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Overview

On March 13, 2014 *Time* published an article entitled ‘Forget the BRICS and meet PINES’, which reported on Ethiopia’s socio-economic progress. In the last decade, Ethiopia has shown a continuous 10 -11% annual economic growth, including improved access to education, health facilities and the massive expansion of road, rail and telecommunications infrastructure. Several hydroelectric dams are boosting its economy and it plans to be the energy giant of the Horn region, exporting electricity to neighbouring countries. This chapter tells the story of Ethiopia’s remarkable political transformation, which has underlay these successes but has important weaknesses as well.

Ethiopia has enormous diversity and a long history of independence. However, the modern Ethiopian state emerged towards the end of the 19th century after Emperor Menlik II (1889-1913) incorporated under his control previously quasi-autonomous kingdoms in the South, the Southwest and the East. While central power in ancient Ethiopia was partly accessible to provincial and regional forces, with the emergence of centralized state, these forces were largely shut out. The newly centralized and homogenizing state, which incorporated the old provinces, was presided over by a narrow centralizing ruling elite. In reaction, there arose with the Ethiopian Student Movement a class and broadly based ethno-nationalist political mobilization that put forward an alternative for state reform during the early 1970s. The then governing elite lost its momentum while the student movement inherited the burden of providing a political solution to the ‘question of nationalities’ and in doing so it adopted a Marxist – Leninist interpretation to the nationality question, which was also a factor in radicalizing it.

Ethiopia’s constitutional transformation resulted from the collapse of the socialist dictatorship and the victory of a coalition of ethno-nationalist insurgent forces. The new rulers rejected the centralization and cultural homogenization of the past and designed a federal system that aims to empower ethno national groups at regional state level. Ethiopia’s case indicates that it is hardly possible to contain politically mobilized, territorially based ethno-nationalist groups short of a federal arrangement that allows such groups to exercise some self-rule at a regional level while ensuring representation at the federal level. This institutional design has by ending the protracted civil war that brought the country to the brink of collapse in 1991, promoted relative peace and political stability to the country in an otherwise conflict prone region. Yet its functioning has been characterized by the strong dominance of the governing party coalition, which has limited state autonomy, political pluralism and democratic rights. Its strong focus on ethno-nationalist rights has also created problems for minorities and individual citizens within the regional states. But despite these political shortcomings, the new regime has proven able to *deliver* much needed services and ensure equitable development throughout the country, accomplishments that are critical to its success and stability.

Background

The concept of ‘devolved autocracy’ is often used in analyzing relations between the centre and the provinces in historic Ethiopia, yet this fails to capture the essence of the relationship.¹ Ancient constitutional documents of the 13th century such as the *Kibra Nagast* (Glory of the Kings) and constitutional practices deeply rooted in the notion of *Niguse Negast* (King of Kings)² demonstrate the dual, if not multiple centres of power in Ethiopia.³

¹ Christopher Clapham, ‘The Ethiopian Experience of Devolved Government’ (2013) 1(1) *Ethiopian Journal of Federal Studies* 18.

² Haggai Erlich, *Ras Alula and the Scramble for Africa* (The Red Sea Press 1991) 2.

³ This is not to deny that communities in the periphery remained largely subjects when it comes to their role in the centre.

While the Monarchy at the centre served as a pillar of unity, various kinds of regional forces⁴ representing diversity exercised important powers such as taxation, maintenance of local security and regulation of trade⁵. The seat of Ethiopia's political capital was often called 'wandering' as it shifted from one province to another with the change of emperors.

Direct central authority was hindered by the vastness of the state's territory, the topography with its absence of transportation and communications facilities, the demands of local nobilities for some autonomy, fiscal and manpower constraints, and ethnic, linguistic and regional diversity and disparities. Thus, regional forces enjoyed some autonomy, as kingdoms that merely acknowledged the existence of a distant emperor. The more powerful provincial kings—alone or in coalition with others—were sometimes contenders for the throne itself.⁶

The fact that the imperial power was open to potential contenders of power from the several provinces meant that state power was not highly ethnicized, at least before the emergence of the modern state under Menlik II. Greenfield wrote: 'struggles and rivalry lay between regions, later perhaps provinces, and not between tribal groups...tribalism had no place in Ethiopian politics.'⁷

The decentralized feudal state structure changed radically with the emergence of a strongly centralized unitary state towards the last quarter of the 19th century spearheaded by Emperor Menlik II (1889-1913). This was further consolidated during the absolute monarchy of Emperor Haile Selassie (1930-1974)⁸. With the emergence of the centralized unitary state, Addis Ababa became not only the capital of Showa, Menlik's home province, but also of Ethiopia. Showa then emerged as epicentre of power and resources, with the homogenizing centrist state liquidating quasi-autonomous kingdoms. The new ruling elite designed a 'nation building' strategy with the slogan 'one language and one religion' where the elite's Amharic language⁹ served as the only national language until 1991 and Christian religion (the religion of 44% of the population) which, despite the presence of 35 % Muslims in the country, remained the official state religion until 1974.¹⁰ Both language and religion served as twin tools for homogenization. The design of the 'nation building' project was thus exclusive and narrowly based along the lines of the then ruling elite's identity that had little space for diversity. Central power was no longer accessible to various contenders: identity began to matter for inclusion or exclusion from power and in the process, it began to be politicized. Thus, at the heart of the reason for transformation from regional/provincial based movement to ethno nationalism remains the exclusionist and centrist state.

The process of centralization and homogenization was far from smooth. It faced serious challenges initially in the form of provincial rebellions headed by nobilities, various peasant protests and later in a more radical form from university students. As political parties were banned in the country, the initial resistance against the process of centralization emerged in the form of peasant rebellions such as the one from Tigray (1943), Gojjam (1968), Bale (1963/1970), Yeju (1948) and Gedeo (1960). Conflict in traditional Ethiopia manifested mainly in the form of provincial rebellion against the centre and aimed at modest reforms without upsetting the whole system. Secession was also not in the agenda.¹¹ The opposition mainly looked for adjustment and restoration of

⁴ On occasions the centre lost dominance as in Yodit/Gudit's attack to the Christian empire in the 10th century; the campaign of Imam Ahmed (1527-43) and the Age of Princes (*Zemene Mesafint* 1769-1855).

⁵ Bahru Zewde, *A History of Modern Ethiopia 1855-1991* (first published 1991, 2nd edn, James Currey 2001).

⁶ Donald Levine, *Wax and Gold: Tradition and Innovation in Ethiopian Culture* (The University of Chicago Press 1965) 154-55.

⁷ Richard Greenfield, *Ethiopia: A New Political History* (first published 1965, Pall Mall Press 2013) 46.

⁸ Revised Constitution of Ethiopia (Revised Constitution), art 4.

⁹ Revised Constitution, art 125; 1987 Constitution of Ethiopia (1987 Constitution), art 116.

¹⁰ The 1955 Revised Constitution of Ethiopia (1955 Revised Constitution), art 126.

¹¹ Gebru Tareke, *Ethiopia: Power and Protest: Peasant Revolts in the Twentieth Century* (Cambridge University Press 1991).

violated rights like better administration, lower taxes, respect for local autonomy and reduction of corruption.

The resistance against the regime was intensified during the early 1970's as most of the sources of discontent were articulated by the young, radical and left-oriented university students. The Ethiopian Student Movement emerged as an amorphous, ideologically and ethnically diverse university students' association. In due course it spawned many political parties and together these challenged imperial rule. This resistance not only called for state reform but even at times challenged the state itself and the resistance brought new forms of leadership, social composition and ideological orientations.¹² The student movement's slogans—'land to the tiller,' 'end to national oppression,' equality of religion and 'social justice'—were very popular in taking on the imperial regime.¹³ The ESM argued that post-Menlik Ethiopia constituted a 'prison house of nationalities'¹⁴ and that the 'nation building' project was a failure; the activists called for an end to 'national oppression' through the grant of the right to self-determination to the nationalities.¹⁵ Since then, the nationality question has remained a key issue for the political parties.

As leftist organizations, nearly all sympathized with the 'nationality question.' Yet, apart from sharing the view that the nationality question needed to be addressed, the exact *meaning* and *scope* of this vague concept and the strategy to address it, was far from clear. Depending on their proposed solution to the 'nationality question' slowly many rival groups emerged. One camp constituted the Ethiopian Peoples Revolutionary Party (EPRP since 1972), while the other became the all Ethiopian Socialist Movement (nicknamed MEISON since 1968), which remained multi-ethnic while choosing to provide solution to the nationality question by mass organization along class lines.¹⁶

The ESM became the grave digger of the Emperor and major driving force behind the 1974 Revolution. The wide support accorded to the students and the failure to introduce even modest reform by the aging Emperor brought about the 1974 Revolution. As popular as the Revolution might have been, it was however hijacked by the Military Junta (1974-1991), otherwise known as the *Derg* a committee of 120 junior military officers, the only organized force at the time. The Revolution gave a mortal blow to the old monarchy but except for the change of source of political legitimacy from Solomonic genealogy¹⁷ to Socialism as a new tool for building the 'nation state,' the centralist character of the state and its policy to the emerging demand by ethno nationalist groups remained intact and was even strengthened in its brutal form to a degree that far exceeded the imperial regime.

MEISON had sided with the military on the assumption that it would outsmart it and take control itself. The 'socialist' regime (1974-1991) gave rise to a protracted civil war and political instability that brought the country to the brink of collapse by 1991. Despite sharing same leftist ideology, rivalry between the EPRP and MEISON and the conflicts with the junta brought on the 'Red Terror' and 'White Terror' in the early 1970s, which consumed the life of thousands of young Ethiopians from all sides. The story of multi-ethnic and class-based parties thus came to a tragic end. And this period of *militant political culture* left a legacy that continues to haunt

¹² Christopher Clapham, 'Ethnicity and the National Question in Ethiopia' in Peter Woodward and Murray Forsyth (eds) *Conflict and Peace in the Horn of Africa: Federalism and its Alternatives* (Dartmouth 1994) 29.

¹³ Kiflu Tadesse, *The Generation Volume 1: The History of the Ethiopian People's Revolutionary Party* (Kiflu Tadesse Publishing 1993). This very controversial volume was translated and published in Amharic in 2014

¹⁴ *ibid* 121.

¹⁵ Bahru Zewde, *The Quest for Socialist Utopia: The Ethiopian Student Movement 1960-1974* (James Currey 2014) 218.

¹⁶ *ibid* 261.

¹⁷ John Markakis, *Ethiopia: Anatomy of Traditional Polity* (Clarendon Press 1974).

Ethiopia as was seen following the 2005 elections.¹⁸

What transpired towards the end of the 1980s, when the state failed to address demands of ethno-nationalist groups, was a failed ‘nation building’ project¹⁹ that politicized identity and created a privileged centrist political elite whose values and identity was equated with the state. As in many other failed ‘nation building’ projects a privileged ruling elite’s identity and language were used as a mask to impose the centrist ruling elite’s identity, language and religion on others. Identity and language became a means for *exclusion or inclusion*, a source of pride or a source of social and psychological trauma. The bulk of the society were marginalized by the state and considered as secondary class *subjects*, not citizens. Their identity was viewed as inferior, stigmatized and traumatized and this explains the passions and emotions associated with the protracted nature of intergroup conflicts. The conflict became nastier and protracted as ethno-nationalist groups sought not only to gain shares in power and resources but also to reverse their inferior status and claim back their ‘collective self esteem.’ While many actors and peace mediators often focus on power and resource inequalities, the non-material causes of conflict are often the core element of mobilization: the search for respected collective self-esteem, for psychological and emotive satisfaction.²⁰ The negative historical interaction among the political elite left deep-rooted mistrust in which selected history was and is used as a tool for mobilization in order to deal with real or perceived threats. As is often said ‘identity is the fruit of history’²¹ but with a view to making sense of the present.

The EPRDF, made up of all the national liberation movements including the Tigray People Liberation Front (TPLF) which played a leading role, rejected the subjugation of ethno-nationalism to class. It mobilized its supporters along ethno-nationalist line to end the oppression by the centrist and assimilating ruling elite of the socialist regime. This group held that a new and democratic Ethiopia could only be constructed through the voluntary and consensual association of its parts, the ‘nation, nationalities and the people.’²² The TPLF was one among many such groups that subscribed to this view and that posed a major threat to the military after February 1975.

Tigrayan based ethno-nationalism had deep historic and political resources for mobilization. The key foundations of the Ethiopian state—its language and written script *Geez*, its number (*Kutur*), its own calendar and the state’s Christian religion—and that defined it until 1974 were the result of Axumite invention and innovation.²³ This elite remained a key player in Ethiopia’s political life until the end of the 19th century when it lost political influence with the emergence of the centrist elite. The Tigrayan elite, which attributed its alienation to a deliberate Showan design, had long envisioned strong regional autonomy along with loyalty to the overarching Ethiopian state as a possible way out of the state crisis; it held that sub-state identity can co-exist with Ethiopian identity. Reflecting this context, the leader of the TPLF, Meles Zenawi, said ‘The Nile/Abay river has no life without its tributaries, there is as well no Ethiopia without its diversity.’²⁴

¹⁸ Jon Abbink, ‘Discomfiture of Democracy? The 2005 Election Crisis in Ethiopia and its Aftermath’ (2006) 105 (419) *African Affairs* 173.

¹⁹ Greenfield (n 7) 88.

²⁰ William Zartman, ‘Dynamics and Constraints in Negotiations in Internal Conflicts’ in I. William Zartman (ed), *Elusive Peace: Negotiating an End to Civil Wars* (The Brookings Institution, 1995) 5.

²¹ Nancy Bermeo, ‘Conclusion: The Merits of Federalism’ in Ugo Amoretti and Nancy Mermeo (eds), *Federalism and Territorial Cleavages* (The Johns Hopkins University Press 2004) 461.

²² Tareke (n 11) 202.

²³ Aregawi Berhe, ‘The Origins of the Tigray People’s Liberation Front’ (2004) 103 (413) *African Affairs* 569.

²⁴ Interview by the author with a senior party member of the Tigray People’s Liberation Front, March 15, 2010, (Addis Ababa, Ethiopia, 2010).

Thus at the time, the TPLF had genuine political and economic grievances as well as rich historical material at its disposal to construct an ethno-nationalist narrative and ideology.²⁵ This project as articulated by the TPLF made sense to all other marginalized groups in the country and became shared among the four coalitions that came together to form the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF): the Oromo People's Democratic Organization (OPDO, 1989), the Southern Ethiopia People's Democratic Movement (SEPDM, 1992) and the Amhara National Democratic Movement (ANDM, 1980s). It was this coalition that defeated the junta in 1991 and remains the dominant force since then.

The Period of Constitutional Engagement (1991-94)

Just as the emergence of the modern state under Menlik II represented an important event for centralization, the post-1991 period brought a fundamental shift in relations between state and society. Towards the end of 1980s the military representing the centrist political elite and its 'nation building' project through socialism, was losing ground. The EPRDF had already succeeded in defeating the military in major battles. The military junta's downfall was being accelerated by economic stagnation and global changes, notably the end of the Cold War and the collapse of the former USSR, the junta's main ally. Nonetheless, there was a last attempt, held in London in May 1991, to bring a peaceful end to the raging civil war. The conference brought together the *Derg* and the opposition, represented mainly by the Eritrean People's Liberation Front (EPLF) and the TPLF. It was mediated by Herman Cohen, United States Assistant Secretary of State for African Affairs. But realizing the weakening of the *Derg*, its delegates lost interest in pursuing the peace process. On May 21, 1991, Mengistu Haile Mariam, the President and head of the *Derg*, left Addis Ababa by airplane, allegedly to visit a military camp in the south west of the country, but he flew to Nairobi, from where he went into exile in Zimbabwe.²⁶

With the regime's military apparatus fast crumbling, the EPRDF and EPLF were ready to fill the emerging political vacuum by controlling Addis Ababa and Asmara respectively. They were later joined by the Oromo Liberation Front (OLF),²⁷-which was partly a product of the student movement of the 1970s, that had long supported the right to self-determination of the Oromos, the largest ethnic group in the country; however, it remained weakly connected to the very people it claimed to represent. These groups made a joint statement confirming the need to establish a broadly-based Transitional Government of Ethiopia (TGE).²⁸ The OLF remained a key player during the early periods of the TGE. A national conference on transition was convened in Addis Ababa from July 1-5, 1991, with the attendance of some 27 political parties, of which a number, including the OLF, had received support from representatives of the international community.

The conference resulted in the signing of the Charter, which served as an interim constitution from 1991 to 1994. It provided for the establishment of an 87 seat Council of Representatives (CoR) as the legislature during the interim period as well as for the establishment of the Transitional Government of Ethiopia (TGE), which was to have law-making, executive and judicial powers until an elected government replaced it (as happened in 1995). While key positions such as the Presidency, defence and foreign affairs were reserved to EPRDF, initially TGE largely remained a coalition government in which several parties such as the OLF were granted seats both in the CoR and the newly established executive. During the early phase of the TGE, one could state firmly that the TGE was a more inclusive government as the country had had in its entire history. Although it was not

²⁵ Alemseged Abay, 'Diversity and State Building in Ethiopia' (2004) 103 (413) *African Affairs* 593.

²⁶ Sarah Vaughan, 'Ethnicity and Power in Ethiopia' (PhD thesis, Edinburgh University 2003).

²⁷ For details on the OLF see Merera Gudina, *Ethiopia: Competing Ethnic Nationalisms and the Quest for Democracy 1960-2002* (Shaker Publishing 2003) 102-05, 198; also Vaughan, 'Ethnicity and Power in Ethiopia' (n 26).

²⁸ Sarah Vaughan, 'The Addis Ababa Transitional Conference of July 1991: Its Origins, History and Significance' (1994) 51 Centre of African Studies, Edinburgh University, Occasional Paper Series.

elected, it was able to represent the then existing contending views and communities.²⁹

There was a strong commitment to peaceful competition for power and the renouncing of force as a condition for participation in the July conference. In the context of political uncertainty given the collapse of the military regime, there were some centrist political forces that opposed the agenda of the ‘National Liberation Fronts’; these forces established a new party under the umbrella of the Coalition of Ethiopian Democratic Forces, both at home and abroad, and condemned the peace process in London as well as the subsequent conference in Addis Ababa; they called for dissolution of the TGE. These radical and centrist groups, which included the former regime’s party, the Workers Party of Ethiopia, were left out because of ‘their unwillingness to renounce violence as a means to achieve political ends’. It was not clear if they were prepared to compete peacefully given the wide availability of small arms and ammunition in several parts of the country.³⁰

In retrospect, one could say that the process of making the Charter, establishing the TGE and later the federation would have been an uphill battle, possibly ending in a deadlock, if the centrist political elite and its army had engaged in the process in full force. As it happened, the military junta collapsed and the old centralizing political elite was either excluded or in disarray, so the victorious ‘National Liberation Fronts’, which had forcefully dismantled the junta, had a relatively easy way in recasting the post-1991 Ethiopia.³¹ Certainly, representatives from the University were not as active as the leaders of the liberation fronts, yet they aired views critical of the shift in favour of marginalized groups during the conference.

The process of constitutional design is as important as the final product in that it needs to be inclusive and open to representatives of various views. The legitimacy of the Charter, the eventual Constitution, as well as the institutions they establish, all derive from the character of the process. In this regard, the promising beginning at the time of the formation of the TGE did not end as intended. Following the reorganization of the state structure, with the national and regional governments, there was a serious disagreement over a regional election, which was scheduled for June 1992. While OLF and the centralizing All Amhara Peoples Organization asked for a postponement, alleging that they needed time to prepare and compete in the regions, the EPRDF insisted on proceeding as scheduled. Following this and other disagreements, the OLF, which had been one of the major actors during the making of the Charter, withdrew from the government and attempted—unsuccessfully—to re-launch a guerrilla insurgency. Since then, its leaders have gone into exile and many factions seem to be emerging within the Oromo community. The OLF’s major source of contention with EPRDF was that the later had allied itself with another Oromo group, the OPDO, and this infuriated the OLF which saw itself as the only legitimate Oromo party. Other opposition groups also withdrew in 1993, which resulted in a TGE largely dominated by the EPRDF. There is a question whether the breakup of the TGE was merely over a logistical matter related to an election or over a something more substantive about the transition and next steps. The evidence is scanty, but it seems that the breakup reflected the beginning of a *design* for a dominant party system under EPRDF. While the conference that began as inclusive of a range of political actors and established a fairly inclusive TGE, it was followed by the evolution of a less inclusive TGE towards the end of its term. It is hard to disagree with Marina Ottaway’s apt observation of the last few years of the transition. ‘It is a formal process devoid of content. The spirit of the democratic transition was missing completely as democratization became a purely formal exercise, the major contenders of power from the opposition missing

²⁹ Leenco Lata, ‘The Making and Unmaking of Ethiopia’s Transitional Charter’ in Asafa Jalata (ed), *Oromo Nationalism and the Ethiopian Discourse: The Search for Freedom and Democracy* (The Red Sea Press 1998); Marina Ottaway, ‘The Ethiopian Transition: Democratization or New Authoritarianism?’ (2005) 2 (3) *Northeast African Studies* 67, 73.

³⁰ Vaughan, ‘The Addis Ababa Transitional Conference of July 1991’ (n 28).

³¹ This is not to undermine the role of parties such as the Ethiopian Democratic Coalition led by the popular Nebiyu Samuel, Ethiopian Democratic Union led by Mengesha Seyoum and Ethiopian National Democratic Organization led by the late Kifle Wodajo who actively proposed mid-way solutions with little success.

throughout.³² As will be explained later, political pluralism has thus become a victim of the dominant party in Ethiopia. The sidelining of the political opposition as demonstrated in 2016 has begun to embolden hardliners.

The Charter (Articles 9-12) established the framework for the TGE and guaranteed nationalities the right to administer their own affairs within their defined territory, the right to participate in the central government based on fair and proper representation, and the right to self-determination including the right to secede that finally became Article 39 of the 1995 constitution. Dominated by the ethno-nationalist parties, the conference reflected a dramatic shift of political power from centralizing politicians to a new group from hitherto marginalized regions. Ethnicity became the basic principle for the political organization of the state and society and the centralized state was to be restructured into a federal system of government. This principle and restructuring were again anchored in the right to self-determination of ethno-national groups. The rationale for such a radical change was that this formula provided a decisive remedy for Ethiopia's long-standing 'nationality question.' Despite this rhetoric, the federal system created by the Charter was strongly centralist in that it was unequivocally clear that the states of the federation were subordinate to the transitional government in every respect.³³ Moreover, the states that were given political power over the internal affairs of the regions were made accountable not just to the people who elected them, but also to the CoR of the TGE, which meant that they did not have the autonomy normal for states in a federation.³⁴ In the exercise of their powers, the states were subject to the relevant general policies and laws of the central government.

Ethiopia's territorial and provincial arrangements had expanded and shrunk several times over the years. The reasons for such provincial restructuring varied over time.³⁵ In the 20th century alone, nearly all the emperors and the military divided and subdivided provinces several times partly favouring or disfavouring local dynasty's size of territory depending on relations with the centre and partly to make sure that the groups remained subdivided into several provincial territories which could not become a threat to the centre. The post-1991 redrawing of territories, by contrast, aimed at making them the basis for exercising self-rule by the larger ethno-nationalist groups. This goal remained the main driving force in establishing the states both during the TGE and the making of the 1995 constitution.

It is surprising how little debate there was during the preparation and adoption of the Charter on the process and principles that should guide the restructuring of the new states. This came later after the establishment of the TGE. The TGE established a Boundary Commission in August 1991 composed of ten members representing six political parties.³⁶ Among the parties represented in the TGE, there was a consensus regarding the establishment of the Commission and its outcome. Based on the data available from the Institute for the Study of Ethiopian Nationalities (ISEN), an institution established by the military junta in 1983, and the Commission's own observations, the Commission submitted its proposals to the CoR. The Council debated the proposal and finally issued Proclamation Number 7/1992, which established 14 new states largely based on language. It was provided that adjacent nations, nationalities and peoples may by agreement combine any of the 14 regions.³⁷ Accordingly, the original 14 regional states were reduced to 9, when five regional states in the

³² Ottaway (n 29) 73, 81-83

³³ See the Transitional Period Charter of Ethiopia No. 1 *Negarit Gazeta* 50th year No. 1 Addis Ababa, 22 July 1991, hereinafter called the Charter art 9.

³⁴ See the Charter, art 3(5); Vaughan, 'The Addis Ababa Transitional Conference of July 1991' (n 28) 48.

³⁵ See Daniel Gamachu, 'A Nation in Perpetual Transition: The Politics of Changes in Administrative Divisions and Subdivisions in Ethiopia' in Harold Marcus, Grove Hudson (eds) *New Trends in Ethiopian Studies, Papers of the 12th International Conference of Ethiopian Studies* (The Red Sea Press 1994) 80-113.

³⁶ The parties represented in the Boundary Commission included EPRDF that had 3, OLF 2, Guraghe 1, Hadiya 1, Harari 1, Somali 1, Afar 1 representative. See Vaughan 'Ethnicity and Power in Ethiopia' (n 26) 33, 151.

³⁷ Proclamation Number 7 (1992), art 3(2)(b).

South amalgamated to form the Southern Nations, Nationalities and Peoples Regional State (SNNPRS) towards the end of the transition. Except for this merger and the decision that region 14, Addis Ababa, would become merely an autonomous federal capital accountable to the federal government and not a state, the 1995 constitution largely inherited the regional states established during the TGE.

A major task of the TGE was to direct the process of constitution-making and pave the way for a new national election based on the ratified constitution. To facilitate the transition to a newly elected government, the TGE established a Constitutional Commission based on Proclamation Number 24/1992 in August 1992. The Commission was composed of 29 members elected by CoR from among various sections of the population. Political organizations in the CoR had 7 representatives, while trade unions, the Ethiopian Chamber of Commerce and women had 3 representatives each. Lawyers, teachers and health associations had 2 representatives each. Despite this effort at broad representation including political parties, the Commission was largely dominated by EPRDF as many of the opposition forces withdrew from the transition. Yet a few opposition party representatives did choose to constructively engage in the drafting process. Notable in this regard was the late Kifle Wodajo, who acted as chair of the Commission.³⁸ The Commission's mandate included organizing debates across the country on various topics related to the Constitution. It also had a technical committee that helped prepare a draft constitution.

The Constitutional Commission submitted its draft constitution to the Constitutional Assembly along with the report on opinions gathered throughout the country, including the commentaries of the CoR. The Assembly had 543 members, who had been elected directly by the people in June 1994, in the first elections since the overthrow of the junta. Many opposition members of the TGE had withdrawn from the process and some, such as the OLF, even went to exile, so the electoral process was largely dominated by EPRDF. Yet a few dozen members from some opposition parties such as the late Major Admasu Zeleke remained vocal members of the Assembly. In terms of mandate, the Assembly was free to accept, reject or modify the draft constitution. It debated the draft during November 1994. The most divisive issues were self-determination of nationalities, redrawing the boundaries of the regional states, the secession clause and whether land should remain private or be owned by the state. Not surprisingly, the final Constitution largely reflected the views of EPRDF. The Constitution was ratified by the Assembly on December 8, 1994 and came into effect on August 21, 1995. Ethiopia officially adopted a federal form of government as of this date. National elections were held in May 1995 for the regional and federal parliaments and the new federal parliament was inaugurated on 21 August, thus bringing the TGE and the Charter to an end.

While the constitutional process proceeded expeditiously, there were serious debates and disagreements over the fundamental nature of the new regime, and these reflected differing historical narratives and conceptions of the future.

The first version represented the view of the *centralizing* political elite, aired through the representative from the University (the late surgeon Professor Asrat Woldeyesys who founded the All Amhara Peoples Organization—AAPO) during the TGE and later through the late Major Admasu Zeleke during the Constitutional Assembly.³⁹ Also called the 'Greater Ethiopia' perspective, its core point was that the 'nation building' (*hager makedat* in Amharic) project based on 'one language and religion' is a normal process that aimed at integrating Ethiopia politically and culturally. This view held that it was hardly possible to combine self-rule by the nationalities with Ethiopian statehood because the identities of the nationalities are incompatible with an overarching Ethiopian

³⁸ Vaughan, 'Ethnicity and Power in Ethiopia' (n 26).

³⁹ See programs of the AAPO and partly the ones' vocal and centrist opposition party the Coalition for Unity and Democracy (CUD).

state, which should command absolute loyalty— ‘Ethiopia first’ as some called it. For this centralizing elite, any form of political mobilization based on ethnicity and sub-state identity should be banned.

The elite group had two factions in relation to federalism. Hard-line centralizers insisted on a unitary state with the sovereignty of the state indivisible and no right of self-determination for the nationalities. The more moderate faction, who may be called instrumentalists, did not fully rule out a federalism based on geography (possibly the historic provinces) so long as it was not based on ethnicity. This group insisted that ethnicity, like religion, should be left to the private sphere. They thought that if the over-concentration of political and economic resources at the centre were properly reformed, ethnicity would have little role. For them, the main issue was political and economic deprivation and they argued that ethno-nationalism would wither away if the state were democratized, rights respected and needed services delivered.

Given that Ethiopia is a country of minorities, with no ethno-nationalist group constituting a majority, subscription to an ‘ethnic free’ federal structure or separation of state and ethnicity was, given the history of past ruling elites, a formula for imposing the elite’s culture, language and religion on others. The state can hardly be free of ethnic considerations when it comes to choosing a language for parliament, courts, education and the media⁴⁰ all of which have implications as well for the territorial organization of the state. This perspective was unacceptable solution to significant ethno-nationalist groups, which were strongly mobilized around demands for more than individual rights.⁴¹

There was a second group of more moderate centralizers was represented by the late Kifle Wodajo a veteran diplomat and moderate opposition leader, who later became the chairman of the drafting committee for the 1995 constitution. They acknowledged the relevance of federalism and the institutional response to the right of nationalities, including the right to self-rule, but they rejected the clause on secession.⁴² Of late many of the centralizing political parties seem to be adopting this perspective partly in reaction to the interest many ethno-nationalist groups have shown in ‘ethnic federalism’, but the alternatives are yet to be articulated well or are dubious.⁴³

A strongly contrasting view to those of the traditional elites was that of the EPRDF,⁴⁴ which considered itself to be the successor of the student movement of the 1970s and the main architect of the transition (1991-1994) and the 1995 Constitution. It long argued that the Charter and the new Constitution should explicitly address the ‘question of nationalities’, necessarily by granting the nationalities the right to self-determination, including secession. As a result, the key features of the federal Constitution are heavily influenced by the idea of ‘nations, nationalities and peoples’ right to self-determination and self-rule as a solution to the ‘question of nationalities.’ Meles Zenawi, who was the chief ideologue of his party, stated, “If you don’t open the doors and walls of a house (hence the right to secede), those confined within will break the doors and walls and run out to get fresh air. So leave the doors and windows open for the people to feel free and relax inside the house.”⁴⁵ Meles echoed Lenin’s claim that ‘the union of states must take place voluntarily....which is unthinkable without the freedom of separation.’⁴⁶ This development seems to have been driven by political reality,⁴⁷ notably the

⁴⁰ Will Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity* (Oxford University Press 2007).

⁴¹ Coherent critique of the ‘ethnic free’ individual rights-based alternative to group based ethno nationalism see *ibid*.

⁴² See Minutes of the Constitutional Assembly v.3 (Addis Ababa, 1994) Unpublished available with the author.

⁴³ See Lidetu Ayalew, *The Third Way* (Commercial Printing Press 2015, Amharic), which prescribes federalism but not on an ethnic basis.

⁴⁴ Vaughan ‘The Addis Ababa Transitional Conference of July 1991’ (n 28).

⁴⁵ John Markakis, *Ethiopia: The Last Two Frontiers*, (James Currey 2011) 232.

⁴⁶ V I Lenin, *Collected Works* (5th edn, Moscow Progress Publishers 1977) 84.

mobilization and ideological commitment of ethno-nationalist groups. However, some contend that the Marxist Leninist response to the ‘nationality question’ aimed to neutralize, not foster ethno-nationalism, in that the Leninist goal was to achieve ‘voluntary’ integration and unity through the machinations of a vanguard party, democratic centralism, and universal values of socialist indoctrination.⁴⁸ Thus self-determination seems to be an interim right and yet is anchored as constitutional right; there is a tension between granting such a right to an ethno-nationalist groups in its full sense versus constraining it through the party system, a point illustrated later in this paper.

Outcome

What emerged as the final Constitution, at least formally, was a partly fictitious ‘coming together’ type of federation. The Constitution is viewed as a political contract and the result of the ‘free will of nations, nationalities and peoples’ that are politically mobilized, territorially grouped and declared as sovereign (Article 8). It insists on the need for some congruence between the nation and nationalities and the territory of their regional states in order to ensure self-rule. Moreover Article 39 stipulated: ‘every nation, nationality and people in Ethiopia has an unconditional right to self-determination, including the right to secession’ and ‘the right to speak, to write and to develop its own language; to express, to develop and to promote its culture and to preserve its history.’ Ethno national groups have also ‘the right to full measure of self-government which includes the right to establish institutions of government in the territory that it inhabits and to *equitable representation* in the state and federal governments....’ The Charter and the Constitution provided that the constituent states be reorganized on ‘the basis of settlement patterns, language, identity and consent of the people concerned’ (Article 46.2) and while it is not explicit that the states are organized along ethnic lines, it is clear that the key factor was language. Thus, the distinctive character of the Ethiopian constitution lies very much in its empowering ethno-nationalist groups who are considered to be founders of the federation.

Language in particular plays a key role for drawing internal political boundaries, not only for establishing the regional states but also in the establishment of local level self-rule as in the SNNPRS. The SNNPR during the transition was five separate states and it was later amalgamated into one, quite atypical, state. With a population of 17 million (20 percent nationally) and some 56 ethnic groups, it has extraordinary heterogeneity, with many relatively small ethno-linguistic groups in which *local* governments, not the regional state as in other states, are designed for ensuring self-rule to the various groups. In addition, the various groups share power and resources in the regional state institutions particularly within the executive and civil service. As such, the SNNPRS is a quasi-federation within a federation.

Over all the federal system is a design that combines an appropriate combination of ‘shared rule and self rule.’⁴⁹ It divides power between the federal government and states and ensures ethno-nationalist groups fair representation in federal institutions. Through their representation in federal institutions, ethno-nationalist groups are given the opportunity to influence decision-making at the centre. The logic of this form of federalism is that ethno-nationalist groups can respect the institutions of governance and contribute positively to a stable federation only when they are granted a satisfactory combination of *influence* at the centre and

⁴⁷ Its inclusion in the constitution, apart from the fact that it was a long-held view of the current ruling party owing to its leftist inclination, was justified as a means for bringing national liberation fronts’ such as the Oromo and the Ogaden with the agenda of secession to the negotiation table. In reality it was impossible to bring such strongly secessionist parties to the TGE without the rights mentioned in Article 39.

⁴⁸ Vaughan, ‘Ethnicity and Power in Ethiopia’ (n 26) 170-71.

⁴⁹ Daniel Elazar, *Exploring Federalism* (Alabama University Press 1987).

meaningful autonomy at sub-state level.⁵⁰ This somehow determines whether ethno-nationalist groups will remain loyal to the overarching federation or will prefer to walk away from it. Here the second chamber, the House of the Federation, currently has 153 members representing 76 nationalities indirectly elected by state legislatures plays a critical role in the allocation of federal subsidy to the states and the resolution of disputes amongst states. In addition, there is a commitment to provide regional state representation in other federal institutions, as expressed in a constitutional principle (Article 39.3). In practice, there is every attempt to reflect the country's diversity in the establishment of the federal executive and senior party leadership within the ruling coalition. Of the thirty one federal executive positions appointed in October 2015, the SNNPRS and Oromia each had eight ministers, the Amhara nine, Tigray four, Afar and Somali each one.⁵¹ Yet it is vital to note that executive power sharing is limited to the four party groups of the ruling coalition, which govern the four major states and have affiliate parties that govern the remaining five states. Little effort is made to incorporate ministers from outside of the ruling coalition's partners, as would happen in a broader power-sharing scheme, such as occurred during the TGE but was then abandoned.

A remarkably positive feature of the Ethiopian federal system has been the political will and commitment of the new leaders to enhance the political and administrative institutions of the units. When the federal process began in 1995, the regional states hardly had any serious administrative or political capacity owing to centuries of centralization by the national elite. Realizing this key challenge, the new leaders established institutional mechanisms specially geared to upgrade the capacity of the existing and newly recruited civil servants and political figures in the states. The size of the Ethiopian civil service went from 300,000 in 1991 to 1.2 million in 2014. The national budget rose from 9 billion birr in 1995 to 223 billion birr in 2015, the lion's share of which goes to infrastructure expansion nationwide and to improve access to education and health. The size of the federal subsidy to the states increased from 4.2 billion birr in 1995 to 88 billion birr in 2015. This dramatic expansion of state and local capacities and functions gave some real meaning to the Constitution's promise of self-rule—even if states operate largely within federally legislated policy frameworks—and it was instrumental in realizing the goals of equitable development.

The role of the ruling ethno-nationalist based coalition also seems to have been transformed since it took power. The political leaders of post 1991 Ethiopia may have come to power as 'leaders of National Liberation Fronts' but they were transformed by the exercise of state power. This can be seen with Meles Zenawi, who emerged as Ethiopia's uncontested, dominant figure in defining the pro-poor and pro-development ideology of his government and became a leading statesman in the Horn and Africa at large. The Flag Day celebrated every September brings together heads of the army and all the regional state figures to signal their loyalty to the country and its values in a way that would have been unimaginable in the early 1990's.

The over-emphasis on the rights of 'nations, nationalities and peoples' is not without implications. It provides the rationale for various ethno-nationalist groups to demand that regional state boundaries be reorganized, and so boundaries of units can be unstable and face frequent claims for adjustment or even claims for establishing new regional states or local governments. As a result, it became clear that to physically demarcate geographical borders between the various ethnic groups was difficult and at times resulted in conflicts. Indeed, no official map showing the boundaries of the nine regional states exists to date. Critics have aired their concern stating

⁵⁰ Arend Lijphart, 'Consociationalism and Federalism: Conceptual and Empirical Links' (1979) 12 (3) Canadian Journal of Politics 499, 500.

⁵¹ See All Africa, 'Ethiopia: Hailemariam Forms New Administration' (*allAfrica.com*, 6 October 2015) <<http://allafrica.com/stories/201510070627.html>> accessed 17 October 2016. Of the 84.8 billion birr federal subsidy allocated to regional states by the House of Federation in 2015, Oromia received 27.5 billion birr, Amhara 19.7 billion birr, SNNPRS 17 billion birr, Somali 6.9 billion birr, Tigray 6 billion birr, Afar 2.6 billion birr, Benishangul Gumuz 1.8 billion, Gambella 1.3 birr and Harari 849 million birr.

that the Constitution emphasizes the politics of difference and is a high-risk strategy that may bring the country's disintegration.⁵²

Minorities within the states and individual citizens can also suffer from the over-emphasis on the rights of nationalities in that they are at the mercy of the political elite in their state. The challenges minorities face differs from one regional state to another. In Tigray and Amhara states, the state constitutions acknowledge the existence of minorities, but minorities face language-based discrimination and are not represented in state institutions, particularly the executive. In some states such as Oromia, the state constitution does not even acknowledge of the existence of minorities, which are thus subject to legal, linguistic and political discrimination. In states such as Benishangul Gumuz and Gambella, the state constitutions clearly favour the majority communities and minorities are subject to legal and political discrimination. The rights of minorities in the states are vital because with increased foreign and domestic investment inter-regional migration is expected to rise thus bringing more minorities into states. Yet it appears the federation has inherent tensions as it fails to strike a balance between the right to self-rule of various groups on one hand, and the need to promote free movement of labour and capital, on the other. Experience from other multi-ethnic federation shows cases where the right to self-rule of ethno-nationalist group's was conditioned on a clear guarantee for minority and individual rights and there is the fear that once national minorities acquire self-governing power at sub state level, they might use it to prosecute, dispossess, expel or kill anyone who does not belong to their group.⁵³ As we have seen, in Ethiopia's case the process of empowering ethno-nationalist groups at sub-state level was conducted without institutional and policy mechanisms to minimize this major risk. The generously listed human rights provisions in the constitution are overshadowed by group rights and are not backed by strong enforcement mechanisms. Regular courts that are expected to enforce constitutionally guaranteed human rights have no mandate to interpret and enforce the supremacy clause of the constitution as this power is assigned to the political body- the second chamber- the HoF.

In theory, the division of power envisaged in the Constitution (Articles 51 and 52) along with the right to self-rule allows the states to design their own socio-economic and development policies subject only to broad federal wide standards set in the constitution. However, a clearer picture of the operation of the federal system in Ethiopia can be drawn if one looks at the party system. Many critics point to the most obvious limitation of Ethiopia's federalism, particularly the paradox between generously granted constitutional powers to the states and a centralized federal system in practice, which arises from centralized party system. The EPRDF controls not only the federal government but also all the regional state governments either directly itself or through its member parties (the four coalitions each lead the four relatively influential states) or indirectly through affiliated parties that control the other five states.⁵⁴ As a result of this party structure, most policies and development projects that have implications for the federal and state governments are generated through the party's central apparatus.⁵⁵ Those policies then become the basis of five-year plans for both the federal and state governments. The nomination, election and appointment of key political figures both at the federal and regional state level are made and effected through the centralized party structure, the role of federalism and the legislative bodies being reduced to serving as rubber stamps. Thus, the autonomy of the states is limited in practice, and the party structure *overshadows* the federal and regional government institutions. The party structure and its decision-making procedures undermine the federal division of power and subordinate the state governments to the

⁵² Minase Haile, 'The New Ethiopian Constitution: Its Impact upon Unity, Human Rights and Development' (1996) 20 (1) Suffolk Transitional Law Review 1.

⁵³ Kymlicka (n 40) 93-94.

⁵⁴ Markakis, *Ethiopia: The Last Two Frontiers* (n 45) 8-9.

⁵⁵ See Assefa Fiseha, 'Theory versus Practice in the Implementation of Ethiopia's Ethnic Federalism' in David Turton (ed), *Ethnic Federalism: The Ethiopian Experience in Comparative Perspective* (James Currey 2006); Gudina (n 27) 119.

centre.⁵⁶ In this regard, Ethiopia is not as federal as promised by the Constitution.

Tensions over the lack of respect for the federal character of the country boiled over in 2016 with the development plan that proposed to ‘integrate’ Addis Ababa and the surrounding Oromo territories.⁵⁷ The federal capital is geographically located within Oromia regional state and there has been an ongoing debate about the growing impacts of massive investments on the surrounding Oromo areas, which resulted in the eviction of Oromo peasants. Given the widespread sense amongst Oromos of their marginalization and the perception of the weakness and ‘illegitimacy’ of the regional state party (OPDO), which followed from the Oromo Liberation Front walking out of the victorious coalition in 1992 and subsequently being disbanded, the plan sparked extensive riots and caused several hundred deaths. Article 49(3) of the constitution stipulates that the special interest of the Oromia regional state in Addis Ababa shall be respected., but two decades after the constitution came into force ‘the special interest’ clause has not been enforced. The relevant stake holders have not reached consensus on the ‘integrated development plan’, ‘We want genuine self- rule’⁵⁸ was one of the popular slogans during the wide spread protests in Oromia in the early 2016.

On the positive side, given Ethiopia’s diverse society, a coherent and disciplined party in the federal and state arenas appears 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 2002.⁵⁹ It is also this force that counterbalances the centrifugal tendencies and serves as glue holding the different groups together. However, the ruling party in Ethiopia seems to be exceeding acceptable limits and is contradicting the constitutionally proclaimed principles of self-rule and state autonomy by practicing democratic centralism. More critically, its impact on the institutions of the federal government and the states remains serious in that these institutions have not evolved separate from and autonomously from the party. Any crisis within the party can affect regional state institutions, which makes their political life less predictable.⁶⁰

This partisan context is reinforced by an incomplete process of transition and a political culture characterized by hierarchy and authoritarianism with their emphasis on obedience to the higher level within the political elite, both of which affect the federal experiment.⁶¹

The opposition, which has been very diverse ever since 1991-92, long preferred to withdraw from the process claiming that the transition was not open and inclusive enough, thereby hoping to undermine its legitimacy. A section of the opposition has also been accused of failing to remain loyal to the rules of the game set in the Constitution in that it shows some tendencies to try to come to power by force or by applying authoritarian methods during elections. Hence the challenge of democratization in Ethiopia is a much more complicated matter than the culture of the dominant party. When the opposition’s strategies of withdrawal from the constitutional process and boycotting of elections did not succeed in delegitimizing the transition and new Constitution, the opposition resorted to a limited engagement whose purpose was only to expose electoral manipulations within the ruling party and not to engage in the process genuinely.

⁵⁶ Fiseha (n 55).

⁵⁷ What constitutes ‘integration’ was far from clear, but this measure was interpreted by the Oromo political elite as ‘annexation’ of Oromo territory.

⁵⁸ René Lefort, ‘Unrest in Ethiopia: the ultimate warning shot?’ (*Open Democracy*, 2 February 2016) <www.opendemocracy.net/ren-lefort/unrest-in-ethiopia-ultimate-warning-shot> accessed 18 April 2016.

⁵⁹ Joel Barkan, ‘Kenya After Moi’ (2004) 83 (1) *Foreign Affairs* 87.

⁶⁰ Some have already hinted that “while federalism may survive the EPRDF, the present political framework is so dependent on the regime that created it and its survival is unlikely” quoted from Christopher Clapham, ‘Post War Ethiopia: The Trajectories of Crisis’ (2009) 36 (120) *Review of African Political Economy* 191.

⁶¹ Ottaway (n 29) 73, 81-83; Abbink (n 18).

The incomplete process of transition resulting from the disengagement of a section of the opposition, shrinkage in the political space by the regime,⁶² and the divergent perspectives with little political accommodation has made the transition to democracy more challenging and protracted. In the five national elections held so far, the opposition had only a dozen seats in the 547-seat parliament. Only in the third term (2005-2010), following the relatively open and democratic election, did the opposition gain 171 seats in parliament, as well as all seats of the Addis Ababa city Council. But disagreements among the opposition itself and with EPRDF led to violent demonstrations in June and November 2005, with losses of life and destruction of property. Two groups within the opposition are worth mentioning. One is the Coalition for Unity and Democracy (CUD), a right-wing centralizing elite largely opposed to federalism and ‘ethnic’ federalism in particular. This group decided not only to boycott the Parliament in October 2005 and its seats in Addis Ababa Council, but it also claimed it won the 2005 election and therefore called for a ‘colour revolution’ similar to Ukraine’s Orange Revolution and Georgia’s Rose Revolution to unseat the EPRDF. This played into the ruling party’s accusation that the opposition is not ready to play by the rules of the game. The second group was an ethnic-based coalition popularly known as *Medrek* (Forum), which supports the fundamental principles in the constitution but differs from the ruling party on two counts: it opposes the right to secession and rejects the centralizing tendencies in federal practice. *Medrek* decided to take its seats in parliament and continued to engage the ruling party. Overall, the opposition often operates in major cities but lacks roots in the more populous rural areas compared to the ruling party. While it may win some seats in the federal parliament, it is unlikely that it will control of any states in the short term.

The EPRDF was badly shaken by the 2005 election crisis and moved aggressively to reassert control and constrain the opposition. Its policy of ‘controlled freedom’ meant that the opposition won only one seat in the 2010 election (and another went to an independent). In the May 2015 elections, despite winning 30-35 per cent of the vote, the opposition failed to win a single seat because of the first-past-the-post electoral system and divisions amongst opposition parties. As a result, effective participation in political life is restricted to the members of the ruling party and its allies,⁶³ leaving a large section of society unrepresented and in disarray.⁶⁴ The ruling party is also engaged in ideological campaigns related to the developmental state, strengthened its organization down to the grass roots, and (more positively) improved service delivery. As a result, some have gone to the extent of concluding that the multi-party system in Ethiopia has given way to one party state.⁶⁵ This scenario certainly hints where Ethiopia’s democratization process is heading. Human rights monitoring institutions point to extensive, restrictions on rights, and restricted access to state media (which is minimally open only during elections). In essence, elections are becoming a formal process without competitive options for voters and a very biased playing field favouring the governing parties. Opposition parties are only just tolerated and provided *controlled freedom*⁶⁶ so long as they do not pose a major threat to the ruling party. The situation is close to what some call elections with little democracy.⁶⁷

⁶² Abbink (n 18).

⁶³ Leonardo Arriola and Terrence Lyons, ‘Ethiopia: The 100% Election’ (2016) 27 (1) *Journal of Democracy* 76.

⁶⁴ The ruling party has an estimated 6.5 million members. But because there is no separation between party and government institutions, the government seems to be captured by its members and is not as such in the service of the estimated one hundred million population of the country.

⁶⁵ See Kjetil Tronvoll, ‘The Ethiopian 2010 Federal and Regional Elections: Re-establishing One Party State’ (2010) 110 (438) *African Affairs* 121.

⁶⁶ This was common expression used by the ruling party following the aftermath of the 2005 election crisis telling the opposition that their freedom is symbolized by ‘chicken with a long rope’ where its freedom is limited by the size of the rope to which it is tied to.

⁶⁷ Steven Levitsky and Lucan A Way, ‘Elections without Democracy: The Rise of Competitive Authoritarianism’ (2002) 13 (2) *Journal of Democracy* 51.

The EPDRF's omnipotence has weakened moderates in the opposition and led to widespread social movements and street protests emboldening hardliners. As some argue 'In Ethiopia, an election victory of 100 percent of parliamentary seats sends the message to potential rebels that there is only one game in town and that to imagine otherwise would be futile.'⁶⁸ This is exactly what transpired in 2016. When the political opposition was weakened and lost political space in parliament, the discontented section of society was left with little option than the social media and outlawed parties outside of the country. During the protests in Oromia and the Amhara region, it was all clandestine and as *The Reporter* rightly wrote, 'it was a revolution without leaders,'⁶⁹ without leaders in the sense that the leaders were not the traditional loyal opposition figures but clandestine and new ones using social media as an outlet. It is not common to witness a discontent of this magnitude immediately after '100%' win in election. There is a need to open space for accommodation of political dissent and reach out to the silent majority to engage in public affairs.

The developments following the latest protests indicate that post-Meles transition is not yet over. The federal system under Meles operated under three major unwritten frameworks: a big man (Meles, nicknamed by Clapham 'the philosopher-king of the EPRDF'),⁷⁰ democratic centralism (his main tool) and the vanguard party. After Meles's death, the collegial central government that emerged permitted regional states to exercise meaningful self-rule and influence decisions at federal level. This has given rise to a perception of a weak centre and fragmentation of the vanguard party while ethno-nationalism is growing.⁷¹ Some regional states have declared an 'economic revolution' of an ethno-nationalist character, which is designed to address increasing youth unemployment but may discourage international and domestic investments.⁷² Some believe that 'since the death of Meles Zenawi, the top part of the power structure has exploded into a multiplicity of competing centres....Ethiopia at present is like a ship without a skipper, with respectful but passive crew and a faltering engine'⁷³ or lately 'the federal centre is disintegrating.'⁷⁴ With the centre weakening,⁷⁵ emboldened ethno-nationalist leaders with competing and often conflicting interests are emerging as default leaders at the regional state level. With many of the political issues unresolved and protests in Oromia and Amhara mounting, Prime Minister Haile Mariam Desalegn resigned in February 2018. His six years in office (2012-2018) was the weakest government in Ethiopia's modern history, with indecisiveness and anarchy reminiscent of the Era of the

⁶⁸ Arriola and Lyons (n 63) 86.

⁶⁹ See Solomon Goshu, 'Rebellion without leaders: Where is Ethiopia Heading?' *The Reporter* (Amharic) (Addis Ababa, v. 21 n. 1702 *Nehase* 15, 2008 E. C. (August 21, 2016)).

⁷⁰ Meles's former ally and close friend Alex De Waal wrote 'Meles's political praxis became detached from the collective leadership and party apparatus, and he was increasingly running party and government as a one man show.' See Alex De Waal, *The Real Politics of the Horn of Africa: Money, War and the Business of Power* (Polity Press, Cambridge, 2015) 163; Christopher Clapham, *The Horn of Africa: State Formation and Decay* (Hurst and Company, London, 2017) 69.

⁷¹ The slogan of the ruling party was that its struggle was 'class in content but ethno nationalist in form.' Current realities show ethno nationalism has trumped class.

⁷² For example, Dangote's cement factory operating in Oromia regional state was required to outsource the supply of materials such as quarry and other raw materials to youth from Oromia regional state. See Fasika Tadesse, 'Authorities in the Dark Over Dangote's Threat to Cease Ethiopian Operation' *Fortune* (English weekly newspaper) 18: 896, 26 June 2017; see also Kalesyesus Bekele, 'Dangote partly suspends its operations in Oromia,' *The Reporter (Amharic)* 2:1802 *Hamle* 30, 2009 E.C.

⁷³ Rene Lefort, (n 58) 391.

⁷⁴ Rene Lefort, "Ethnic clashes" in Ethiopia: Setting the record straight *Open Democracy* <https://www.opendemocracy.net/ren-lefort/ethnic-clashes-in-ethiopia-setting-record-straight> accessed 22 October 2017

⁷⁵ The major crisis between the regional states of Oromia and Ethio Somali displaced hundreds of thousands with massive eviction of minorities in different regional states. The federal government proved unable to address the crisis through political reform. Regional state parties instructed their MPs' how to vote or to boycott in the federal parliament as if it were a confederation, leading the council of Ministers to adopt an emergency law by decree in March 1, 2018. When this failed to ensure law and order and to protect the mobility of people and goods the government had to issue a second emergency law.

Princess.

Ethiopia entered into a third political era with the coming to power⁷⁶ of a charismatic, young and populist new PM Dr. Abiy Ahmed in April 2018. He delivered compelling and uplifting speeches, emphasizing love, reconciliation and forgiveness. His narrative of federalism is different from his predecessors, but it is not yet clear whether he will accept real diversity or return to the narrative of the centrist elite ‘Ethiopia *Tikdem*.’⁷⁷ He comes from the Oromo wing of the ruling coalition and has appointed more Oromos to key federal positions.⁷⁸ He released thousands of prisoners, including key opposition figures, ended the state of emergency, called for dialogue with political parties in the diaspora and initiated several reforms, given Ethiopia some sense of hope and optimism for a democratic opening.

With formerly ‘terrorist’ factions of the OLF, Patriotic *Ginbot-7*, and different opposition groups invited to operate peacefully, the next challenge is dialogue and negotiation to bring about the necessary reforms and a renewal of democratization. Success will have risks, and some have drawn parallels with the USSR in the early 1990’s.⁷⁹ The critical issue is whether Abiy can democratize Ethiopia without risking disintegration, given the impetus towards secession in several regional states. Abiy’s daring decision to engage all issues at once risks opening Pandora’s Box when it is unsure whether the *party machinery has the capacity, the willingness and more importantly the consensus to manage* accumulated complex issues that need urgent reform. There are differences around process (an inclusive transition or more piecemeal reforms by bilateral dialogue—with Abiy favouring the latter) and around the future of ‘ethnic federalism’. Opening so many issues at once and the return risks shaking the already fragile coalition and political system, when a more focused and consensual approach might be better. Many of Abiy’s decisions of the PM by-pass existing institutions, which has created resentment amongst senior party and government figures.⁸⁰ The party itself seems in disarray. The Prime Minister, behaving more like a president, is broadening his social base outside of the party in what appears to be a deliberate dismantling of the party apparatus perhaps with the anticipation that it needs to break apart.⁸¹ This is risky as the ruling party was flag bearer of federalism (with all its limits) and it is difficult to anticipate a successor given the fragmented opposition and Ethiopia’s political culture. Despite all the odds, the EPRDF was able to elect Abiy peacefully in the midst of crisis: a rare phenomenon in Ethiopia’s recent political history. EPRDF has been a formidable force and its break up could cost Ethiopia dearly. As noted by *Fortune* ‘His popular rhetoric may have pleased a large number of the public, but his accountability lies with the 180-member EPRDF Council that has elected him...’⁸² It is too early to tell but how Abiy will balance personal ambition, popular support, and his internal party constituency so the third phase of EPRDF rule is highly uncertain—both hopeful and risky at the

⁷⁶ This is the first Prime Minister elected despite sizable dissent (108 votes in favour from the 171 votes) from within his party in the history of the ruling party

⁷⁷ ‘*Sinnore Ethiopianian, sinmote Ethiopia*’ ‘we are Ethiopians while alive and we become Ethiopia when we die’ was what he coined in his acceptance speech to parliament in April 2018.

⁷⁸ Among others, the position of the Prime Minister, Foreign Affairs, Attorney General, Ministry of Defence, the Presidency, Revenue Authority, Mayor of Addis are now controlled by the OPDO. The PM also restructured the military and security apparatus which was perceived as TPLF’s domain bringing in more actors to this sector from the other coalitions of the ruling party.

⁷⁹ See Alemayehu Woldemariam, ‘Ethiopia’s Charismatic Leader: Riding the Wave of Populism or Reforming Ethnic Federalism?’ *Ethiopia Observer* at <https://www.ethiopiaobserver.com/2018/07/04/ethiopias-charismatic-leader-riding-the-wave-of-populism-or-reforming-ethnic-federalism/> accessed 4 July, 2018

⁸⁰ The TPLF and some retired figures from the ANDM already issued a press release accusing the PM of acting without proper consultations and for infesting the party with ‘alien ideology.’

⁸¹ One rumour is that some Western countries wish to see the end of EPRDF as it had strong ties with China and insisted on the ideology of the developmental state.

⁸² ‘Fine Line,’ *Fortune* v.19 no. 947 19 June 2018 <https://addisfortune.net/columns/the-speed-at-which-abiy-ahmed-takes-things-has-begun-to-unnerve-many/> accessed 15 July, 2018

same time.

Lessons Learned

The territorially based, ethno-nationalist forces behind Ethiopia's political transition naturally favoured a federal constitutional structure. Their arrival in power represented a decisive break from the former ruling elites—whether imperial or socialist—which were highly centralizing and advocates of a homogenized identity, which necessarily marginalized most parts of the population. Contrary to previous regimes' policies on diversity, the post-1991 regime in Ethiopia not only officially recognizes diversity but accommodates it constitutionally through the design of its federal institutions. With the end of the military junta in May 1991, Ethiopia was on the brink of collapse when ethno-nationalist political groups took control. Two decades later, the federal option can be seen to have brought relative peace and political stability to a fragile region otherwise known as the 'Horn of Conflicts.'

However, a key lesson is that Ethiopia's formal federal structure, necessary as it may have been, has functioned through the dominance of one party. Dominant party politics has in important ways trumped political federalism. It is true that the EPDRF is itself a coalition of four major ethno-nationalist groups, so there have been elements of power-sharing within the party. But the party constrained real political competition and thus the democratic nature of federalism. Moreover, the party system restrained autonomy and policy diversity at state level and the party largely prevailed over the constitutionally designed autonomy of the states and their institutions.

A second lesson is that despite the political dominance of one party, Ethiopia has in important ways been federalized. It has made major strides in creating structures and capacity within the regions, so that at the administrative level the country truly has a federal structure. The new leaders moved aggressively to upgrade the capacity of state and local governments, staffed by local people and using local languages. This shifting of government into the regions succeeded in realizing at least some of the Constitution's promise of self-rule for ethno-nationalist populations. Officially proclaiming itself as 'developmental state', government in Ethiopia has made great strides in delivering security and services. Some of this reflects the close links between party and government: compared to many other African countries, where government institutions remain soft, the EPDRF has shown commitment and has a strong structure all the way down to the family level, which gives it a huge potential for mobilizing resources and the people for achieving its developmental objectives. For Ethiopia, and probably many other developing diverse countries, the state's ability to deliver much needed services on an equitable basis can be fundamental in undermining secessionist movements.

There is perhaps little that federalism or decentralization alone can do to contain political conflict if government fails to promote development and improve the quality of services to the population. Thus, economic growth and delivery of services can be seen both as an end and a means to an end in a highly diverse, underdeveloped country. With improved living standards and good government administration, there may be a moderation of ethno-nationalism and the emergence of, alternative forms of social and political mobilization, along the lines of class and ideology, and with an active civil society. However, the recent political turmoil in Ethiopia has seen a strengthening of ethno-nationalism, which, if not successfully managed, poses fundamental risks.

There may also be lessons from Ethiopia's "ethnic federalism". There are critical challenges associated with the over-emphasis on the rights of 'nations, nationalities and peoples' reflected in several sections of the constitution. The fact that the individual *citizen* is not expressly mentioned as a founder of the constitution is revealing about their being left out of the process of establishing the federation. In particular, minorities and individuals within the states are at the mercy of the local elite and ethnic majorities. This is critical because inter-

regional migration will rise with economic development and the free movement of labour is both a principle and an economic necessity. Commitment to rule of law and strong judicial protection of constitutionally entrenched rights are supposed to be the cure, but they are far from realized in Ethiopia.

The challenge related to political pluralism is even more serious. The federation has operated under a dominant party that has remained fairly accommodative to ethno-nationalist groups, especially within its governing coalition, but it has been less tolerant of political pluralism or opposition until very recently. It is hardly possible to maintain a truly federal system without democratic practices and it is this challenge that makes political life in Ethiopia less predictable, especially with the current reforms. Some hope that with a more accommodative federal institutional arrangement and material betterment, there would be the emergence of ‘other forms of mobilization’, such as class, that cross-cut and prevail over ethno-nationalist mobilization.⁸³ Ethno-linguistic and cultural diversity are supposed to give more space for cosmopolitan citizenship and political pluralism. Yet for now ethno-nationalist political mobilization in Ethiopia appears predominant, with little indication that it will give way to more class or ideologically based mobilization. Indeed, we still have to find a rational explanation as to why class-based parties of the 1970s failed to prevail or why ethno-nationalist based organizations proved more effective. Nevertheless, the claim that there is a need to nurture political pluralism of a form different from ethno-nationalist diversity is timely, especially given the current political opening. Since 1995, Ethiopia did not do well in terms of accommodating political pluralism, with the exception of the 2005-2010 third parliamentary term when the political opposition gained a significant number of seats in parliament. However, the protests during the term of Haile Mariam Desalegn and the coming to power of Abiy Ahmed have seen a remarkable transformation of the political space. Whether this opening gives life to an effective federalism and political pluralism or leads to deeper fractures is now the central issue of Ethiopian politics.

⁸³ Andreas Eshete, ‘Coming to Terms with Diversity: The Ethiopian Experience’ (Federalism for Peace, Democracy and Development: Experience Exchange on Federalism and Decentralization in the East Africa Region conference, Addis Ababa, Ethiopia, 25-27 February 2013).

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CONTRIBUTING ORGANIZATIONS

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