

Federal Democratic Republic of Ethiopia

Capital: Addis Ababa
Population: 66 Million
(2002)

Boundaries and place names are representative only and do not imply any official endorsement.

Note: this map does not show the 1995 administrative divisions. A current map is not available.



Sources: CIA World Factbook, ESRI Ltd.,
Times Atlas of the World.



Ethiopia

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Ethiopia introduced a federal system in 1995 after four years of transition following the overthrow of the country's military junta in May 1991 and Mengistu Haile Mariam's flight to asylum in Zimbabwe. Power and resources had been concentrated at the centre for decades, and the central government's failed policy of attempting to assimilate various groups into a narrowly defined set of values of the state (the People's Democratic Republic of Ethiopia) had caused political instability and seventeen years of civil war. Creation of the federal system was meant to end cycles of political crises by decentralizing power and resources and by ensuring self-rule to the various ethno-linguistic groups residing in nine constituent regional states and two semi-autonomous cities (Addis Ababa and Dire Dawa). Given Ethiopia's diversity and its spur to political instability, federalism might appear to be the ideal conflict-management device. Indeed, it has contributed to relative peace, opened up political space for various groups, and improved service delivery. Yet much remains to be achieved in terms of enhancing the autonomy of the states, strengthening the institutions of democracy, and protecting minorities in the regional states.

OVERVIEW AND CONTEXT OF THE FEDERATION

Ethiopia is the only country in Africa that escaped colonial domination. Its many centuries of independence mean that it is a country with its own written script (*Geez*), number system (*Kutur*), and calendar.¹ It is a founding member of the United Nations, and was a member of the League of Nations. It was a founder of the Organization of African Unity (OAU) in 1963 and is home to and a leading member of OAU's successor, the African Union (established in 2002). With an estimated 78,254,090 people in 2008, Ethiopia is Africa's second most-populous country after Nigeria, and it has a territory of about 1,100,000 square kilometres. Ethiopia is highly

multicultural and multireligious. It is home to more than eighty “nations, nationalities and peoples,” as defined by the Constitution. Of these, four nationalities – the Oromos with 34.5 percent (25.4 million), the Amhara, 26.9 percent (19.8 million), Somali, 6.2 percent (4.58 million), and Tigrayans, 6.1 percent (4.48 million) – constitute about 74 percent of the total population. While language is a key defining feature of each group, clan (as in the lowland states of Afar and Somali), provincialism (as in the Oromo and Amahara states), and religion are also important factors in inter-group and intra-group relations.

Ethiopia is also religiously diverse, with 44 percent of its population professing Orthodox Christianity, an estimated 34 percent being Muslim, and the rest belonging to other religions. The two oldest religions, Christianity and Islam, although sometimes at odds with each other, have served as unifying factors crosscutting ethno-linguistic boundaries. A common civilization ethos, as well as a shared history of resistance against colonial aggression, also left a strong unifying legacy that serves as a tool for federal integration. Indeed, the preamble to the Constitution, while acknowledging the historically unjust relations among the groups, emphasizes common interests and a common outlook resulting from centuries-old interaction. This does not mean that Ethiopia’s territory and provincial arrangements remained stable for centuries. Ethiopia expanded and shrank depending on the strength of its rulers. Provincial boundaries have also been restructured several times. In the twentieth century alone, nearly all the emperors and the military divided and subdivided provinces several times. The country was reorganized again after the overthrow of the military in 1991.

Ethiopia’s economy is mainly based on agriculture, which accounts for 41 percent of its GDP, 60 percent of its exports, and 80 percent of its employment. As of 2007, the GDP per capita was US\$700. Ethiopia, along with South Africa, has the largest number of UNESCO World Heritage Sites in Africa. The country also is well known for its rock-hewn churches and for being the origin point of the coffee bean.

Except for the twentieth century and some historical exceptions, Ethiopia existed as a political entity for most of its long history,² principally with a monarchy and Orthodox Christianity serving as pillars of unity and with a political system established on a balance between centripetal and regional forces. Regional governments exercised important powers such as taxation on some economic activities, maintenance of local security, and trade regulation. Such de facto decentralization is enshrined in the oldest constitutional document, the *Kibre Negast* (Glory of the Kings). Written in 1320, the document defined the core of the Ethiopian ethos, the source of legitimacy of the emperor, and the rules for succession to the throne. A loose decentralization scheme also is reflected in the imperial design. The plurality of kings, with

the *Niguse Negast* (king of kings) above them, signified some kind of federal or confederal government structure.³ Thus, the seeds of what some authors call “federal society”⁴ (regionally grouped diversity) have been there for a long time.

The decentralized feudal state structure came to an end with the coming to power of Menlik II (1889–1913), who dismantled all regional political entities by force. Centralization became complete with the coming to power of Emperor Haile Selassie (1930–74) and the Communist military regime (1974–91) that replaced him, giving rise to a protracted civil war and political instability.

There are contending interpretations of the causes of the political instability. However, most interpretations seem to converge on the idea that the crisis resulted from an over-concentration of power and resources at the centre by some sectors of the society, which also forced the various ethno-linguistic groups to assimilate into narrowly defined values of the state, namely, the Amharic language and Christian religion.⁵

The process of centralization was not without consequences. The notion of the state and its values, institutions, and culture was imposed on the previously semi-autonomous kingdoms, and this gave rise to the “question of nationalities.”⁶ It is not surprising, therefore, that the legitimacy of the government, its institutions, and the values upon which it is established remains a key source of tension and, at times, the cause of seemingly terminal crises. In other words, the most challenging issue is how to constitute a legitimate government from all the ethno-linguistic groups that do not squarely fit the usual notion of national majorities versus national minorities.⁷ The traditional ‘nation state’ project assumes the existence of a dominant national group, and in countries such as Ethiopia where there is no clearly dominant majority, the state becomes a mask for the alleged majority’s culture, language, and religion to become the national culture, language, or religion.⁸ Perhaps the absence of such a numerical majority dominating the political process at the centre goes far to explain the persistent regime instability that arises from inter-ethnic tension and rivalries among groups contending for exclusive control of power.

Although intense competition occurred between ethno-nationalist parties and class-based parties that emerged during the early 1970s to overthrow the regime, the former dominated the scene. The present ruling party, the Ethiopian Peoples Revolutionary Democratic Front (EPRDF), which is a coalition of ethno-nationalist parties and a main architect of the transition (1991–94) and the present Constitution, long advocated for the right of self-determination for nationalities up to and including secession as a decisive remedy for Ethiopia’s long-standing “nationality question.”⁹ Consequently, virtually all shades of opinion seem to agree that the federal option is the only viable and reasonable alternative for Ethiopia, even though there remains a wide range of divergence on details.

DIVISION OF POWERS, INSTITUTIONS, AND POLICIES

Although some observers contend that Ethiopia is a ‘coming-together’¹⁰ federation, it appears, textually, to reflect aspects of both ‘coming together’ and ‘holding together.’ The Constitution’s preamble, which begins with “We, the Nations, Nationalities and Peoples of Ethiopia ... Strongly committed in full and free exercise of our right to self-determination,” along with the placing of sovereignty in these entities¹¹ and the subsequent reorganization of the units according to ethno-linguistic criteria imply the coming-together type of federation.¹² If the federal government abuses the right to self-rule of the nationalities, the nationalities are entitled to reassert their powers of sovereignty by seceding from the centre. This collective right of nations, nationalities, and peoples is clearly spelled out as the right to self-determination.¹³ This right is not even subject to derogation during a national emergency.¹⁴ Thus, the foundation of the Ethiopian state as well as its continuance requires the ongoing consent of each “nation, nationality, and people.”¹⁵ This gives one the impression that the federal polity is a union formed through the free consent of the various groups.

However, there are also holding-together aspects, and it would be an exaggeration to say that Ethiopia is a federation built from its nationalities. The present state organization does not reflect the pre-1991 organization of the provinces. Provinces were by then arranged merely on the basis of administrative convenience and consisted of an amalgam of nationalities. In the post-1991 development, states are designed with a view to ensuring the right to self-rule of the nationalities. Thus, Ethiopia is a federation established from a formerly unitary state, and the regional states (unlike those in the United States) had no prior existence as states. Even if any one existed, it was only as a province in a highly centralized imperial state or military dictatorship, or during the brief transition period of 1991–94.¹⁶

With a view to addressing the age-old cause of the state crisis, creation of the federal system was intended to decentralize power and resources and resolve the ‘nationalities question’ by accommodating the country’s various ethno-linguistic groups governmentally. Among other things, the Constitution states that the federal government and the constituent states have legislative, executive, and judicial powers.¹⁷ The federal government is granted enumerated and limited powers;¹⁸ the regions retain residual powers.¹⁹ The Constitution also comprises a brief account of some powers for the states in addition to the reserve power. It is also worth noting that the Constitution provides neither “a necessary and proper clause” as in the United States Constitution nor a comprehensive list of shared powers as in Germany’s Basic Law. Even those powers that appear to be exclusive federal powers seem to have some limitations in scope.²⁰

Table 1
Total population of Ethiopia by regional states

Region	Total	Percentage
Tigray	4,314,000	5.8
Afar	1,411,000	1.9
Amhara	17,214,000	23.3
Oromia	27,158,000	36.8
Somali	4,439,000	6.0
SNNPRS (this region hosts 56 'nationalities')	15,042,000	20.4
Benishangul-Gumuz	670,847	0.9
Gambella	306,916	0.4
Harari	183,344	0.2
Addis Ababa	2,738,000	3.7
Dire Dawa	342,827	0.5
Total	73,819,934	100

Source: Central Statistical Authority, 2007 census. The average annual population growth is 2.6 percent and the current population estimate is 78.3 million.

The Constitution empowers the federal government to “formulate and implement the country’s policies, strategies and plans in respect of overall economic, social and development matters [and] establish and implement national standards and basic policy criteria for public health, education, science and technology.”²¹ This is perhaps more than a necessary and proper clause because it grants the federal government wide powers over economic, social, health, and education matters. It places primary responsibility on the federal government to determine major policy directions and standards. However, if one follows the terms closely, the powers of the federal government even in these vital areas do not seem exhaustive. The Constitution also empowers the states, among other things, “to formulate and execute economic, social and development policies, strategies and plans for the state.”²² There is obviously much overlap between the powers of the federal government and the states concerning economic, social, and development plans, as well as health and education. It seems clear from the provisions that the federal government cannot exhaustively and exclusively legislate on all these matters. The wording of article 52 (2) seems to suggest that the states are endowed not merely with administrative power but also with the power to formulate and execute economic, social, and development policies. No doubt, this power is the basis for shared and framework powers covering the bulk of the social and economic sphere, but conflicts emanating from the overlap of power are settled through the House of Federation (HOF).

The federal system operates within a parliamentary form of government.²³ Nationally, there are two federal houses in Parliament: the House of Peoples Representatives (HOPR) and the HOF.²⁴ The former is composed of members elected by the people for five-year terms in direct and fair elections. It contains 547 seats, twenty of which are allocated to minorities. The members of the HOPR are believed to be representatives of the Ethiopian people as a whole, not of specific groups.²⁵ Although on appearance one may get the impression that the two-chamber Parliament is responsible for federal policy-making, the HOPR has the sole power of legislation in all matters assigned to the federal government. The HOPR is the highest authority in the federal government.²⁶

The federal executive consists of a ceremonial president (Girma Wolde-Giorgis) and a powerful prime minister (Meles Zenawi), along with his cabinet whose members are elected from among the members of the HOPR. In this sense, the prime minister is not necessarily the party leader.²⁷ Both as a result of constitutional principle (article 39(3)) and practice, there is every attempt to reflect the country's diversity in the establishment of the executive. The federal president, who is the head of state, is nominated by the HOPR from among its members but is approved in a joint session of the two houses by a two-thirds-majority vote for a term of six years. The president's powers are nominal and symbolic. The president opens a joint session of both houses of Parliament every September, signs a draft law before its promulgation, and receives credentials of foreign ambassadors.²⁸

The institutions of the regional states (e.g., legislature, executive, tax authority, and civil service) are very similar across the states, and most of the capital cities of the states, including the federal capital, Addis Ababa, are also the political, economic, and cultural capitals, with the balance being heavily in favour of Addis Ababa. The states' legislative bodies are unicameral except in two states – Harar and the Southern, Nations, Nationalities, Peoples and Regional State (SNNPRS) – where second chambers exist mainly to address the concerns of specific groups. According to article 50(5), states are empowered to draft, adopt, and amend their own constitutions subject to some restrictions stipulated in the federal Constitution. Accordingly, all the states have adopted constitutions and amended them on several occasions.²⁹

Unicameral Legislative Authority and Adjudication of Disputes

The Constitution provides for a two-house federal Parliament, but this is in some sense misleading because the second or upper chamber (HOF) is not part of the federal law-making process. The lower house (HOPR) has exclusive power for federal law-making and a federal bill does not need the consent of the HOF to become a law.³⁰

In terms of composition, article 61 (2) of the Constitution stipulates that “each Nation, Nationality and People shall be represented in the House of Federation by at least one member. Each Nation or Nationality shall be represented by one additional representative for each one million of its population.” The provision does not indicate any rational upper limits like those in the German Basic Law. As a result, the nationality with the largest number of people has as many seats as its size may allow in the HOF. The HOF currently has 112 members representing 69 nationalities, although the two autonomous cities – Addis Ababa and Dire Daw – have no representation in the HOF. Thus, in effect, not all nationalities are represented in the HOF. As of 2005, state governors have been among the key members sent to represent the states and nationalities in the HOF and to decide crucial issues such as the federal subsidy to each state. As a matter of practice, members of the HOF assemble only twice a year, no more than four days in total, unless extraordinary circumstances require a meeting. This has given the impression that it is ‘a part-time house’ with many issues awaiting decision. As for the selection/election process, article 61 (3) envisages two possibilities. Members of the HOF may be elected indirectly by the state legislatures, or the state legislatures may allow the members to be elected directly by the people. So far, all members are indirectly elected by the state legislatures.³¹

Federal practice elsewhere suggests that a genuine federation should not only guarantee autonomy to the states but also incorporate the states in the national decision-making process.³² Ethiopia’s federal system departs from this pattern and grants the HOF, among other things, the power to interpret the Constitution, resolve disputes among the regions, and decide on inter-governmental subsidies and joint taxes. This implies that the judiciary’s role in settling and interpreting constitutional disputes is minimal.

The policy choice of the framers to vest the power to interpret the Constitution and to review the constitutionality of laws in the HOF rather than in the judiciary had something to do with the reputation of the judiciary and ideological matters. First, the framers of the Constitution regarded the Constitution as a “political contract among the nationalities” and, thus, only a house composed of representatives of the nationalities should be vested with the authority to determine the scope and meaning of the text of the Constitution. Hence, the HOF is firmly tied to the idea that the Constitution provides an overriding place for the rights of nationalities.

Second, in historic Ethiopia, adjudication of cases formed part and parcel of public administration. Indeed, adjudication of cases was considered to be the principal function of the executive justice.³³ As a result of this blend of functions, the judiciary never enjoyed autonomy as a third branch of government responsible for enforcing the rule of law. Its prestige and reputation were at its lowest ebb during the early 1990s; consequently,

there was considerable skepticism over its ability to arbitrate constitutional matters, which shifted this crucial function to the HOF.

An overall assessment of the performance of the HOF in adjudicating constitutional issues reveals that it has played an important role, particularly in cases of high political significance – cases of the nature where the US Supreme Court would refuse to decide, citing the ‘political question doctrine.’ An example is the Silte case. Central to the Silte case was their claim to have a distinct identity (from the Guraghes), although both groups were widely considered to belong to the same ethnic group, and to have a right of self-rule in local governments within SNNPRS. The case resulted in a complex process of finding out who the ‘self’ is that is entitled to administer itself, the respective role of federal and state institutions in the process, and the procedures to be followed. The HOF, after a long process of consultation with the regional state, concluded that determining the identity issue is part of its mandate. The HOF then decided that a referendum be held in SNNPRS. The referendum was held in March 2001. Only the Silte community participated, and the referendum resulted in the establishment of a separate zonal structure for the Silte after seceding from the Guraghe within SNNPRS.

The HOF’s mandate for deciding delicate political issues is linked to its quasi-political nature. However, this is not without possible implications as to its impartiality, as Ethiopia is venturing into multiparty politics. So far, the federal system has operated under one dominant party, and the HOF’s impartiality has not been put to the test. With the emerging multiparty politics, it remains to be seen how far the HOF will serve as an impartial adjudicator on important intergovernmental conflicts. Furthermore, the institutional competence of the HOF in terms of experts and regularity of sessions is far from satisfactory.

Language, Education, and Religion Policies

The adoption of one or more working languages is one of the thorny points of contention in multicultural federations. Regional and ethno-linguistic groups usually press for the official recognition of their language in both the regional and federal arenas. One reason is that language is seen as highly related to the cultural self-identity and survival of groups.³⁴ Another is that it is intertwined with the power position of ethnic groups. To a certain degree, it affects access to national jobs and, therefore, the participation of members of ethno-linguistic minorities at the centre.³⁵

The adoption of more than one working language may be a substantial burden, but it is a price that must be paid where imposing a single language is likely to disrupt the state. The counter-argument is that a single national language serves as both a lingua franca and a means for promoting national

unity. Multicultural federations have often adopted either of the two approaches at the federal level to settle the issue of official language.³⁶

Ethiopia's pre-1991 regimes insisted on having one official, national language for all affairs of public life. The 1995 federal Constitution attempts to balance the interest of maintaining national unity, on one hand, and the demand of ethno-linguistic groups for cultural preservation and distinctiveness, on the other. It declares Amharic as the working language of the federal government but does not spell out the working language for communication between the federal government and the states, although as a matter of practice, Amharic remains the principal intergovernmental language.³⁷

The Constitution gives equal recognition to most languages and entitles member states to determine by law their respective working languages.³⁸ Education policy as well dictates the use of the mother tongue in elementary schools. These approaches open the way for the states to adopt their own working languages. Looking at the practical records of the regional states, three different approaches seem discernible. First, some five states have adopted their own majority's language as the working language of their regional administration. Three other states, which do not have a majority ethnic group, have chosen Amharic as their working language. The third trend is the one adopted by the state of Harari, where Harari and Oromiffa have been chosen as working languages.³⁹

The position taken by the federal Constitution is considered too much by some and too little by others. Some contend that given the ethno-linguistic lines the federation claims to follow, it was expected that some of the dominant languages would serve as equal working languages.⁴⁰ Others argue that even this midway position is unacceptable and has created the biblical Tower of Babel in Ethiopia. They go still further and state that Amharic should have been considered as the national language of Ethiopia.⁴¹ While the former observation seems to be correct in light of other multicultural federations (like Switzerland with 7 million people, four languages, and a well-developed economy), it should be seen in the Ethiopian context of 78 million people, more than eighty languages, and a poor economy. The latter view simply closes its eyes to the fact that the accommodation of diversity is an equally important value in federations.

In terms of religion, the federal Constitution mandates secularism (article 11) and a strict separation of state and religion in response to the historical marginalization of Islam and other non-Christian religions.

Overall, since the introduction of the federal system, there has been an improvement in access to education and health. For example, until 1991, there were only two universities, with limited capacity. As well, access to elementary education was limited to 19 percent of school-age children. During the last decade, some twenty-one new universities have been built, and new ones are emerging. The new universities are fairly well distributed

throughout the states. Access to elementary education has reached 92 percent. There has also been significant improvement in infrastructure such as roads as a means of building “one economic community.”

However, the general features of Ethiopia’s Constitution have to be understood along with several other distinct features.

*Explicit Recognition of Nations/Nationalities as Building Blocks
of the Federation and its Implications*

Many multicultural federal systems, such as those of India and Switzerland, provide recognition and accommodation to communal groups in one way or another. The most striking feature of the Ethiopian federal system, distinguishing it from many others, is the “explicitness, at constitutional level, of its affirmation of the national self-determination and the logical consistency with which it attempts to institutionalize that principle.”⁴² Not only are nations and nationalities granted the right to form their own states but they are also guaranteed the right to walk away from the federal pact after going through some strict procedures. The constitutional amendment procedure (articles 104–105) also is very rigid, requiring the consent of all the states by majority votes for some matters and two-thirds of the states for other matters. Interestingly, it is the state and the Constitution itself that encourage groups to think of themselves as a nation or nationality and promote themselves as a candidate for statehood. The granting of a ‘mother state’ to some of the major nationalities is a logical consequence of this. In principle, there is no constitutional asymmetry among the states, although there is some level of political asymmetry. As illustrated in the following sections, the constitutional arrangement, with its emphasis on nationalities’ right to self-rule, is not without consequences.⁴³

Asymmetry and the Role of the Ministry of Federal Affairs (MOFA)

There is a peculiar feature related to the explicit recognition of the nationalities as building blocks of the federation. In many other multicultural federations, the federal outcome arose in response to a particular sort of problem, namely, competing nationalisms within a single state. It evolved out of piecemeal democratic negotiation and in response to particular nationally mobilized groups.⁴⁴ To borrow Richard Simeon’s phrase, there is bound to exist the problem of a “diversity of diversities.”⁴⁵ That is, there are certainly differences in terms of historical roots, size, degree of cohesion and mobilization, level of marginalization, and the like among the various groups in a country. The strength of the claims of these diverse groups is, therefore, expected to be different, requiring flexibility in the design of the constitutional solution. In Ethiopia, the state structure represented by

the central government was forcefully dismantled by national liberation fronts (in 1991) that fought against the system and represented the ethno-linguistic groups in different parts of the country. The decision to create the federation came from the victorious national liberation movements under a circumstance where the military and security apparatus of the unitary state was practically abolished. The Ethiopian approach is, therefore, revolutionary in its straightforward granting of self-determination and self-rule to the country's nations and nationalities. Certainly, there were dozens of ethno-nationalist movements claiming some form of regional autonomy and even, at times, secession.⁴⁶ However, it is also true that not all groups within the Ethiopian state were mobilized, and if mobilized, they were not necessarily mobilized on an ethno-nationalist basis. The point is that federal autonomy has been accorded to some groups that had not, in fact, been mobilized politically. This is not without implications.

Because the groups have not mobilized ethno-nationally and because some of them failed to articulate regional interests as political entities, some of the constituent units, notably Afar, Somali, Gambella, and Benishangul-Gumuz (often described as less developed states), have not yet been able to evolve into viable entities as expected, even after a decade of federal experience. Certainly, there are many contributory factors to this state of affairs.⁴⁷ It must be noted that the federal system was introduced after the fall of a highly centralized regime that had neglected the interests of the bulk of the ethno-linguistic groups. Thus, from inception, most of the constituent states, due to historic marginalization, lacked skilled manpower and resources to staff the newly established local institutions. Historic marginalization also meant that there was little or no infrastructure in the less-integrated regions, making self-rule difficult. Less integration in historic Ethiopia also implies that the inhabitants of lowland regional states, in relative terms, being mostly pastoralists, lacked the tradition of an indigenous settled administration and a disciplined ruling party capable of articulating a regional interest. Thus, not only are disciplined and institutionalized local parties non-existent but local politics also operates under a socially fragmented and sectarian political elite.⁴⁸ As some of these lowland regions are also located on the borders with neighbouring states, local politics is very much interlinked with regional politics (the Somali region being the classic case) and thus subject to manipulation and maneuvering by internal and external forces. These and other factors facilitated governmental and party interference from the centre. The low level of political development in these regions means that the national ruling party plays a greater role in local administration than in other constituent states.

The key federal institution in this respect has been the Ministry of Federal Affairs (MOFA), which, until 2001, used to 'hire and fire' the governors and other key office-holders of the less-developed states. Since 2001,

its role has been moderated and limited to “enhancing the capacity of the less developed states.” Following the third national election held in 2005, MOFA was additionally mandated to coordinate intergovernmental activities between the federal and state governments, although, in reality, its activities are still limited to its old mandate. Thus, there is practically no institution for intergovernmental interaction other than the political party machinery. Close observation of the performance of some of the states suggests that they have not yet been able to articulate distinct regional interests or to develop a viable political unit that can compete with the federal government in intergovernmental relations. In short, some states do not seem to have acquired the status of nation or nationality, which the Constitution seems to grant them.⁴⁹ Whether this calls for an asymmetric arrangement with greater powers for the federal government, so far undertaken through the MOFA, or whether it should be seen as a transitory challenge is a thorny issue, but in the short run, it seems to legitimize the greater intervention of the federal government in the less-developed states than in the other states.

More of ‘Building Out’ than ‘Building In’

There is another consequence of the emphasis on the territorial principle (articles 46 and 47). In as much as a federal system is about self-rule (building out), it is also about shared rule (building in). The balance between the two has always been subject to debate even though their importance is beyond doubt. The granting of mother-state status may be important in terms of concrete recognition of diversity, but the recognition and promotion of diversity observed in other federations does not stop there. What is equally important is the inclusion of diversity in federal institutions. Diversity is not in itself a threat to integration,⁵⁰ but it becomes a fertile ground for federal instability if the political system is not able to give it political expression. The federal arrangement, by territorializing the state, concretizes self-rule and, as some critics indicate, ‘fragments’ the state. With a view to ensuring the right to self-rule to the nationalities, the Constitution either grants mother states to the nationalities or, as in the case of the SNNPRS, ensures self-rule for certain groups at local government level. Thus, it takes the right to self-rule seriously. Yet, an important aspect is missing. The Constitution fundamentally fails to integrate what it fragments. The emphasis on self-rule should be complemented by proportional representation in elections,⁵¹ in the civil service, in the executive, and in the judiciary. There is a constitutional clause (article 39(3)) to that effect, but it has serious limitations in practice. As was noted above, the second chamber (HOF) has little or no role in relation to policy-making and, even then, its representation is far from what would be desirable.

These are crucial factors of integration that should focus on shared rule and counterbalance the emphasis on self-rule. While ensuring self-rule to the nationalities is a step in the right direction, such self-rule needs to be complemented by institutional arrangements that give effect to power-sharing schemes among the various federal, regional, and local actors.

FEDERALISM AND SECESSION

A related issue is secession, one of the highly contested provisions of the Constitution. Article 39 of the Constitution expressly incorporates the right of nationalities to secede after complying with some procedures.⁵² This right cannot be suspended even during a state of emergency.⁵³

Briefly, the procedures for secession are as follows. First, a demand for secession has to be made to the legislative council of the nation, nationality, or people concerned and has to be approved by a two-thirds majority of the same body. Second, the federal government has to organize a referendum in the state or locality within three years from the time it received the concerned council's decision for secession. Third, the demand for secession must be supported by a simple-majority vote in the referendum. Fourth, the federal government must transfer its powers to the council of the nation, nationality, or people who have voted for secession. Finally, assets must be divided in a manner prescribed by law.

Part of the argument for secession is based on the construction of the principle included in the preamble and the clause (article 8(1)) that declares the nationalities as sovereign.⁵⁴ The nationalities are the founders of the Constitution, in general, and of the federation, in particular, and hence have the right to go away from it when they feel aggrieved by the fact that the terms of the compact are being abridged by the federal government.

The inclusion of such right, it may be contended, is justified by extra-federal factors. The arguments for the inclusion of secession are not based on any prior history of the states as sovereign entities but rather on the notion of nationalities' right to self-determination, which in turn is the outcome of the leftist-oriented Ethiopian Student Movement of the 1960s and the ideology of the 'nationality question' as implemented by the EPRDF. The exact scope of this self-determination right is not often clear because it has been used by different political parties to mean different things. For many, it means nationalities' right to self-rule within a multicultural and democratic Ethiopia in which there is equal recognition of culture, religion, and language, but for the ruling party, it also includes secession.

Some analysts contend that the procedures for the exercise of secession are strict, and they even doubt there is a political will to exercise it. Barbara Thomas-Woolly and Edmond Keller wrote: "When EPRDF overthrew the military regime in 1991, ethnic groups that had been historically oppressed in

Ethiopia were promised the right to self-determination but it soon became clear that what the EPRDF envisioned was regional autonomy for ethnically based sub-states within the context of an Ethiopian federal union.”⁵⁵ It is difficult to prove the veracity of these allegations, but they hint that there is much skepticism about its application. Nevertheless, secession is expressly singled out as a constitutional right.

The emphasis on nationalities’ rights and the subsequent state reorganization to ensure self-rule is hailed by its advocates as an aspect of the democratization of state and society and as a ‘stroke of genius’ that will reduce tension and conflict in the country and, at its very best, be a model for governing multi-ethnic states in Africa.⁵⁶ Its critics, however, argue that Ethiopia’s “ethnic based federation” is a sign of the first mark of disintegration.⁵⁷ They contend that the whole arrangement is a treaty of alliance among nearly sovereign ethnic groups and that since the adoption of ethnic-based states, Ethiopia’s federation became virtually extinct.⁵⁸ It is stated that “regionally based ethnicity may reinforce the demands of some ethnic groups for more and more states and finally for secession.”⁵⁹ Overall, these critics emphasize the politics of difference and the subsequent threat of fragmentation.⁶⁰

Although the argument that “ethnic” federalism tends to sharpen and institutionalize previous differences and carries with it the danger of fragmentation has some validity,⁶¹ it needs qualification.⁶² It is a global issue, and any multicultural federal system, be it Ethiopia, India, or any other country, carries with it two existential problems, however successful it may be. There is always the problem of integration in any country with minorities and more so in multicultural federations. There are bound to exist “two solitudes”⁶³ or “three nationalities with their backs to each other”⁶⁴ or “hard and open ethnic identities.”⁶⁵ Multicultural federations also attempt to contain the threat of secession, but by the mere fact that they are multicultural, they cannot avoid it altogether. After all, multicultural federations are potentially (in the worst-case scenario) many nation-states in the making. It is not, therefore, endemic to Ethiopia nor is the ruling party to be blamed for institutionalizing it. Whether the federal system will consolidate unity in diversity or fragment among the various groups depends on commitment to the federal principle, accommodation of difference and political pluralism, and more importantly respect for human rights – a matter that appears not to be taken seriously by the ruling party.⁶⁶

POSITIONS OF MINORITIES IN THE REGIONAL STATES

One serious challenge emerging as a consequence of the nationalities’ right to self-rule is the treatment of minorities in the constituent units. Although what constitutes a minority has been contested, the term implies

that they are less in number compared to the rest of the population of the country or region, and as a result of the democratic game of numbers, they are in a non-dominant position. The minorities consist of nationals of the state of residence who possess ethnic, linguistic, or religious characteristics that distinguish them from the rest of the population and who wish to preserve their identity instead of integrating into the dominant group.⁶⁷

In Ethiopia, at least two groups of minorities deserve serious attention. In Oromia, Amhara, Tigray, Afar, and Somali – five of the nine regional states – a majority nationality dominates the political process in each state. Other ethnic groups in these regional states are, therefore, minorities. Another concern emerging in Gambela and Benishangul-Gumuz is that many economic migrants and people who were forced to resettle in these states as a result of national government policy in the 1980s have become victims of political marginalization because the federal system favours the locally dominant ethnic groups.

A key problem is that the dominant ethnic groups in these five states consider themselves ‘owners’ of their respective mother states. Citizens of different ethnic backgrounds and individuals who do not like to associate themselves with any ethnic group have practically no rights or political voice, which certainly contradicts the provisions of the Constitution that guarantee a wide range of rights and stipulate the right to work and live in a place of one’s choice.⁶⁸ In these respects, frequent conflicts in Oromia between the Oromos and minority Amharas (some three million Amharas are believed to dwell in the region) have led to loss of life and destruction of property at different times. Bedeno, Arba Gugu, and Gara Muletta are clear instances.⁶⁹ In 2002, as a result of mobilization orchestrated by local political elites, a large number of Amharas were evicted from southwest Oromia to the Amhara region, and their quest for return remains as yet unsettled.⁷⁰

Despite some alarming reports and signs of abuse, the threat against local minorities has not been given the necessary attention by federal and regional government authorities. Incidents have been tolerated so far, but they could turn into explosive situations at any moment, aggravating the fragile transition. There are still ample indications of this kind of tension and threat to minorities in several parts of the country. On several occasions (between 2005 and 2006), the authors have observed a high sense of insecurity felt by minorities in Oromia (Jimma area) and SNNPRS, so much so that the minorities have started to remit the income they generate from their businesses to places of their ethnic origin. Further confusing this delicate position of minorities are provisions of the constitutions of some of the regions issued even after the decision of the HOF in the Benishangul-Gumuz case decided in March 2003. The decision ensured the right of minorities to be elected to public offices but some regional state constitutions continued to relegate minorities to second-rate citizenship. For example,

the revised Benishangul-Gumuz Constitution and that of Gambela, article 34, distinct from what is provided in other state constitutions, only ensure the right of minorities to work and live in those states, and not the right to be elected to public offices.⁷¹

One of the key challenges for Ethiopia, therefore, is how to ensure self-rule to the different nationalities without damaging or eroding the bonds and virtues of national citizenship. Seen from this angle, the federal system has produced mixed results. Whether the federal system in Ethiopia is to enhance the bonds and virtues of citizenship and reduce tensions depends on whether the federal and state institutions are keen enough to address the concerns of the minorities. This could be done, in part, through the establishment of second chambers in the regional states to balance the interests of both the locally dominant groups and the dispersed minorities. Additionally, the federal executive, the federal and state judiciary, the Human Rights Commission, and the Ombudsman need to be well organized throughout the country if the bulk of human rights provisions enshrined in the Constitution are to be enforced meaningfully. This is perhaps the only way to guarantee interstate mobility of labour and capital.

'Federation' Within a Federation in the SNNPRS

Our earlier presentation of the federal system as granting mother states to nationalities could be misleading. Despite the attempt to grant a mother state to each of the dominant nationalities, the process has not resulted in homogeneous states. In this sense, Ethiopia, like other multicultural federations, has "partial ethno-territorial federalism."⁷² In this case, it is a federation in which only major nationalities have and administer their own autonomous units. While five of the states have clearly dominant nationality groups, the other four states are clearly multicultural, and SNNPRS, made up of more than fifty-six ethno-linguistic groups, is spectacularly diverse.

SNNPRS is peculiar in some respects.⁷³ It is a constituent unit with extraordinary heterogeneity and relatively small ethno-linguistic groups in which local governments (the zone, *weredas*⁷⁴ or special *weredas*) are designed to ensure self-rule to the various groups. This is the region, though not necessarily in its present form, that was subjected to harsh political realities and subjugation during the last quarter of the nineteenth century. During the transition (1991–94), it was reorganized into five states, but following the adoption of the Constitution, it emerged as one state. One can offer two conflicting hypotheses about SNNPRS. On one hand, it is possible to state that the territorial approach is less feasible in SNNPRS because there are many ethno-linguistic groups, some of which are very small (i.e., not exceeding 2,000 people). However, there has been a move along that line in recent years. The Southern Ethiopian Peoples Democratic Front

(SEPDF), the ruling party in the state and also a member of the EPRDF, was originally a coalition of some twenty ethnic fronts operating in the south. It was transformed into one party (movement), the SEPDM, in 2002.⁷⁵ Along with it, following the post-2001 state constitutional reform, more emphasis was put on *weredas* as regards the allocation of budget resources. It is reported that this was done in order to weaken the demands for more local governments that were fueled by the budget-allocation formula. By creating more sub-units, the ethnic groups, rightly or wrongly, believed that they would share in more of the national budget. This belief led to further restructuring in the region from nine zones to thirteen zones and eight special *weredas*.⁷⁶ Given this reality, some observers have suggested an asymmetric federal system, that is, a greater role for the federal government in SNNPRS like that in Afar, Gambela, and Benishangul-Gumuz.⁷⁷

However, this argument is not without limitations, which brings us to the second hypothesis. The most frequent and deadly conflicts that have occurred since the introduction of the federal system in 1995 have been in the same states: SNNPRS, Gambela, and Benishangul-Gumuz.⁷⁸ Many factors brought about these conflicts, but certainly an important one is the failure to design adequate mechanisms for dealing with the complexity associated with multiple ethnic groups living in each of these states. These are the states in which the grant of mother-state status has not been actualized fully because of an alleged lack of a dominant nationality or because of the presence of too many small ethnic groups. Relative peace has been restored in some of these states: for instance, in SNNPRS after the Wolayta, Silte, and Kaffa-Sheka were granted local governments. This seems to make a strong case for further restructuring of the state governments, along with the general view that nationalities should be granted their own 'mother local governments' within multi-ethnic regional states. However, this brings with it the issue of where to begin and end the reorganization of the sub-units within the region. Claims are still being made for more zones and *weredas* in several parts of SNNPRS, and the creation of a new state (the Sidama claim potentially being one) as a member of the federation cannot be ruled out either.

Both hypotheses are tentative, and not much more can be said about this very dynamic region. Even so, SNNPRS exhibits both fear and hope. The fear is that there will be continuous rivalry among some of the ethnic political elites for control of regional power at the expense of other groups. Such fear seems to be motivating groups that feel marginalized within the state to raise issues of further redrawing of new zones, *weredas*, and even new states. In many instances, deadly conflicts have resulted from this rivalry and fear, carrying with it the threat of opening a Pandora's box of where to end once restructuring of the state begins. A newly emerging multicultural federation may need to be flexible in order to adjust territorial boundaries to meet new

ethno-linguistic demands, which can be expected in a holding-together federation, but too much flexibility might lead to the Nigerian federation's logic of seemingly endless fragmentation via new-state creation.

The hope and rather promising point about SNNPRS, given its size (15 million people, which is 19.2 percent of the total population) and its incorporation into mainstream Ethiopian politics is the potential role it can play in stabilizing the federal game. SNNPRS, being composed of relatively small nationalities that benefit more from interdependence and some form of self-rule than from a unitary system and independence, has a potentially major role to play in bringing equilibrium to the two threats to Ethiopia's federation: centralism (as it existed during the twentieth century) and secession (for which some political elites seem to be aspiring).

PARTY POLITICS, POLITICAL CULTURE, AND CHALLENGES OF TRANSITION

A clearer picture of the federal system can be drawn if one looks at the operation of the party system. Many critics point to the party system as the most obvious limitation of Ethiopia's federalism, particularly the paradox between constitutional powers generously granted to the regions and a centralized federal system in practice, which arises from centralized policy-making by a dominant ruling party. Most policies are generated through the party's central apparatus. Those policies then become the basis of five-year plans for both the federal and state governments. The implication is that the autonomy of the states is limited in practice, and the party structure overshadows the federal and regional government institutions. In this regard, Ethiopia is not as federal as promised by the Constitution. Some critics even contend that this centralized arrangement is merely a continuation of the traditional form of political control by the centre.⁷⁹

Since the establishment of the federation, Ethiopia has been ruled by a coalition government composed of several regionally based ethnic parties constituting the ruling party. The EPRDF is basically a coalition of four groups: the Oromo Peoples' Democratic Organization, the Amhara National Democratic Movement, the South Ethiopian Peoples' Democratic Front, and the Tigrayan Peoples' Liberation Front. At first sight, the party structure seems to enhance a federal division of power because the federal government appears to be run by an organization with a regional, rather than central, basis of power. In practice, though, the EPRDF controls all the regional state governments in the federation either directly through its member parties or indirectly through affiliated parties that appear to be autonomous but have strong links with the EPRDF.

On the positive side, given Ethiopia's diverse society, a coherent and disciplined party in the federal and state arenas looks to be an asset, compared

for example to what happened in Nigeria during the 1960s and what transpired in Mwai Kibaki's government in Kenya after Daniel arap Moi stepped down as president in December 2002.⁸⁰ However, in Ethiopia, the ruling party seems to be exceeding acceptable limits and is contradicting the constitutionally proclaimed principles of self-rule and state autonomy by practicing democratic centralism.⁸¹ The party structure and its decision-making procedures undermine the federal division of power and subordinate the regional governments to the centre. In the area of intergovernmental relations, an area not well regulated by the Constitution, for example, the evolving practice indicates a top-down approach in which the states have not yet commenced establishing independent forums for airing a common agenda in their relations with the centre. A more serious concern, however, is in the impact that the party system may have on the evolution of the relevant institutions in a multi-party context. Therefore the party structure, along with its impact on the process of policy-making, explains the centralizing trend in the federal system. This factor also appears to explain why intergovernmental conflicts are rare, perhaps absent: most issues are decided behind closed doors within the party machinery.

Challenges to the Transition

Very related to this topic is the challenge of transitioning to a multi-party democracy and moving away from an incomplete process of transition and an authoritarian and rigid political culture within the political elite, both of which affect the federal experiment.⁸²

The opposition, very diverse in itself, long preferred to withdraw from the process and claim that the transition has not been open and inclusive enough, thereby hoping to undermine the legitimacy of the process.⁸³ (Apart from the ruling coalition, there is a coalition of forces that are pro-centre but perhaps with some decentralizing sentiments, as well as federalist forces that advocate some policy alternatives distinct from those of the ruling party.) The ruling party argues that the transition to democracy has been affected by the absence of what it calls a "loyal and peaceful opposition," an opposition that is committed to respecting 'the rules of the game.' Added to this is the authoritarian and exclusionist political culture within the political elite on both sides of the spectrum that long reigned in the country and still hangs over the present.⁸⁴ The incomplete process of transition (1991–94) resulting from the disengagement of the opposition, shrinkage in the political space, and divergent perspectives has made the transition to democracy more challenging and protracted.

The cumulative effect of such an unhappy transition reached an ugly turn in the third national election, held in May 2005. The process commenced with historically unprecedented, positive pre-election debate in

which a certain section of society that felt excluded from the process made a significant comeback by joining the process. For the first time in the country's history, significant numbers of opposition-party members participated in the election and later joined both the federal and regional parliaments. Yet this positive political development was followed by a post-election crisis. The Coalition for Unity and Democracy (CUD), a coalition of four opposition parties, alleged that the ruling party had rigged the election. The CUD also maintained that parliamentary procedures were being used in ways hostile to the opposition, and it questioned the impartiality of the Electoral Commission. For these reasons, the CUD decided not only to boycott the Parliament in October 2005⁸⁵ but also (according to the claims of the ruling party) to unseat it by calling on its supporters to mount a "coloured revolution" similar to Ukraine's 2004–05 Orange Revolution and Georgia's 2003 Rose Revolution.

Adding fuel to the conflict, the ruling party, following the election outcome, used the out-going Parliament to amend several laws so as to transfer authority from the Addis Ababa City Government, which had been won by the CUD, to the federal government. This transfer had significant impacts on revenue sources for the city. This action aggravated the tension and led to violent demonstrations in June and November 2005, which resulted in losses of life, destruction of property, and imprisonment of the CUD's principal leaders, who were released in the summer of 2007 after a series of negotiations initiated by prominent Ethiopian elders. Also aggravating this development was the intra-party politics and power rivalry among factions of the CUD.⁸⁶ The crisis resulted in a deterioration of human rights protection, a refusal of CUD members to take the seats they had won in the federal Parliament⁸⁷ and in the Addis Ababa City Council,⁸⁸ and a political atmosphere more or less reminiscent of the upheavals that occurred in 1974 and 1991. Thus, despite a third parliamentary election that was openly contested by multiple parties, Ethiopia's political process did not produce a happy outcome for all parties in 2005.

Despite Ethiopia's rich tradition of dispute-resolution mechanisms and culture of tolerance in its society, the political elites on both sides of the political spectrum manifested a *militant* political culture that seems to be the product of a deep-rooted authoritarian tendency inherited from the two previous regimes. This stands in sharp contrast to a *federal* political culture. In the latter, parties and major actors are expected to work together to achieve common goals while respecting their differences, but this has not been the case for long in Ethiopia. This tendency is not in line with the political values and attitudes that can lead to federal democracy. It also makes the public sphere less predictable.

Seen from a comparative perspective, the post-election crisis and the divergence of opinions between the various forces are not without parallels

in history. They bear some resemblance to what happened in the United States (1861–65) and Switzerland (1847), with certain major differences, when conflict arose because confederate forces were not willing to give way to the emerging weaker federal government. By contrast, in Ethiopia, pro-centre forces seem to be attempting to reverse the emerging federal process. In the two older federal systems, the federal forces somehow managed to dominate the scene, and the notion of “sovereignty of the states” gave way to a stronger federal government. It remains to be seen (depending on the balance of forces) how this will evolve during the coming years.

The large role played by the political party that has run the federation since its inception naturally leads to the question of the prospects for the federation. There are those who argue that once the ruling party loses control of power, the fate of the federal system will be uncertain. Many others think that given Ethiopia’s diverse context, federalism is here to stay despite changes in political party configurations.

Press Freedom and Civil-Society Organizations

Crucial to Ethiopia’s democratization are the emerging issues related to freedom of the press and the role of civil-society organizations. Press freedom is a new development in Ethiopia, introduced only after 1991. After proclamation number 34/1992, stipulating the fundamental principles applicable to the press, the private press mushroomed. This was an important development in terms of providing alternative sources of information. The 1995 Constitution also guarantees access to information and freedom of opinion, thought, expression, and the press. It ensures in particular that diversity of opinions needs to be reflected in the public and private press.

Nonetheless, two crucial issues dominated this new development. First, the private press, except for a few outlets, became irresponsible in disseminating information and articles that provoked hatred and animosity, and thus aggravated the historically unjust relationship among the different ethnic groups. Nor was the press good enough to reflect diversity of perspectives on issues that matter most to the public. In this regard, both the government-owned and private press share the blame. Both camps simply presented their version of the stories. Second, the government increasingly became tougher on the private press. This was particularly obvious following the election crisis in May 2005. The national government enacted a new press law (proclamation number 598/2008) that by and large reiterated the principles of the old law but added more rigorous restraints that, among other things, permit the public prosecution office to ban a press story before its publication when it believes that there is danger to national security. In many other jurisdictions, prior restraint is not allowed or is decided by an impartial body such as the courts. Consequently, there has been a significant curtailment of freedom of the press.

Civil-society organizations face similar challenges. With the opening up of a new space in 1991 for civic and political expression, civil-society organizations transitioned from their traditional self-help role to outreach roles focused on issues of governance and democratization. But again, in practice, they face serious challenges. Civil-society organizations are supposed to operate autonomously; however, many of them remain affiliated with either the government in power or the opposition parties. At times, it is difficult to differentiate between political parties and non-governmental organizations because the latter are so often voices for the different political parties. As a result of confusion in roles, civil society's role in democratization and rights promotion is perceived by the government as political opposition or maneuvering for advantage. Following these developments and their impact on the May 2005 election, in which the opposition made a strong showing, the government amended the legal regime applicable to civil-society organizations. A new proclamation was issued in 2009. Many non-governmental organizations believe that the new law limits their role in politics and society. For example, civil-society organizations are not allowed to engage in advocacy. Also, because many of the civil-society organizations relied heavily on financial resources coming from donors, restrictions now apply to this revenue source. According to the new law, civil-society organizations can only rely on foreign sources for up to 10 percent of their budget; the rest must come from local sources. This is considered to be a major setback to their activities.

CONCLUSION

Summing up, Ethiopia's choice of multicultural federalism rooted in its constituent nationalities is a step in the right direction because it has opened a political space for the various ethnic groups and has diffused the various conflicts out into local arenas, making them less a threat to the centre. There has also been significant improvement in terms of infrastructure and access to education and health.

Yet the federation's success hinges on many factors. First, the existence of a political will to operate in a politically diverse atmosphere is vital, given the lack of a dominant majority, on one hand, and the ethno-linguistic and emerging political diversity, on the other. A culture of respect and open accommodation of political and identity differences is an important feature of federalism. It is a sign of commitment and demonstration of respect to others. Second, the establishment and strengthening of the several institutions mentioned above, particularly respect for the autonomy of the regions, development of second chambers in the federal and regional governments, and the organization of mediating and dispute-handling institutions are all important for ensuring the rule of law and enhancing

shared rule. Third, protecting minorities in the constituent states in a manner that strikes a proper balance between the nationalities' right to self-rule and the free movement of labour and capital is necessary if Ethiopia is to give effect to the notion of "building one political and economic community" as stipulated in the Constitution. Last but not least, a negotiated settlement at the constitutional level among the political forces on at least some of the country's contentious issues is a matter that would significantly contribute to federal stability.

NOTES

- 1 See John Markakis, *Ethiopia: Anatomy of Traditional Polity* (Oxford: Clarendon Press, 1974), 43–71.
- 2 The Ethiopian state, in its loose sense, began in about 1000 BC, but well-documented evidence is available since Axum (1st AD to 1150 AD). Donald Levine, *Greater Ethiopia: The Evolution of a Multiethnic Society*, 2nd ed. (Chicago: University of Chicago Press, 2000), 90–110.
- 3 Margery Perham, *The Government of Ethiopia* (London: Faber & Faber Ltd., 1963), 262.
- 4 William Livingston, "A Note on the Nature of Federalism," *Political Science Quarterly* 6 (March 1952): 81–95.
- 5 For the contending interpretations, see Assefa Fiseha, *Federalism and Accommodation of Diversity in Ethiopia: A Comparative Study* (Neijmegen: Wolf Legal Publishers, 2006), 55–65.
- 6 Political parties interpret this concept differently. See also John Young, *Peasant Revolution in Ethiopia: The Tigray People's Liberation Front, 1975–1991* (Cambridge: Cambridge University Press, 1997).
- 7 For comparative details, see Will Kymlicka, *Multicultural Citizenship* (Oxford: Clarendon Press, 1995).
- 8 *Ibid.*, 6, 110–11.
- 9 See articles 8, 39, 46, and 47 of the 1995 Ethiopian Constitution.
- 10 The terminology was coined by Alfred Stepan, "Federalism and Democracy: Beyond the US Model," *Journal of Democracy* 10 (1999): 19–33.
- 11 Article 8. Indeed, article 8(2) states that the Constitution is an expression of their sovereignty.
- 12 See articles 46 and 47.
- 13 See article 39.
- 14 Article 93.
- 15 Andreas Eshete, "Ethnic Federalism: New Frontiers in Ethiopian Politics." In *First National Conference on Federalism, Conflict and Peace Building*, ed. G. Barnabas (Addis Ababa: United Printers, 2003), 160–1.
- 16 In fact, the SNNPRS was established after the transition.

- 17 See article 50(2).
- 18 Article 51 enumerates the classic powers of the federal government that one finds in many federal constitutions.
- 19 Article 52. In principle, article 52(1) is like the Tenth Amendment or article 30 of the Basic Law.
- 20 For more on the division of legislative and executive power between the federal and state governments, see Assefa Fiseha, "Theory versus Practice in the Implementation of Ethiopia's Ethnic Federalism." In *Ethnic Federalism: The Ethiopian Experience in Comparative Perspective*, ed. David Turton (Oxford: James Currey, 2006), 131–64.
- 21 Article 51(2) and (3).
- 22 Article 52(2)(c).
- 23 Article 45.
- 24 Article 53.
- 25 Article 54.
- 26 Article 50(3).
- 27 Articles 72, 73, and 74.
- 28 Articles 70 and 71.
- 29 This is unlike the federations in India and Nigeria where state constitutions are embodied within the federal constitution.
- 30 See articles 51, 55, and 54(3).
- 31 See article 61(3).
- 32 Daniel J. Elazar, *Exploring Federalism* (Tuscalusa: University of Alabama Press, 1987), 12.
- 33 Aberra Jembere, *An Introduction to the Legal History of Ethiopia 1434–1974* (Hamburg: LIT Verlag Munster, 2000), 219, 227, and 240.
- 34 Ronald L. Watts, *New Federations: Experiments in the Common Wealth* (Oxford: Clarendon Press, 1966), 230–4.
- 35 *Ibid.*, 233.
- 36 See Constitution of India, articles 343, 345, and the Eighth Schedule; also the Swiss Constitution that provides for three official languages.
- 37 Article 5(2).
- 38 Article 5(3).
- 39 See article 5 of the Harari state constitution.
- 40 Among the opposition political parties operating at home, some of the Oromo parties such as the Oromo Federalist Democratic Movement aim at promoting *Afan Oromo* as a second working language at the federal level.
- 41 Minase Haile, "The New Ethiopian Constitution: Its Impact upon Unity, Human Rights and Development," *Suffolk Transnational Law Review* 21 (1996): 11.
- 42 Will Kymlicka, "Emerging Western Models of Multination Federalism: Are They Relevant for Africa?" In *Ethnic Federalism: The Ethiopian Experience in Comparative Perspective*, ed. David Turton (Oxford: James Currey, 2006), 54–5.
- 43 Article 47(4). Federal practice via the Ministry of Federal Affairs, fiscal competence of the states, and court structure (in some states dual and in others delegated)

- indicate that some level of political asymmetry is inherent in the federal system. See Assefa, *Federalism and Accommodation of Diversity in Ethiopia*, chap. 7, for details.
- 44 Kymlicka, "Emerging Western Models of Multination Federalism," 14.
- 45 Richard Simeon, "Managing Conflicts of Diversity." In *Unity in Diversity: Learning from Each Other*, vol. 1, *Building on and Accommodating Diversities*, eds. Ronald L. Watts and Rupak Chattopadhyay (New Delhi: Viva Books, 2008), 55.
- 46 Many of the nationalist parties that claim to represent the Oromos, Somalis, Afars, and principally EPRDF are clear examples.
- 47 See John Young, "Along Ethiopia's Western Frontier: Gambella and Benishangul in Transition," *The Journal of Modern African Studies* 37 (1999): 321-46; Dereje Feyissa, "The Experience of Gambella Regional State." In *Ethnic Federalism: The Ethiopian Experience in Comparative Perspective*, ed. David Turton (Oxford: James Currey, 2006): 208-30.
- 48 See for example, Abdi Ismail Samatar, "Ethiopian Federalism: Autonomy versus Control in the Somali Region," *Third World Quarterly* 25 (2004): 1131-54.
- 49 See Feyissa, "The Experience of Gambella Regional State."
- 50 Akhtar Majeed, "Conflict Management in Federal Plural Societies: Some Lessons from India." In *First National Conference on Federalism, Conflict and Peace Building*, ed. G. Barnabas (Addis Ababa: United Printers Plc., 2003), 132-41.
- 51 See Maimire Mennasemay, "Federalism, Ethnicity and the Transition to Democracy," *Horn of Africa* 21 (2003): 107-10.
- 52 See also, Alem Habtu, "Multiethnic Federalism in Ethiopia: A Study of the Secession Clause in the Constitution," *Publius: The Journal of Federalism* 35 (Spring 2005): 313-35.
- 53 Article 93.
- 54 Article 8.
- 55 Barbara Thomas-Woolly and Edmond Keller, "Majority Rule and Minority Rights: American Federalism and African Experience," *Journal of Modern African Studies* 32 (1994): 417.
- 56 Fasil Nahum, *Constitution for Nation of Nations* (Lawrenceville, NJ: The Red Sea Press, 1977), 107.
- 57 See Bekele Haile-Selassie, *Ethiopia: A Precarious Ethno-Federal Constitutional Order* (Ph.D. diss., University of Wisconsin Law School, 2002, unpublished), 7.
- 58 Minase, *supra* note 42.
- 59 John Cohen, "Ethnic Federalism in Ethiopia," *Northeast African Studies* 2:2 (new series) (1995), 168; Paul Brietzke, "Ethiopia's Leap in the Dark: Federalism and Self-Determination in the New Constitution," *Journal of African Law* 30, 1 (1995): 37.
- 60 See Charles Ehrlich, "Ethnicity and Constitutional Reform: The Case of Ethiopia," *ILSA J. Int'l. and Comp. L.* 6 (1999): 62.
- 61 Border disputes between two or more regional states, border and resource conflicts between Afar and Somali, and demands for new zones and *werdas* in the SNNPRS have caused deaths to thousands of people and destruction to property in the last fifteen years.

- 62 Kymlicka, “Emerging Western Models of Multination Federalism,” points out that these are existential problems in every multicultural federation, including those in the West.
- 63 This is a reference made to Canada.
- 64 This is a reference made to Switzerland.
- 65 See Maimire, “Federalism, Ethnicity and the Transition to Democracy,” 98; Dereje, “Ethiopian Federalism.”
- 66 Other factors include: strengthening the institutions of democracy, economic development, the presence of a dominant majority nationality, as well as the prevalence of the rule of law and constitutionalism. For the complex network of relationships between a society, its constitutions, and political institutions, see Brendan O’Leary, “An Iron Law of Nationalism and Federation? A (neo-Diceyan) Theory of the Necessity of a Federal *Staatsvolk*, and of Consociational Rescue,” *Nations and Nationalism* 7 (2001): 273–96.
- 67 F. Capotorti, Study on the Rights of Persons Belonging to Ethnic, Racial and Linguistic Minorities, UNO 1977, UN-Doc. E/CN.4/Sub.2/384, Rev. 1, para. 58.
- 68 Article 41.
- 69 Kjetil Tronvoll, *Ethiopia a New Start?* (London: Minority Rights Group, 2000), 22.
- 70 See Tesfaye Tafese, *The Predicament of Amhara Migrant-settlers in East Wollega Zone* (unpublished paper presented at the Ethiopian Studies conference, Norway, 2006).
- 71 The constitutions of Amhara and Tigray, for example, ensure minorities’ rights not only to work and live but also to elect and to be elected. See the respective constitutions, article 33.
- 72 An expression borrowed from Ivo Duchacek, “Antagonistic Cooperation, Territorial and Ethnic Communities,” *Publius: Journal of Federalism* 7 (Fall 1977): 17–18.
- 73 For more on SNNPRS, see Sarah Vaughan, *Response to Ethnic Federalism in Ethiopia’s Southern Region*. In *Ethnic Federalism: The Ethiopian Experience in Comparative Perspective*, ed. David Turton (Oxford: James Currey, 2006): 181–207.
- 74 *Weredas* are the second-lowest level of local governments.
- 75 Decision-making process has been transferred from zones to the state level.
- 76 Interview with Assefa Kessito, lecturer who is involved with political developments in SNNPS, November 2002.
- 77 See David Turton, ed., *Ethnic Federalism: The Ethiopian Experience in Comparative Perspective* (Oxford: James Currey, 2006).
- 78 For a detailed account of the conflicts see Assefa, *Federalism and Accommodation of Diversity in Ethiopia*, chap. 5.
- 79 See Merera Gudina, *Ethiopia: Competing Ethnic Nationalisms and the Quest for Democracy 1960–2002* (Maastricht: Shaker Publishing, 2003), 119.
- 80 Lovise Aalen, *Ethnic Federalism in a Dominant Party State: The Ethiopian Experience 1991–2000* (Bergen: Chr. Michelse, 2002), 83; Joel Barkan, “Kenya After Moi,” *Foreign Affairs* 83:1 January/February 2004, 87–100.
- 81 See Medhane Tadesse and John Young, “TPLF: Reform or Decline?,” *Review of African Political Economy* 30: 97 (2003), 394. By now, there is ample evidence pointing

out that a centralized party system and federalism are inconsistent. See, for example, Alfred Stepan, "Federalism and Democracy: Beyond the US Model," *Journal of Democracy* 10:4 (October 1999): 22–3.

- 82 See Jon Abbink, "Discomfiture of Democracy? The 2005 Election Crisis in Ethiopia and its Aftermath," *African Affairs*, 105/419 (2006): 173–99.
- 83 The only party of the military regime and some other parties believed to be hard-liners were indeed excluded from the process of transition.
- 84 Marina Ottaway, "The Ethiopian Transition: Democratization or New Authoritarianism?" *Northeast African Studies* 2:3 (1995), 73 and 81–3.
- 85 A majority of the members of the CUD boycotted the new legislature's first sitting, but ninety-three of them later joined the HOPR. However, members of the United Ethiopian Democratic Forces (UEDF), the second-largest opposition, and other smaller opposition parties joined Parliament from the outset.
- 86 Some of the coalition members claim to be social democrats; others, liberal democrats; and still others, nationalists.
- 87 The National Election Board stated that the ruling party and its allies secured 347 seats in a Parliament having a total of 547 seats and declared it as a winner. The CUD secured 109 seats while the UEDF won 52 seats. Eleven seats went to an Oromo opposition, while 1 went to an independent candidate. See "NEBE announces official results" at <http://electionsethiopia.org/Whats%20new40.htm>. Accessed 15 June 2006.
- 88 In Addis Ababa, the opposition CUD won 137 (99.3 percent) of the 138-seat parliament. By some twist of history, the April 2008 by-elections resulted in 137 (99.3 percent) seats going to the ruling party and only one seat going to the opposition.