



Federalism in Africa: The Case of Ethnic-based

Federalism in Ethiopia

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Abstract

Ethiopia adopted ethnic federalism and restructured the regions along ethnic lines as soon as the EPRDF took political power by overthrowing the Marxist military government in 1991. The aim of this paper is to examine the merits and the demerits of federalism. The paper particularly assesses federalism in Africa by taking the case of Ethiopia as an example. The paper argues that in order to ensure the success of federalism, it should not be imposed from above. Since its introduction in 1991 and officially sanctioned in the country's 1994 Constitution, ethnic federalism and Article 39 of the Constitution that awarded the self-rule states (regions) the right to secede has become the major source of intense debate. For some, ethnic federalism and the right to secede discourage ethnic tensions in the country and encourage the various ethnic groups to live together peacefully. However, for others, this "experiment" can go out of hand and may lead the country into never-ending ethnic wars and eventually to disintegration. This paper, by taking into account of Ethiopia's and other countries' experiences, will examine both sides of the arguments.

Key Words: Africa, Ethiopia, federalism, ethnic-federalism, secession, ethnicity.

1. Introduction

According to Elazar (1987b) and Ostrom (1989), the term "Federalism" originated from the Latin term "Foedus", meaning "Covenant". For Börzel (n.d) federalism "*refers to a spatial or territorial division of power between two or more levels of government in a given political system*". Riker (1964: 11), quoted by Fillippov et al (2004: 5), defines federalism as a state in which "*two levels of government rule the same land and people; each level has at least one area of action in which it is autonomous; there is some [Constitutional] guarantee.....of the autonomy of each government in its own sphere.*" For William H. Riker (cited in Lijphart 1999: 186) therefore, federalism is "*a political organization in which the activities of government are divided between regional governments and a central government in such a way that each kind of government has some activities on which it makes final decisions.*"

The longest federal political systems in the world are found in the USA (1789), Switzerland (1848), Canada (1867), and Australia (1901) (Watts 1998: 132). Despite the success of

federalism in these countries, there are many cases where federalism miserably failed. These include countries in East Europe, and other Third World countries (Watts 1998: 132). As noted by Agbu (2004: 31) the earliest advocates of federalism like Wheare (1964) and Duchacek (1977) equated federalism with democracy. Duchacek (1977) claimed that *“democracy and federalism are always found together [and that] federalism is a territorial dimension of democracy.”* Federal systems¹ are composed of a federal (national) government, and constituent unit governments that are known by a variety of names in various countries: In USA, Mexico (Cameron and Falleti 2004), Nigeria (Agbu 2004), India (Chandhoke 2006; Maiti 2002), and Ethiopia (Aalen 2006; Abate 2004; Wondwosen 2008) they are called “states” or “regions”²; in Switzerland “cantons” (Rüsch and Kihm 2003); in Canada (Studlar 2006) and South Africa (Asmal 1990) “provinces,” in Germany (Broschek 2007) and Austria (Erk 2004) “Länder”; in Belgium “regions” (Gerard 2001); in Spain “autonomous communities” (Almendral 2002); in Russia “republics” (Fedosov 2002), or “oblasts” (Fedosov 2002, Khakimov 2002). There is a confusion regarding the concept of “federalism” and “federation” and many researchers use these terms interchangeably. It was King (1982) who, for the first time, noted the distinction between federalism and federation. For Elazar (1987, 1993, 1994) federalism is a genus of political organization containing *“a variety of species including federations, confederacies, associated statehoods, unions, leagues, condominiums, constitutional regionalization , and constitutional ‘home rules’ ”* (cited by Watts 1998: 120). In this case, therefore, federation is one species with in the wider genus of federalism. As Assefa (2007) points out many theories failed to make a distinction between federalism and federations. While federalism is an organizing principle that *“advocates a ‘multi-tiered government combining elements of*

¹ There is a difference between a federal system and regional autonomy. In a regional autonomy, the autonomous region is more subjected to the central veto than regions in a federal system (Watts 1998: 120).

² In Ethiopia they are also called “*Kilil*.”

shared-rule through common institutions for some purposes and regional self-rule' for constituent units for some other purposes" (Assefa 2007: 102), federations "*refer to tangible institutional facts*" (Assefa 2007: 103). Federations thus constitute the institutional and structural techniques for achieving one of the goals of federalism, and they are used to describe actual systems of governments.

Theoretically, according to Stephan (2001: 320-323), federalism can be achieved in two ways: "Coming-together federations", and "Holding-together federations." The first one, i.e. "coming together federation" appears when sovereign states decide to form a federation voluntarily due to various reasons such as security purposes, governmental efficiency and so on. The second one, "holding together," mostly emerge after consensual parliamentary decisions to maintain a unitary state by establishing a multi-ethnic federal system largely to avoid or settle ethnic, regional and other type of group conflict (Ibid: 324). According to Keller (2002: 24), there are many forms of federalism³, but the bottom line is that fundamentally all involve self-rule and shared-rule. For Gurr and Harff (1994), Hameso (1997), Kimenyi (1997), Kymlicka (2006) Lijphart (1977, 2002), O'Leary (2002), and Osaghae (2006), ethnic federalism reduces ethnic groups' disparity and secession of regions, gives self-rule to ethnic groups and thus brings ethnic harmony. On the other hand, for Ake (1996), Egwe (2003), Fleiner (2000), Mamdani (2005), Nordlinger (1972), and Nyong'o (2002) ethnic federalism accentuates ethnic conflicts, increases secession, suppresses individual citizen's rights and eventually leads to the disintegration of countries. In a similar manner Watt (1998: 133), drew the following three conclusions on federalism:

³ The most important ones include: Quasi-federalism, Centralized federalism, Decentralized Federalism, Symmetrical Federalism, Asymmetrical Federalism, Cooperative Federalism, Executive Federalism, Personal Federalism, Territorial Federalism, Ethnic Federalism (Seibert 2003: 3, 6).

“First, in the context of the contemporary global scene, federal political systems combining shared rule and self-rule do provide a practical way of combining the benefits of unity and diversity through representative institutions, but they are no panacea for humanity’s political ills.

Second, the effectiveness of a federal political system depends on the degree of public acceptance of the need to respect constitutional norms and structures, and on a spirit of compromise and tolerance.

Third, within the broad genus of federal systems and even within the narrower species of federations there are many variations in the application of the federal idea.”

The paper poses the following research questions:

- (1) What are the advantages and the disadvantages of ethnic federalism?
- (2) Did ethnic federalism in Ethiopia really help in solving or at least minimizing ethnic and tribal conflicts in the country?
- (3) What are the merits and the demerits of Article 39 (the right to secede) of the 1994 Ethiopian Constitution?

2. Federalism in Africa

In Africa, federalism is associated with the colonial experience of divide and rule (Assefa 2007: 101). This means that in different contexts federalism can mean different things depending on the cultural and historical connotations. During Colonialism colonial rulers in Africa followed a unitary system of government in governing African colonies. The British had tried to introduce federalism in some of their colonies in Africa. However, African nationalists and anti-colonial leaders strongly resisted the British attempt, perceiving it as the continuation of “divide and rule” in another form. It was on this ground nationalist leaders

such as Kwame Nkrumah of Ghana campaigned against federalism. After independence, the new African rulers opted for the unitary system of government (Agbu 2004: 30). The African leaders preferred the formation of a unitary governments rather than federalism (Jinadu Sep. 2002: 14-15). In contemporary Africa, most of the countries are unitary states with political power vested in the central government (Kimenyi 1998: 43). Many political leaders in Africa at present are not willing to entertain federalism fearing that federalism reinforces tribalism (Kimenyi 1998: 61). As Elaigwu (1994: 76) opined the new rulers of post-colonialism Africa considered federalism as a crisis escalator rather than a crisis damper (cited by Agbu 2004: 30). For Will Kymlicka, as cited by Turton (2005: 90-91), federalism in Africa and federalism in Europe have two major differences. In Europe, since European countries have no more neighboring enemies, their ruling elites would not be afraid that national minorities who live federated with other majority population groups will collaborate with outsiders and endanger their mother nation. But in Africa one of the fears of the African ruling elites is the possibility of minorities collaborating with the neighboring hostile countries.⁴ Second, in Europe, there is no fear that the minorities would expel members of other population groups from their territories by exercising their right to govern themselves since liberal democratic values in the West have developed enough to cut-across ethnic division. However in Africa, one of the most difficult problems in federal states is the persecution and expulsion of members of various ethnic groups who do not belong to that specific region.⁵

⁴ It is good to remember that in the recent war between Ethiopia and the Islamic groups of Somalia (ICU) (2006-2008) the international media and the Western-based analysts had been predicting that the ethnic minority Somalis of Ethiopia in Ethiopian Somalis Regional State which is also known as "Region 5" would collaborate with the neighboring Somali Islamists (see ICG 26 Jan. 2007, 2-4).

⁵ In Ethiopia, after the adoption of ethnic federalism in 1991, there were many massive massacres and persecutions. The massacres of innocent Amharas at Arbagugu (Addis Digest July 1995; September-October 1995; Berhanu 1998 EC: 122; Merera 2003: 124), Bedeno (Addis Digest July 1995; September-October 1995; Andargachew 1997 EC: 149; Berhanu 1998 EC: 122; Merera 2003: 124) and the expulsion of Amhara, Gurage and Kembata people from Negele Arsi and the surrounding rural areas and the expulsion of millions of ethnic minorities in various regions of the country who had been relocated by the *Derg* government (1974-1991) in its infamous re-settlement program can be cited as examples (For further detail on ethnic conflicts in the country *see* AP 28 February 2001; Addis Tribune 2 March 2001; BBC 31 January 2001; PANA 28 February 2001; ARB September 1999).

Until recently, the only federal state in Africa was Nigeria (Brosio 2000: 2). But, as Osaghae (2004: 171) notes, at present, some more countries in Africa like Ethiopia, Nigeria, South Africa and Tanzania follow federalism (Bednar 2006: 320-321). In general, countries like Cameroon, Comoros, Congo DR, Ethiopia, Kenya, Nigeria, South Africa, Sudan, Tanzania and Uganda either follow federalism or have constitutions with strong federal flavor. There is still an intense debate in Nigeria on federalism.⁶ For Awolowo-Dosunmu (1994) and Wonotanzokan (1994) Nigeria is unsuitable for federalism while Adele-Jinadu (1994) and Momoh (1999) argue that federalism is necessary for Nigeria to manage the country's ethnic diversity. Awolowo-Dosunmu (1994) lamented that federalism is applied to Nigeria more as an instrument of divide and rule than solving ethnic problems in the country. Agbu (2004:28) claimed that, *"it is generally accepted that so far federalism as a conflict management system has failed to remove the bogey of ethnicity, sectionalism and religion from Nigeria's body politic."*

Osaghae (2004: 174) argues that federalism is necessary for Africa to manage the problems emanating from diversity such as inequitable social and political relations, and unequal development of groups. For Kimenyi (1998: 45), *"Since ethnic groups associate with particular territories, African States are naturally suited for the establishment of federal systems of government."* For Horowitz (1997), Coakley (2000), Hechter (2000) and Ghai (2000), federalism is very important means to accommodate difference in multicultural states. Unfortunately, as Agbu (2004:28) pointed out, despite the need for federalism in Africa, *"federalism has had a poor run in countries where it has been applied"*

⁶ Nigeria adopted federalism in 1954

3. Federalism in Ethiopia: Ethnic-based Federalism

Before any analysis is done, the Ethiopian federalism needs to be understood in a historical perspective. Merera (2006) and Assefa (2007) presented their view on Ethiopian modern history in three perspectives: colonial, nation building (Assefa substitutes it by “Greater Ethiopia”), and national oppression. These versions followed Levine’s (1974) theory of Ethiopian history as composed of “Amhara thesis”, “Oromo anti-thesis”, and “Ethiopian synthesis”.

After taking political power by militarily overthrowing the Marxist military government of Ethiopia in May 1991, the EPRDF (Ethiopian Peoples’ Revolutionary Democratic Party) adopted a federal structure which is based on ethnic lines. Article 1 of the 1994 Ethiopian Constitution says, “*This constitution establishes a federal and democratic state structure.*”

According to the 1994 Ethiopian constitution, the duties and responsibilities of the federal government include: foreign relations, national defense, Inter-state commerce, currency, immigration, communication, inter-state water resources. The duties and responsibilities of the regional states include: draft their own constitutions, administer land and other natural resources, levy taxes and duties on revenue sources reserved for the states, enact civil service laws, and establish state police.

The Right to Secession

The most controversial article in the 1994 Ethiopian Constitution is Article 39 that deals with the right to secession.⁷ Article 39 of the Constitution says that every Nation, Nationality and

⁷ As many Vaughan (2003: 6) indicated the authors of ethnic federalism (the elites of TPLF) in Ethiopia are heavily influenced by the Marxist theory of the “National Question.” Before coming to power in 1991, the TPLF elites were ardent followers of the “Albanian Socialism.”

People in Ethiopia has an unconditional right to self-determination, including the right to secession. The conditions for cessation are:

- (a) When a demand for secession has been approved by a two-thirds majority of the members of the Regional parliament.
- (b) The federal government arranges a referendum with in 3 years after receiving the demand for cessation.
- (c) When the demand for secession is supported by majority vote in the referendum.

Since its introduction, ethnic federalism and its impact on the country have become a point of discussion and a source of highly intense debate (see Abate 2004; Alem 2003; Aalen 2002, 2006; Gebrehiwet 2006; Keller 2002; Kimenyi 1998; Pätz n.d.; Serra-Horguelin 1999; Turton 2005; Tsegaye 2004; Tronvoll 2000; Vaughan 2003). As the EPRDF leaders have claimed and other scholars such as Hechter (2000: 142-145) argued, federalism decreases the demand for secession in Ethiopia by increasing self-government. The EPRDF officials argue *“that ethnic federalism was the only way of democratically restructuring the country, enhancing the political participation of the Ethiopian population and giving ethno-regional rights to the previously oppressed peoples or nationalities”* (Aalen 2006). For some political thinkers like Chabal and Daloz (1999: 58) ethnic federalism in Ethiopia might be a good experiment. Ethnic federalism of the EPRDF is also positively viewed and considered as a useful tool in reorganizing Ethiopia by Cohen (1995), Henz (1998) and Kidane (1997).

On the other hand, there have been many scholars and researchers, who criticized the system of establishing regions along ethnic lines. Mazrui (1994: 60) argues that ethnic-based federalism of Ethiopia is the “re-tribalization” of the country. For Ottaway (1994, 1997) ethnic-based federalism increases ethnic conflicts rather than defusing or minimizing ethnic

strives. The other scholar who offered a harshest critic on this issue is Huntington (1993b: 15) who said,

“... attempt to classify people by ethnic background is reminiscent of practices which used to exist in the former Soviet Union and in South Africa. It seems totally contrary to a political process one of whose purposes is to promote a common Ethiopian national identity. It also seems in appropriate in a country in which substantial portions of the population are of mixed ethnic background or unsure of which ethnic group they belong to or wish to identify with....”

Kymlicka (1998) and de Silva (1986: 374; 1989) also argue that federalism does not prevent secession, but serves as a stepping stone for those groups whose aim is independence. Similarly, Keller (1998: 122) remarked, *“Breaking Ethiopia up into a few large ethnically based regions, does not solve the nationality problem, but exacerbates it.”* As indicated by Brietzke (1995) and Merera (2003) there are many people in Ethiopia who opposed ethnic federalism, fearing that the end result of this process could be the disappearance of Ethiopia from the political map of the world. This fear and anxiety is mostly common among the Amhara ethnic group, and other population groups (Keller 2002: 33). As Ottaway (1994) argues, cited by Engedayehu (1993), ethnic federalism might lead to the disintegration of a nation. It is also criticized for its possibility of creating more ethnic conflicts. Abbink (1993: 682) says,

“...In the interstices of State transformation where traditional power relations fall apart and new structures of a representative democracy are not yet established, traditional enmities and conflicts of interest are being completely politicized and played out on an ethnic basis. The

policy-makers have not yet come to grips with these realities, either intellectually or administratively, not at least because they know not how to handle the rising tide of movements for both ‘democracy’ and ‘ethnic self-determination.’”

Keller (2002:33) expressed his worry on ethnic federalism of Ethiopia, in a rather frank manner. He said,

“Whether one agrees or disagrees with Ethiopia’s strategy of ethnic federalism, the process of constructing it will not be easy. In spite of the fact that international donors tend to accentuate the positives in this approach, there are no prior examples of success in establishing a purely ethnically based system of federalism.”

According to Aalen (2002: 91), Abbink (1997), Mohammed (1999), Ottaway (1994, 1995), Vestal (1999) and Walle (1997), ethnic federalism is the “divide and rule” policy of the TPLF designed to strengthen its own position and it might lead the country in to disintegration. Moreover, according to Abbink (1997), Brietzke (1995), Cohen (1995), Mattei (1995) and Paul (2000), the most common criticism against the federal model of Ethiopia is the inclusion of the right to secession in the 1994 Constitution. The elites of the two dominant ethnic groups in the country (Amhara and Oromo), challenged the federalism process from their own particular parallel perspectives. As the report of NDIA and AAI (1992) allege:

“Some Amhara political leaders, for example, asserted that the TGE’s⁸ experiment implied the sacrifice of an Ethiopian National identity and

⁸ TGE (Transitional Government of Ethiopia) which temporarily ruled Ethiopia in the transition period (1991-1994). Then it was replaced by the Federal Democratic Republic of Ethiopia (1994-Present).

effective central government. Alternatively, certain quarters within the OLF⁹ believed that the proposed ethnic federalism would merely co-opt the OLF into yet another Northern-dominated system, and that Oromos would thereby forfeit an historical opportunity to achieve true sovereign independence for Oromia.”

Similarly, Aalen (2002: 9) argues that the Tigry People’s Liberation Front (TPLF) (the core organization of EPRDF), representing only 10% of the total population of Ethiopia, devised this policy to divide the other people of Ethiopia along ethnic line so that it could maintain its political position at the expense of other political groups. Huntington (1993b: 14-16) heavily criticized the division of Ethiopia’s administration structure along ethnic lines. He said,

“.....ethnicity is likely to be central to Ethiopian political parties, elections, and politics generally. Attempts to suppress ethnic identifications or to prevent ethnic political appeals are not likely to be successful.....parties and other political groups will undoubtedly be organized primarily on ethnic lines, however, supplements what is unavoidable with what is undesirable.... the combination of ethnic territorial units and ethnic parties cumulative cleavages and can have a disastrous effect on national unity and political stability.”

4. Discussion

One of the most controversial issues in conflict studies is the role of federalism. For Roeder (1991) and Snyder (1999) federalism in the two Socialist countries (the Soviet Union and Yugoslavia) was the cause of their disintegration that later on led to the emergence of new

⁹ OLF (Oromo Liberation Front)

independent states. Federalism prepared ideal conditions for conflicts that later on led to the collapse and the disintegration of these countries: It promoted a common language; assisted in the creation of a sub-nationalist intelligentsia; established and financed sub-national political elite, and moreover, it supplied resources which these sub-national political elites could use for legitimacy. As Bunce (1999:49) noted, federalism in these two communist countries “*put into place virtually all of the building blocks that are necessary for the rise of nationalist movements and for the formation of states.*”

On the other hand, according to Saideman et al (2002: 118, 122) and Brancati (2006), federalism and political decentralization contribute for the reduction of ethnic conflicts in many countries.¹⁰ The best example in this respect is Quebec of Canada. For Hechter (2000: 142-143) and Lustick et al (2004: 209), federalism helps in solving secessionist movements. There are two pre-conditions to stop or prevent ethnic conflicts in a federal state. These are, as Aalen (2006) argues, the presence of a democratic government, and the respect for individual and group rights. According to Aalen (2006), federalism is criticized for encouraging or not stopping the self-determination of ethnic groups, which can lead to secessions unless at the same time or simultaneously the idea of common citizenship is propagated and encouraged in the federal country.¹¹ A common citizenship could be

¹⁰ However, this does not mean that federalism stops all violent communal conflict. For instance, though both Nigeria and India are Federal countries, they still suffer form violent communal conflicts.

¹¹ This is one of the failures of ethnic federalism in Ethiopia. Many Ethiopians are angry on the ruling EPRDF party officials' failure to propagate and encourage the idea of common citizenship in the federal country. In the post 1991 Ethiopia, people who profess “Ethiopianness” instead of their ethnic origin were persecuted as Amhara radicals, or “*Neftegnas*” (lit. “gun-carriers”). Ironically, it was the “*Neftegnas*” as warriors of Menelik II’s government who preserved Ethiopia’s independence and territorial integrity by fighting against foreign invaders. In fact, in many ways the Ethiopian “*Neftegnas*” were very similar with the Japanese “*Samurai*.”

On the other hand, the TPLF members were accused of demonizing the Ethiopian history (Andargachew 1997 EC: 8) and desecrating the Ethiopian flag, particularly in the first half of the 1990s. The leader of the EPRDF and the Prime Minister of the country, Meles Zenawi, was accused of publicly degrading the Ethiopian flag (Negussay 2006). It was reported that while addressing the issue of the Ethiopian national flag, he said that it was just a “garment” or “rag” (Negussay 30 June 2007).

propagated and cultivated if the federal government is neutral so that it can intervene to pacify in case of ethnic conflicts. However, if the federal government is perceived as a representative of a certain ethnic group in the country, its role in propagating and maintaining the idea of common citizenship would be in question. Though many scholars advocate for federalism by emphasizing its advantages, at present there are only few countries in the world that follow federalism. What are the reasons for this?

For Mueller (n.d), the probable reasons are two: First, perhaps, the disadvantages outweigh the advantages. Second, federalism is somehow inherently unstable. According to Muller (n.d) when federalism is chosen it fails to survive, *“not because of any fundamental difficulty in the outcome it produces, but because of the existence of forces in democracy, which undermine it.”*

Federalism involves decentralization. Decentralization involves two processes: “Political decentralization” and, “administrative decentralization.” For Cohen and Peterson (1999: 23-24), *“While administrative decentralization is not the same as political decentralization, it can, under enlightened central leadership, lead to democratization and greater political participation.”* In order to measure the effectiveness of federal systems we have to assess the political decentralization and the administrative decentralization. Political decentralization can be measured by assessing the public’s support at the sub-regional level for governmental institutions at national, regional and local levels (Keller 2002: 26). The administrative decentralization can also be measured by examining the three most common forms of administrative decentralizations: “decentralization”, “delegation”, and “devolution.” “Decentralization” is a form of administrative decentralization where decision making

process regarding financial and managerial matters is transferred to federal institutions at the local or state levels. “Delegation”, another form of administrative decentralization, is a situation where administrative or decision making authority is transferred to lower level in a certain well defined cases. “Devolution” is a situation that involves the transfer of constitutionally specified authorities from the central government to local governments and autonomous States (Keller 2002 26-27; Cohen and Peterson 1999: 20-30).

Though federalism in Africa is usually considered as imported model from the Western World, there are researchers who argue that in Ethiopia federalism is part of the country’s political tradition. As reported by Serra-Horguelin (1999), Dr. Alemayehu Aredo, the ex-president of the civil service college argues that during the Era of Princes (1770-1855) Ethiopia had “feudal federalism”. Similarly, Abbink (1997) asserted that in its most of history Ethiopia has a tradition of federation because “*the power of the monarch was often superficial and remote, and regional autonomy substantial.*” However, Serra-Horguelin (1999) rejected this argument and for him both the arguments of Aredo and Abbink are not sufficient to claim that Ethiopia was a federation. For Serra-Horguelin (1999) therefore “*Ethiopia was closer to an empire than a federation.*”

The Ethiopian Constitution that has become the basis for the country’s principle of ethnic federalism, as Turton (2005:89) insisted, is clearly influenced by the Leninist model of federalism. Though, at present, federalism is considered as one of the possible ways to curtain ethnic conflicts, in its initial form (as evidenced and substantiated by examining the American and Swiss models) it was not intended or designed to solve or contain ethnic conflicts (Aalen 2002: 14).

According to Keller (2002: 24), “*Ethiopia began as what appeared to be holding together federation in 1991,*” but with in a year ended up as a “*putting together federation.*” As Keller (2002: 27) said, the Ethiopian government followed a strategy of administrative decentralization that mixed de-concentration and devolution. For Keller (2002: 31),

“Although, the Constitution states that States may prepare their own constitutions, decide their own official language, develop their own administrative systems, establish separate police forces, and collect certain taxes,.....again, the initiative for these arrangements came from the center than from the constituent States.”

This “imposition from the top” or from the Center scheme is also shared by Kidane (1999: 19) and Hassen (1999: 234). According to Keller (2002: 22), power sharing formulae usually include decentralization, regional autonomy and federalism, and they are principally considered as ideal strategies for avoiding or solving ethnic strives and for attaining democracy. In order to achieve these, Ethiopia’s strategy includes the “*use of administrative institutions and institutional reform as instruments of change*” (*Ibid: 23*). For Turton (2005: 88) the EPRDF’s principle of self-determination for federal regional units “*has gone further than any other African State, and probably further than any state worldwide, in using ethnicity as its fundamental organizing principle.*” In other parts of the World, federalism was exercised to meet administrative and bureaucratic needs (except Canada and Switzerland) than to accommodate ethno-territorial pluralism in a single state (Turton 2005: 89).

The most controversial article in the Ethiopian Constitution is article 39 that deals with the right to secession. Ethiopia perhaps is the only country in Africa that included such article in its constitution at present time. But, in the past few communist countries and political parties in the world had similar clauses in their constitutions. For instance, in the 1924 Soviet Constitution, as noted by Kreptul (2003: 70), the right to secession was guaranteed. It says “*this Union is a voluntary association of peoples with equal right, that each republic is assured of the right of free secession from the Union.*” For Buchheit (1978: 121),

”It was primarily Lenin’s thesis that some expansive talk about secessionist rights was necessary to insure the acceptance of the early revolutionary movement by the many nationalities contained within tsarist Russia. By offering a protection of national rights, up to and including the right to secede, Lenin hoped to assuage the fears of the disparate populations within the Russian empire and woo them to the revolutionary cause.”

According to Saxer (1992:613), the 1924 Russian constitution stated that “*the right of secession, could not be amended, limited, or repealed without the prior consent of all of the republics.*” The Soviet Constitution was revised in 1936 and in 1977. However, the right of secession was retained in both successive constitutions¹² (Kreptul 2003: 70). It is good to remember that although the right to secession was retained in all three Russian Constitutions, it had no practical effect and it was never intended to be exercisable.

¹² The 1936 Constitution (Article 17); 1977 Constitution (Article 72)

In a similar manner, the communist party of China also included the right to secede in its constitution in 1931 in order “*to lure in the ethnic nationalities of the Chinese mainland*”. However, “*once the Chinese communists consolidated control over the main land and surrounding territories, the right of secession was dropped*” (Kreptul 2003: 70). The 1975 revised Chinese Constitution did not include the right of secession. A constitutional right of secession was also included in the 1947 Burmese Constitution¹³. The Constitution declared that there had to be three conditions for the right of secession to be implemented in Burma: (1) A waiting period of ten years (2) The secession proposal had to get two-thirds vote of the state council wishing to secede and (3) A nation wide plebiscite vote. In 1974 the right of secession was totally repealed from the Constitution (Kreptul 2003: 71). To sum up, in all aforesaid cases it can be said that,

“secession rights have often been used as a tactic to attract smaller sovereign ethnic and national groups into a Larger Political Union for purpose of enjoying perceived Economic and Social benefits. However, once the political Union has attained, the right of secession was often delegitimized, either through practical politics or legal repeal” (Kreptul 2003: 71).

Monahan and Bryant (1996), as cited by Kreptul (2003: 79), have claimed that out of 89 constitutions in the world only seven constitutions have provisions of the right of secession: Austria, Ethiopia, France, Singapore, St. Christopher and Nevis, the Former Soviet Union and the former Czechoslovakia. In the 1960s, secession constitutionally or through established fundamental law has happened in Asia. In 1965, due to various reasons including the racial and economic incompatibility between the minority Chinese-Singaporeans and the majority

¹³ Chapter X of the 1947 Constitution

Malayan population, the federation of Malaya allowed Singapore to secede (rather, expelled). Surprisingly, the secession of Singapore was completed when the Malayan parliament decided to amend its constitution in only three hours discussion (Kreptul 2003:68). Although secession usually occurs in unitary states, federal states also had suffered from secessionist movements. The best example prior to the 1990s was Bangladesh (1971). In the worst cases, as Berhnau (2008: 1) mentioned there were federal countries that disintegrated due to secessionist movement: the USSR (1991), Yugoslavia (1991) and Czechoslovakia (1993), although each with different results.

According to Aalen (2006), the Ethiopian constitution under the EPRDF defined ethnicity and ethnic groups only in primordialist way. According to Article 39(5) of the Ethiopian constitution

“A ‘Nation, Nationality or People’ for the purpose of this Constitution , is a group of people who have or share large measure of a common culture or similar customs, mutual intelligibility of language, belief in a common or related identities, a common psychological make-up, and who inhabit an identifiable, predominantly contiguous territory.”

The primordialist approach which the EPRDF based its ethnic classification of the country deserves more emphasis and explanation. There are two major theoretical “Schools” on nationalism and violence: primordialism and instrumentalism. According to primordialism, humans are subdivided into naturally demarcated communities (Gurr 1994). In instrumentalism theory, on the other hand, individuals choose their identity rationally. Therefore, as described by Anderson (1983), Ellingsen (2000: 203) and Gurr (1994: 348), in instrumentalist perspective, communities are seen as either imagined or chosen and members’ loyalties to the communities are determined by shared prospects, not shared

qualities. Primordialism theory was dominant in the 19th century where it served as a rationale for the nationalist movements and the principle: for every nation-one state. In the 20th century, the applicability of “for every nation-one state” theory was challenged in two ways: First of all, many areas of the world are inhabited by mixed people. Second, different people define their nationality in different ways: for some language is the fundamental criterion, others consider race as the primary distinction between peoples, while religion and culture are perceived fundamental by others (Helland-Hansen 2007). As stated above, according to primordialist view, ethnicity is regarded as something naturally inborn, fixed and stable. This view can be best explained by assessing how colonialists particularly indirect rule proponents regarded Africans during colonialism. The European colonist and the early structural functionalist anthropologists viewed African society as a collection of tribes that are characterized by distinct cultural markers (Evans-Pritchard 1951). However, contrary to the colonialist claim, recent Anthropological studies disclosed that it was the policy of colonialist themselves that “created” or rigidified the previous very loose ethnic identities making them fixed instead of flexible (Bayart 1993; Ranger 1983). At present, social scientists conventionally view ethnicity as a constructed phenomenon. This approach is called “modernist”, or “instrumentalist.” In the struggle for resources and political power, politicians mobilize people by dividing people along constructed ethnic lines (based on selection of cultural markers) (Yeros 1999). In this case, ethnicity is not fixed and stable.

Expanding his argument Aalen (2006) stressed that according to Article 39(10) of the 1994 Constitution, *“the whole population of the federation is seen as composed of nations, nationalities and peoples....it means that every citizen must belong to an ethnic group and define themselves along ethnic lines.”* In this case, for Aalen (2006), the constitution will end up in creating fixed and inborn ethnic identities in the same manner as indirect rule of colonialism created fixed inborn ethnic identities in Africa. Aalen (2006) claims that, *“Some*

commentators are concerned that the 'ethnicisation' of the Ethiopian state structures has opened a Pandora's Box of ethnic rivalries and hostility that will be difficult to close again."

5. Conclusion

According to Turton (2005: 90), ethnic federalism is unpopular in Africa though it is successful and popular in those very few European countries that undertook a form of ethnic federalism. As we tried to explain in the above paragraphs, Ethiopia has been following federalism for the last two decades. Therefore, it is proper to ask, did ethnic federalism succeed in Ethiopia? According to Turton (2005: 92-93),

"When one considers the level of internal conflict, military violence and repression by agencies of the state that characterised the period of the Derg, the restructuring of Ethiopia as an ethnic-based federation has been an undeniable success. It has provided peace and security for the great majority of the population following a violent civil war and laid down, for the first time in the history of Ethiopia, 'the legal foundation for a fully fledged democracy.' But if one considers the success of federalism in Ethiopia not against the record of the previous regime, but against the essential requirements of a genuinely federal division of powers, one cannot but entertain fears for its long-term future."

After considering the various facts which we have exhaustively discussed, the following conclusions are drawn:

(1) Ethnic federalism has failed to solve ethnic conflicts in Ethiopia.

In the post 1991 Ethiopia, major and minor ethnic conflicts have been raging in many parts of the country including the capital, Addis Ababa, due to political, economic and border problems. Conflicts have become very common between the Oromo and the Somali ethnic groups; Oromo and Harari, Somali and Afar; Oromo and Southern nations, Oromo and

Amhara etc. These conflicts have led to the death of many innocent people, the destruction of property, and the dislocation of many people.¹⁴ According to the official report of the Ethiopian Federal Police in the 2000 EC¹⁵ (2007/8GC) alone, there were 28 ethnic conflicts in the country (Reporter 09 April 2008a). Universities and schools have also become the center for ethnic conflicts and are frequently closed due to ethnic clashes (Ethiopia Zare 10 April 2008; Sudan Tribune 9 September 2006). Moreover, due to ethnic conflicts ethnic minorities are being expelled from various regions.

(2) The inclusion of Article 39 in the Constitution has encouraged the ethnic-based organizations in the country that have secessionist programs such as the ONLF and the OLF (Wondwosen 2008) to fight for a separate state. For the last two decades the secessionist movements of the OLF (Oromo Liberation Front)¹⁶ and the ONLF (Ogaden National Liberation Front¹⁷) have reached a very high level and the political parties are able to get international attention by conducting armed resistance. For instance, in the 1992 regional election the ONLF won and formed a regional government that lasted just only a year. In the following election the WSLF (Western Somali Liberation Front) in collaboration with the ONLF won and formed a government. In February 1994, the Ogaden clan dominated regional assembly opted for secession from Ethiopia by exercising the right to self-determination as stipulated in the Constitution. This action prompted a swift action by the federal government that aborted the secession attempt (Hagmann and Khalif 2006: 25-49).

¹⁴ In order to assess the magnitude of ethnic conflicts in Ethiopia in the post-1991 Ethiopia see Merera (2003: 143), and the reports of the BBC (16 December 2003, 4 February 2004); Daily Monitor (19 July 2005); IRIN (01 November 2005, 5 July 2002, 13 December 2007, 22 December 2003, 6 February 2004, 14 June 2006, 12 March 2003, 19 July 2006); Ethiopia Zare (09 June 2008); Reporter (09 April 2008a, 09 April 2008b, 28 May 2008); Reuters (9 April 2008); Sudan Tribune (9 September 2006, 12 April 2008, 15 February 2004, 6 March 2004, 15 May 2008, 24 May 2008); Wondwosen and Jerusalem (2007).

¹⁵ EC (Ethiopian Calendar), GC (Gregorian calendar)

¹⁶ See BBC (15 September 2006, 5 July 2002, 19 August 1999, 3 December 1997); Reuters (4 November 2006); Sudan Tribune (15 November 2006, 13 September 2005, 11 December 2006, 8 June 2005, 5 April 2007).

¹⁷ See BBC (25 April 2007, 26 April 2007, 23 July 1999, 5 July 2000); The New York Times (13 June 2008); Sudan Tribune (2 April 2008, 13 June 2008, 14 August 2006, 17 March 2006, 30 August 2007).

(3) Federalism in principle is good. But other models of federalism should be explored. For example, territorial federalism i.e., splitting national territory in geographical zones and regions (like Germany, USA, Spain, UK) can be an alternative.

(4) Ethiopian federalism is not a democratic federalism. Regional (State) leaders are either members of the ruling EPRDF party or the puppets of the ruling party in the name of “allied parties”. According to opposition parties, there are many TPLF members who occupied top administrative positions in many regions in the country. In Amhara, Oromia, the SNNP and other regions TPLF members are placed in key positions to check the loyalty of those regions to the ruling party (Andargachew 1997: 253-254, 256; Merera 2003:124, 161). Moreover, the TPLF created the infamous Peoples’ Democratic Organizations (PDOs) in various regions (controlled by its political cadres) to suppress other genuine political organizations of the people. According to Merera (2003: 123), the PDOs are “*not locally and independently initiated political groups, but TPLF-created ...for the control of non-Tirrayan ethnic groups of the country.*”

The major problems of the Ethiopian ethnic federalism have been outlined by Turton (2006: 5) who says that “*it was decided that each major subnational group should be dominant in one, and only one, regional state.*” Levine (2008) states that Ethiopia has to create a “national public” to overcome conflicts caused by recent constitution and historical claims of various groups, while Abbink (2006) suggested to re-arrange the ethno-linguistic borders delineated by the constitution, which should be the first step towards depoliticizing ethnicity. The reason why the ethnic-based federalism in Ethiopia seems to fail lies not only in the character of the Ethiopian constitution, outlined along the ethno-linguistic borders, but also in the historical claims and oppositions that the constitution managed to stress. Already after

the fall of the Derg regime in 1991, the new government wanted to distinguish itself from the previous regimes and ethnic federalism seemed to be the proper solution. Unfortunately, with the lack of good governance, democratic process and elections, and by accenting ethnicity and diversity of Ethiopia, ethnic federalism has little to offer for the populations on the “periphery”. Federalism means a “division of power” and a “decentralized government” and this is not what we may expect from the contemporary ethnic-based federalism in Ethiopia.

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