”

That’s the good news. But there is also the bad news. As Buerk continues:

“... the underlying situation is deteriorating - the population is rising, the ability of the land to feed them is falling - and that deteriorating situation is creating from year to year a really difficult situation and it could happen that the food doesn’t get there in time.”

In 2004, Ethiopia has a real federal government and a way of representing its 82 different ethnic groups. As the BBC’s Buerk says, at the very least, its government is “benign”, compared to the past. Democratic, multinational federalism may be a necessary prerequisite to development and equitable distribution of resources. But democratic federalism alone can’t guarantee that there will be food on the table for everyone during the next drought or crop failure. ☺

#### **Ethiopia: food vs. famine**

- 1984 – Famine from drought kills nearly 1 million
- 1985 – LiveAid concerts by Bob Geldof raise US \$60 million for famine relief
- 1999 – First of three years of bumper harvest
- 2000 – Coffee exports reach US \$250 million
- 2001 – UNPAN reports GDP growth from 1992 to 2001 was 6 per cent a year
- 2002 – Gross National Income is US \$100 per capita; GDP per capita is US \$700
- 2003 – Ethiopia’s own aid concert, “A birr for a compatriot”, raises US \$1 million
- 2004 – Forecast good for harvest, but falling coffee prices cause hardship
- 2004 – GDP growth for 2003 expected to come in at zero to 1.5 per cent

### **Canada: Two official languages protect minorities**

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sovereign state now.” And this is something that we need to understand, particularly in Canada.

Those who believe in the federal system need to show people who want to separate and those who want to express themselves within their federation that federalism is flexible enough because it is a compromise and because it is also strong enough to create a central government. But we also want to show them that with time they can benefit not only socially, but economically and that they will be better off as part of a federation rather than deciding to create their own new country and the international implications of that decision.

It is not easy to respect the equilibrium, this balance. We, as Canadians, know that it is not easy. For decades we experimented with this balancing act, this equilibrium. Of course, we lived through the Quebec referendums on Quebec separation (1980 and 1995), but we also saw significant economic crises in 1975 and 1976 during the Alberta oil crisis when Alberta nonetheless had to put its own provincial interests aside to make things better for the whole of the federation.

What is cultural diversity? It’s respecting cultures, it’s respecting what we should respect, as part of a whole, without needing to assimilate with the whole, but integrating oneself. And the difference between assimilation and integration is so important when we are talking about federalism. That’s what makes all the difference. Federalism integrates. There is a major problem if it assimilates.

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