

Ethiopian Constitution protects diversity

But the right to secession proves a thorny issue along the borders

BY MEHARI TADDELE MARU

MULTIETHNIC ETHIOPIA HAS MIRACULOUSLY remained intact despite a dizzying 30 years that has seen it go from a monarchy to communism to a transition to democracy all while having to endure several droughts, famines and oppressive poverty.

Its strength and its capacity to endure seem to lie in Ethiopia's diversity.

It has more than 85 ethnic communities with different languages or dialects. It is the second-most populous sub-Saharan African country after Nigeria. Ethiopia has religious diversity as well. Christianity and Islam are the largest religions, and Judaism and a number of other religions are also found there.

To govern this nation of 78 million inhabitants, one of the most diverse and conflict-prone in the world, the government introduced "ethnic federalism" which was constitutionally enshrined in 1995. Ethiopia places a high priority on issues related to its ethnic groups, one of the many compelling facets to the country's form of federalism.

From the fourth century AD to 1974, Ethiopia was ruled as several forms of a Christian monarchy. The last emperor, Haile Selassie, was overthrown in 1974 by a Marxist-Leninist military group called the Derg, led by Mengistu Haile Mariam. His group set up a single-party communist state. This regime was overthrown in 1991 by a coalition of largely ethnic-based rebel movements, the Ethiopian People's Revolutionary Democratic Front (EPRDF).

Constitution recognizes communities

The Constitution that came into effect in 1995 established a fed-

Mehari Taddele Maru is an Ethiopian scholar who earned his MSc and LLB from Oxford University. He is currently a Mason Fellow at the John F. Kennedy School of Government at Harvard University.

forumfed.org



An Ethiopian woman arrives at her synagogue in Addis Ababa at the start of Rosh Hashana, the Jewish New Year, in September.

eration made up of nine ethno-linguistically divided regional states and two chartered federal cities – Addis Ababa and Dire Dawa. The nine regional states are Afar, Amhara, Benis-hangul/Gumuz, Gambella, Harari, Oromia, Somali, Tigray and the Southern Nations, Nationalities and Peoples' Region.

However, the Constitution also grants self-government to all ethno-linguistic communities, including, if they so desire, the right to form a regional state or even to secede and form an independent country. The Constitution explicitly states that "all sovereign power resides in the Nations, Nationalities and Peoples of Ethiopia." It defines ethno-linguistic communities as a "Nation, Nationality or People ... a group of people who have or share a large measure of a common culture or similar customs, mutual intelligibility of language, belief in a common or related identities, a common psychological make-up, and who inhabit an identifiable, predominantly contiguous territory."

The federal Constitution explicitly gives all ethno-linguistic communities the right to protect and promote their culture, language and historical heritage through self-government. It assumes that every community has its own territory and confers the right to "a full measure of self-government which includes the right to establish institutions of government in the territory that it inhabits..."

The diversity of the regional states may be measured according to:

- population
- ethnic diversity (multiethnic or homogeneous)
- religious diversity (as it overlaps with other factors)
- way of life (settled or nomadic)
- urban or rural setting

Tigray, Afar, Amhara, Oromia and Somali regional states all are named after their dominant native inhabitants. These states have one dominant indigenous ethnicity and language. The other states – the Southern Nations, Nationalities and Peoples; Gambella; Benis-hangul/Gumuz; and Harari – are multiethnic regional states with no single dominant ethnic community.

SPECIAL SECTION

Unity in Diversity

INDIA 2007



While the federal Constitution has conferred an unlimited right to self-determination to ethno-cultural communities, the regional states are also expected, as some already have, to grant special administrative status to minority ethno-cultural communities by creating special zones called *Liyu Zones* or special districts known as *Liyu Woreda*.

The purpose of this federal arrangement is to promote “unity in diversity” by guaranteeing preservation of the cultural, linguistic and religious distinctiveness of the ethno-linguistic communities, as well as their distinct lifestyles. Thus, in the Ethiopian federal system, diverse identities are not merely tolerated but are constitutionally protected, and public expression of these diverse identities is politically promoted.

Upper house arbitrates

Another institutional expression of “unity in diversity” is the House of Federation. The upper houses in most federations have an equal number of representatives for each constituent unit or else are weighted somewhat for population. The House of Federation, however, is composed of one representative per ethnic group plus an additional representative for each one million population of that group.

This formulation means that, for example, the ethnically very diverse Southern region has a larger voting block than more populous but relatively homogenous regions like Oromia and Amhara. In all cases the representatives are either appointed by the state legislatures or each state may organize direct elections. The roles of the House are less in the general legislative areas and more specifically in settling conflicts between regions, acting as final arbitrator of the Constitution and determining the revenue-sharing formula.

The following cities and regions, which are home to various groups of differing identities, serve as good examples of both the diversity and unity of Ethiopia.

Religious tensions plague Somali state

The Somali regional state has three overlapping identities and a secessionist movement. About 96 per cent of the population of the Somali regional state is Somali and about the same proportion is Muslim, while 85 per cent of the population is nomadic. The nomadic way of life has a culture of bearing arms as a birthright. All these identities are also commonly shared with the population of Somalia, a country with a 1,600-km long border with Ethiopia. The border areas have long served as bases for several Ethiopian secessionist movements and as a safe haven for armed separatist groups fighting in Ethiopia.

There are overlapping identities of ethnic groups along Ethiopia's borders with other countries, including Somalia. Indeed, movements such as the Western Somalia Liberation

Front, which has renamed itself the Ogaden National Liberation Front, are mainly quasi-ethnic and quasi-religious movements, fused with ethnic ties to Somalia. The spillover effects of such movements who claim homelands in Ethiopia and neighbouring countries pose a difficult question for Ethiopia. How do you determine whether a particular movement is a legitimate Ethiopian ethnic group pressing for its legal right to secede or a group of foreign intruders when both share the same language, ethnicity and politics? Some Ethiopians along the border also fear that religious radicalism from Somalia may cross the border into Ethiopia. Recently, there have been sporadic tensions and outbreaks of violence in several parts of Ethiopia between Orthodox Christians and Muslims, heretofore known for their generally peaceful coexistence and mutual respect.

UN body recognizes ancient city

In July 2007, the city of Harar, a UNESCO-designated world-heritage site, celebrated its 1,000th anniversary. Guarded by its medieval walls, the ancient city has been an important centre of Islamic culture and commerce since the thirteenth century. Home to more than 100 mosques, some of which are older than those in Saudi Arabia, Harar is generally considered the fourth holiest city of Islam.

Even though non-indigenous Oromo and Amharas constitute a majority, Harari state is mainly designated to be territorially administered by and for the Harari. The power of the regional state is, therefore, divided mainly between the Harari and Oromo ethno-linguistic communities. Compared to regional states such as Oromia, with a population of 27.3 million, and Amhara regional state's 19.6 million, Harari, with 131,000 residents, would normally be considered too small to enjoy the privileges of a regional state. Nonetheless, Harari's special place in Ethiopian history as a centre of



Young boys from the Hamar people, one of Ethiopia's 85 ethnic communities, watch a bull jumping ceremony in the Lower Omo Valley.

Islamic faith, along with its cultural and religious diversity, has justified this status.

Capital city draws rural folks

Ethiopia's two largest cities are urban oases in an overwhelmingly rural country, melting pots amid ethnically-based states and regions. With a combined population of nearly 3.4 million, Dire Dawa and Addis Ababa are two chartered regional city-states of huge diversity. These cities are the exception in Ethiopia: overall, nearly 85 per cent of Ethiopia's population is rural. Members of almost all of Ethiopia's ethno-linguistic communities live in these two cities, and for this reason, the cities are answerable to the federal government, not to a specific ethno-linguistic group. Although the numerical majority in Dire Dawa is Oromo, Amharic is the official language of city

[PLEASE TURN TO PAGE 21]

transfer of services “downward” and later dealt with the latest power transfers in health and education for some regions.

- Joint plans and programs between Madrid and autonomous community governments, especially in areas of joint or overlapping competencies, including those related to EU implementation.
- Most numerous are bilateral and multilateral collaboration agreements: contracts linking two or more governments. More than 5,000 collaboration agreements have been signed by Madrid and regional governments, as well as countless others between provincial and municipal governments, and special units of government.

The building of Spain’s “State of Autonomous Regions” (*Estado de las Autonomías*) has depended heavily on these four types of agreements and commissions.

Fiscal links are also fundamental in a system that is vertically unbalanced. The latest studies reveal that “own source taxes” – taxes imposed locally – of autonomous communities in 2005 amounted to only 0.9 per cent of all revenues. The autonomous communities receive 50.3 per cent of their revenues as a fixed share of various taxes levied by the central government on their behalf. They receive another 46 per cent in the form of various transfer payments from the central budget (apart from the special fiscal regime for the Basque and Navarre autonomous communities).

Municipalities fare somewhat better, inasmuch as direct and indirect taxes, charges and fees, and other revenue sources in 2002 amounted to about 65 per cent of local revenues. Another 13 per cent comes from state transfers, and the remainder from provincial and autonomous community transfers. Only a portion of these are unconditional, and the others are dependent on completion of specific projects.

Forces that drive intergovernmental relations

Several important factors appear to animate IGR dynamics:

- Constitutional and institutional frameworks of the state, particularly guarantees of autonomy and a share of state revenues, assure that the levels interact.
- Framework laws in many core policy areas, plus the basic structure of autonomous community and local governments, lock in interdependence among levels.
- Europeanization means areas such as employment, immigration, urban waste, landfills, public procurement, employees’ work time and environmental impact involve a fourth tier of government.
- Electoral competition, coalition governments and the rotation of political parties in office have strengthened autonomous communities and, to some extent, local governments, and insulated them from top-down control, creating a “politics of place,” unit by unit of government.
- Spanish political culture feeds on the importance of place and individualism leading to the tradition of multiple unilateral contacts to supplement or complement any multilateral activity.
- Following subnational traditions of deep administrative involvement in intergovernmental relations, administrative and executive federalism are the prevailing interactive modes. These reinforce the federalizing nature of Spanish intergovernmental relations. 

ETHIOPIA [FROM PAGE 16]

administration. Moreover, even if the majority residents of Addis Ababa are the Amhara, Addis Ababa is the capital, not only of Ethiopia, but also of Oromia regional state.

Nomads blur demography

The effect of diversity within one region in Ethiopia can be seen in Gambella regional state, located in southwestern Ethiopia bordering Sudan. An ethnically heterogeneous regional state without a dominant ethnic community, Gambella is host to about 253,000 people from the Anywaas, Nuer, Mezengir, Opio and Komo, plus settlers from Tigray, Amhara, Oromia and Southern Regional State. The Nuers constitute the largest group, 39.7 per cent, while the Anywaa make up 27.4 per cent of the total population.

Gambella has both settled and nomadic populations, so it is influenced by the seasonal migration of the nomadic Nuers, which has an effect on demographic and other aspects, such as power sharing and conflict over resources. As a regional state with a porous international border with Sudan, Gambella has inhabitants in areas where ethnic groups are divided across a border. There was fighting between different ethnic groups there in 2003 and 2004, and the situation is still volatile to this day.

The ethnically-based power-allocation system set by the federal Constitution has affected the relationship among the ethno-cultural communities and led to violent conflicts at the local level as different groups vie for what they see as their rightful share of power and control over resources. Lessons will surely be drawn from this unintended result.

Pragmatists support ethnic federalism

Unfortunately, Ethiopia does not benefit from a broad-based consensus among the political class about the role and brand of federalism that is right for the country. The political reaction to the ethno-linguistic federalist arrangement in Ethiopia can be summarized into three views. First are those who support ethno-linguistic federalism as a matter of the ethno-linguistic communities’ human right to self-determination, up to and including secession. They support federalism even at the cost of unity. Second are those who see ethno-linguistic federalism as regrettable but the only way to prevent disintegration. This is a calculated version of unity: inherently they are opposed to secession but they support ethno-linguistic federalism as a necessary means to unity, not for its own inherent merit.

A third view is held by those who are totally opposed to ethno-linguistic federalism; they want to do away with it and replace it with either another form of federalism or a unitary system. It is this author’s position that if this view was to be implemented it could turn the country into bloody civil war. Moreover, it could lead ultimately to the disintegration of the country – the very outcome the holders of this view abhor. In other words, this position is blind to the essential Ethiopian reality – which is that only a system that politically and legally guarantees and explicitly celebrates Ethiopia’s diversity can achieve durable peace and unity. Ethiopia has the constitutional framework to accommodate diversity. The task now is to apply that framework fairly throughout all of the country. 