

The Pitfalls of Ethiopia's Ethnic-Based Federal System: *Towards a Democratic Federalism*

*Ayalew Zeleke Bezabih*¹

Abstract

The toppling of the Derg, which ruled the country for seventeen years, by the EPRDF-led forces in 1991 marked another important turning point in Ethiopia's socio-economic and political history. A great majority of the literature on Ethiopia's federal system reveals that federalism in its ethnic model has emerged as one of the highly contested topics causing heated debate among scholars of the field and various political forces. This article attempts to critically examine the deficits of the Ethiopian federal system through a careful and thorough review of the existing literature on the subject. Relevant information for the study was drawn from different books, journal articles, theses, dissertations, governmental reports and legal documents. The paper indicates that Ethiopia's ethnic federal model deviates from the basic and common principles of federalism in many respects such as in its philosophy of legitimacy, division of authority, balance of unity and diversity, democracy and institutional frameworks. The paper argues that there is an urgent need for developing a roadmap which redresses these shortcomings in the system, and paves the way for the institutionalization and maturity of a genuine democratic federalism in Ethiopia.

Key words: Federalism, Ethnic federalism and democratic federalism

¹ Debre Berhan University, email: ayalewzeleke1977@gmail.com

Introduction

Federalism is getting much scholarly attention in recent times. As a system of governance, not less than 28 states have already adopted federalism across the world.

Post-1991 period witnessed another restructuring of state and society in Ethiopia. Following the transitional government led by a charter adopted in July 1991, Ethiopia was explicitly declared as a federation in the 1995 constitution of Federal Democratic Republic of Ethiopia (hereafter referred to as FDRE)

Federalism in its ethnic model in Ethiopia has been adopted with the hope of answering the long-existed problems of its people. One such problem was the '*national question*' which was articulated since the Ethiopian student movement in the 1960's. Another problem which had been long waiting for solution was the absence of equality and democratic government in the country. Hence, it seems that federalism in Ethiopia can be viewed as '*the right answer of the present for the wrong practice of the past.*'

Taking the above issues in to consideration, the existing ruling government of Ethiopia i.e. Ethiopian People's Revolutionary Democratic Front (hereafter referred to as EPRDF) which is a coalition of four ethnic based parties, has chosen federalism fused with ethnicity as an organizing principle of the state and society. Yet, the Ethiopian federal model has opened for contested debates among scholars, political forces and the public in general. Moreover, the system continues to be a dividing fault line in the country's political discourse.

This paper aims to critically analyze the deficits found in Ethiopia's ethnic-based federal model from different perspectives and proposes a potential alternative direction as a roadmap that enables the system to go in the right track of democratic federalism which is very essential for the viability and sustainability of the system.

The paper argues that the last two decades of the Ethiopian federal experience has witnessed a major deficit of democracy, which in turn prohibits the system from being genuine democratic federalism. Hence, the paper identifies those basic elements which are lacking in the Ethiopian federal model and recommends a possible solution to amend these deficit.

The paper is organized in to four parts. The first part discusses the general overview of federalism. The second part deals with Ethiopia's ethnic-based federalism with its introduction and its missing elements that prohibit it from being genuine democratic federalism. The third part of this piece deals with the roadmap as a solution that enables the Ethiopian federal system to go in the right track of democratic federalism. Finally, some concluding remarks have been made based on the preceding discussions.

Objectives and method of study

The main objective of this study is to identify and examine the deficits of Ethiopia's federal system from the perspectives of legitimacy, division of authority, balance of unity and diversity, democracy and institutional frameworks. It is also intended to critically analyze how these deficits are impeding the Ethiopian federal system from being a viable and democratic federalism. It also aims to propose a roadmap as a solution that could lead the federal system in to the right track of democratic federalism.

The study is a qualitative approach with descriptive study design which enables us

So as to describe the pitfalls of Ethiopia's ethnic-based federal model in detail and show how these pitfalls become major sources of impediments for the federal system not to be viable, legitimate and democratic. The sources of data of this study are entirely secondary sources including books, journal articles, thesis, dissertations, reports and legal documents.

Federalism: An Overview

There is little agreement among scholars with regard to the precise definition of the term federalism. According to Smith (2004:12), the word federalism has gained its origin from the Latin *foedus*, meaning faith. The word asserts the friendship or the faith in one another that political communities express when they decide to join together in a federation or federal system of government.

The other prominent scholar in the field, Watts (1999) points out that the word 'Federalism' is not a descriptive rather it is a normative term which refers to the existence of multi-layered government consisting of elements of shared-rule and regional self-rule (Watts, 1999:6) similarly, Elazar, quoted in Yonatan (2008) notes that federalism is the combination of 'self-rule' plus 'shared-rule' referring the former as self-governance status and the later as the means of accommodating and promoting diversity within a larger polity.

Wheare defines the federal principle as a "method of dividing powers so that the general (central) and the regional governments are each, with in a sphere, coordinate and independent" Riker (1964) has also claimed that federalism is the main alternative to empire as a technique of aggregating large areas under one government. The other scholar Ostrom (cited in Filippov, et al (2004) conceptualized federalism as follows:

Federalism is commonly understood as a theory of government that uses power to check power amid opposite and rival interests. Authority is limited and no single body exercises supreme control nor has a monopoly over the use of force in society. But the idea of federalism is rendered trivial when applied only to the co-existence of state and national government. Rather, federalism offers no less than an enabling basis for the development of self-organizing and self-governing capabilities under conditions of equal liberty and justice.

Riker (1975:103) understands federalism "as a range of phenomena rather than a single constitutional thing." A federal arrangement does not always mean that the boundaries of power are clearly fixed on a permanent basis, but rather a continuous political bargain and process. In other words, it is not a static and fixed phenomenon.

The multiple definitions and conceptualizations of federalism articulated above can generally tell us that it is a system of multi-layered governance system. Though there are some common and basic elements of federal system, there is no universal model of federalism that can be workable in all situations. Scholars strongly agree that there is 'no a one-size fits all principle' in federalism. Every country establishes federalism in line with its socio-economic and political contexts.

Ethiopia's Ethnic-based federalism

Introduction

All federations have common elements that they share in relation to institutional and legal framework. However, they at the same time show differences because their base of establishment has its own unique purpose to solve a particular problem. In the Ethiopian case, for example, federalism was designed as a remedy to the national question which -is historically associated with the long existing tradition of the unitary state which failed to recognize the rights of ethnic groups to self-determination (Asnake and Hussein: 2007). Young (1996) has also asserted that “ethnic federalism is EPRDF’s answer to the problem of state centralism and Amhara domination.”

Following the collapse of the Derg regime in 1991, ethnic pluralism was adopted as an organizing principle for Ethiopia’s federal structure. The country was formally acknowledged as a federal state in the new constitution which came in to force in 1995 (Alem, 2004)

Clapham cited in Aklilu’s article (2006) has noted that Ethiopia’s decision to reform itself in the new realm of political structure and society has made the country deviate from other African states which have not shown their willingness to establish ethnic federalism that could give power to different ethnic groups (cited in Aklilu, 2014: 90). There are several justifications entertained by the existing ruling party for using ethnicity as the main and central element of the federal system. The regime’s main rationalization behind the introduction of ethnicity as the main catalyst for the federal model has been in the fact that the country’s unity and stability could be possible through an explicit recognition of ethnic groups and giving them political powers to exercise their own self-governance status (Ibid).

For scholars such as Clapham the attempt to restructure and reconstitute Ethiopia’s past image of centralism and authoritarianism in to a democratic federal state is the most appreciated a vital project that can never be undermined. Ethiopia has tried to invent the first federal model in its kind in Africa i.e. curving the federal system on the basis of ethnicity which most African countries have rejected for a number of reasons. Though it has been a bold and novel experiment, Ethiopia’s ethnic federalism has never escaped from being a source of intense and polarized argument among scholars. On one hand, the proponents of the newly designed federal formula claim that it enables the country to keep its people’s unity and territorial integrity. They further argue that the new formula has brought a sense of equality and recognition of diverse ethnic groups in the country and enables them to have wider political space which had never existed before. On the other hand, the opponents point to the potential of this model to instigate and/or exacerbate ethnic conflict and state disintegration. They also underline the fact that, there is no as such compatibility or holy matrimony between ethnic rights and liberal democracy (Alem, 2004:92). The discourse on ethnic-based federalism is not limited only to Ethiopia. The issue has also generated international debate among notable scholars of the field.

Tsegaye (2014:1) has viewed EPRDF’s attempt to federalize Ethiopia as “an unfortunate means to a legitimate end”. This implies that the federal structure of Ethiopia attempts to give answer to the long-existed core problems of the country but lacks the proper ingredients that could bring about the desired outcome (i.e. a viable and democratic system) due to a number of reasons which this paper will try to discuss in the sections that follow.

Missing elements in the federal model

Lack of legitimacy

It is apparent that federalism as a model of governance system in Ethiopia has been adopted with the good intention of keeping its unity and accommodating diversity simultaneously. However, there is one question that is worthy of consideration here. How far has the way it is organized and structured brought about the expected results?

One of the elements that the Ethiopian federal model has missed is legitimacy. For a certain federal model to be successful there should be national consensus and agreement among various political groups and forces. Regarding this, Amoretti and Bermeo (2004) and Ghai (2002) (cited in Semahagn, 2012:172) have noted that one of the factors that enable federations to be successful is the presence of consensus and political bargain among the various political groups. This means federalism is nothing more than being a national compromise among the divergent interest groups.

However, the introduction of federalism in Ethiopia has deviated from this principle in that it was born out of a revolution rather than a genuine national consensus of various political groups. As Milkias (2009:681-2) observed, "Transition from above can smoothen the progress of democratization whereas revolution from below may overthrow an authoritarian regime but is not capable of sustaining democratization". This lack of consensus was evident from the various interests that different political parties and forces had been entertaining following the fall of the Derg regime in the early years of 1990's. There was little doubt that almost all political parties and armed forces had a common interest and objective of toppling the authoritarian rule of Mengistu; however, their visions on the kind of government and state structure Ethiopia ought to adopt had never been the same. It was at this juncture that EPRDF became the sole architect to design today's federal model without any kind of bargaining with other forces.

In a similar vein, Tsegaye (2014: 13) with regard to the idea of legitimacy of the Ethiopian federal setup commented that "deficit in consent at the various stages of the constitution making casts a shadow on the legitimacy of the constitution that gives birth to and circumscribes the federation". Keller (2003: 36) has also noted that "ethnic federalism has not resulted in a widespread consensus in the general population of Ethiopia".

In one of her writings entitled '*Ethnic Federalism in a dominant party state: The Ethiopian Experience 1991--- 2000*' Aalen, a prominent writer on Ethiopia's federalism has noted that the existing ruling party has failed in making the federal project to be legitimate because of lack of transparency and participation in the process of constitutional making. She further remarks that "the process of introducing federalism in Ethiopia is more of a federal imposition than a federal bargain" (Aalen, 2002: 48). As Mohammed (cited in Aalen 2002: 49) has also observed that "the new constitution was produced single handed by one organization and its partners. It lost legitimacy even before it was ratified" (Ibid).

Generally, for a certain kind of federal model to be successful, the status of being legitimate is worth noting. In the Ethiopian context, the model has missed this value and continued to suffer from being illegitimate.

Lack of a viable balance between national unity and ethnic diversity

Most scholars maintain that multi-ethnic states would have no option except to recognize the pluralistic nature of their people so as to ensure national unity based on diversity. In this

respect, ensuring balance and harmony between these two issues of ethnic diversity and national is very critical in drafting an effective nation-building strategy. Regarding to this issue, Watts (2008: 63) notes that:

While the particular factors encouraging unity and regional autonomy have varied in the formation of federation, what is common to all the successful instances is the existence of a relative balance in the pressures for political integration and for regional autonomy. Where one of these pressures is strong and the other weak, the result is likely to be either unitary political integration, on the one hand, or the independence of the regional units or at least a confederal solution, on the other, where both motivations exist in something approaching an equal balance, federation as a solution is likely to appeal by enabling both an effective federal government and genuine regional autonomy to co-exist.

Similarly, Assefa, cited in Zahorik (2011:375), has noted that 'federalism implies a shared rule accommodating unity and diversity within a larger political union; in theory it means that it advocates both unity and autonomy.'

The above explanations of Watts and Assefa indicate that federalism in the context of multi-ethnic challenge is mostly all about balancing the two major forces of unity and diversity (i.e. centrifugal and centripetal tendencies). In the same line of argument, Mengie (2010: 18) has emphasized on the importance of balancing diversity and unity in a federal idea that if the power of the center is much stronger and undermines identity, then this will result in wider conflicts that in turn endangers unity. On the other hand, high domination by the constituent entities against the state can force these constituent units to leave the federation easily and can lead to the disintegration of the whole state. Thus, a well-organized and carefully designed federal model has to take consideration of a balance between these two tensions. Thus, federalism can generally be viewed as the mid-point of unitary and confederation.

The success and failure of the Ethiopian federal model, like other multi-ethnic states, is also determined by the degree of its potential to balance the two forces of diversity and unity which are in turn influenced by a number of factors having future political implications in the country's federal model. What matters most in Ethiopia is to find the glue that holds the two forces of unity and diversity together for viable, legitimate and democratic federalism. The presence of something wrong in either of the two has adverse effect on the federal practice. It is also claimed that it is hard to imagine Ethiopia's unity without diversity and vice-versa. Hence, it is vital to think of both national unity and ethnic diversity as the two faces of the same coin and engage in productive dialogue.

In multi-ethnic states like Ethiopia, diversity needs to be treated and managed carefully so that it can positively contribute to the unity of the country. One of the most critical challenges that the Ethiopian ethnic federalism has faced is the absence of a viable balance between ethnic diversity and national unity. It is very essential and relevant to examine Ethiopia's federal system towards both issues of diversity and unity from theoretical background to appreciate the necessity for a viable balance between the two.

Owing to important indicators, one can surmise that the overemphasis given to the notion of ethnicity in the country could adversely affect its unity. As it has been clearly put in the FDRE

constitution, “sovereignty resides in the nations, nationalities and peoples of the country” (Art. 8 of FDRE constitution). According to this clause, the constitution does not outrightly recognize an individual as a citizen without identifying him/her self in to one of the ethnic groups in the country. This directly contradicts with most of the international instruments of human rights which grant human rights to every human being regardless of ethnic, language and what so ever backgrounds that he/she may have.

In the context of the current Ethiopian politics, identifying oneself with a particular ethnic group is a prerequisite for citizenship. Such requirements and disentanglements which force ethnic categorization as prerequisite to citizenship not only violate an individuals' human right but also could negatively affect or impede the identity formation of the person or the collective in general. This in turn may affect the overall activities and the country's efforts directed towards national integration and a common spirit of nationalism.

In Ethiopia today, there is a tendency of multiplying differences among ethnic groups instead of working on strengthening of their shared values that they had developed through the course of their history. It can be argued that Ethiopians are more similar than being different. It is undeniable that Ethiopia is a home of much diversity. Carlo Conti-Rossini described Ethiopia as *un museo di popoli* i.e. museum of peoples (as cited in Levine; 2000:19-20) ; however, this does not necessarily mean that these ethnic groups do not have common and shared values that enable them to live together. With regard to this, Habtamu (2013:16) asserts that ‘...efforts to deal with diversity should include the advantages of unity and similarities between nations, nationalities and peoples, as there are vast similarities among the Ethiopian ethnic groups more than differences.’ There are historical incidents that made the Ethiopian people be intermixed and intermingled each other in the long span of their history in different ways like population movements, wars and so on.

Empirical evidences show that ethnic based federalism in Ethiopia has a tendency to identify a particular ethnic group as a sole owner of authority over a certain specified geographical area. It is designed in such a way that there should, at all possible, be an overlap between an ethnic group and ethnic boundary. This kind of approach seems to be very dangerous because it leaves an open door to marginalizing other ethnic groups which in turn impedes an all inclusive based federal system. It may also further exacerbate inter/intra ethnic conflicts over the question of power, resources and other issues. There are evidences of case examples in this regard that although there is no a large-scale war and conflict in the country, there are local based conflicts among ethnic groups in many parts of Ethiopia since the inception of ethnic federalism (Asnake, 2006; Tsegaye, 2010; Assefa, 2007; Yonatan, 2010). The author of this paper argues that it is a sum of all these localized conflicts that more likely impedes Ethiopia's journey to collective security in the federal system.

As Van der Beken (2007) has argued, ‘the success of Ethiopian federalism must be measured by its achievement of unity in diversity at the regional level which will depend on the ethnic minorities being able to protect their rights.’ Frequent demands coming from minorities to have their own territorial entities (special woredas, zones, even statehood) are challenges. The emergence of the indigenous versus settler/migrant discourse can be regarded as a manifestation of such tendencies. Categorizing ethnic groups as *insiders* and *outsiders* is a risky approach that negatively affects the accommodation of ethnic groups at regional states. The constitutions of some regional states such as Gambela, Benishangul-Gumuz and Oromia which explicitly identify some specified ethnic groups as the owners of their specific regions have severe direct and indirect repercussion to those who identify themselves or are identified

as others (See also the preamble and other sections of the constitutions of regional states mentioned). Moreover, as Kasleder (2011:76) has noted, “the new regime created the experiment in ‘ethnic federalism’, which simply cultivated and heightened ethno-national awareness, grievances and resentments. Ethnic competition became institutionalized to the point that ethnic groups assess political and economic developments from a safety and group preservation perspective.” All these tendencies have a black spot on the country’s unity and on its future existence as one united and strong state.

To sum up, the overemphasis given to the notion of ethnicity in various spheres of life is becoming an obstacle for Ethiopians to come together and strive at least for shared commonalities which are basic for the country to stand as one and strong united state. Unless there is a viable balance between national unity and ethnic diversity and if things continue as they are, loyalty to one’s ethnic identity prevails over the sense of being an Ethiopian. This, in turn, exacerbates animosity among ethnic groups which more likely results from extreme ethnic nationalism. Most of the times, extreme ethnic nationalism gives birth to ethnic exclusivists who advocate clearance of their territories from other ethnic groups who do not belong to. This has its own negative impacts on the all in all rights and freedoms of minorities who are considered as outsider migrants. These all tendencies observed now days portray Ethiopia as a hotbed of ethnic cleansing, prejudice, mistrust, bloodshed and genocide. Hence, the scenario described above is indicative of the lack of equilibrium between unity and diversity and its impact on the social cohesion and ethnic harmony among citizens.

Lack of genuine autonomy

One of the most common and basic characteristics of federations is the existence of genuine autonomy between/ among different levels of government. As Watts (2008:9) has put, one of the common structural characteristic of federations is “a formal constitutional distribution of legislative and executive authority and allocation of revenue resources between the two orders of government ensuring some areas of genuine autonomy for each order”. Moreover, what differentiates federations from other models of federal political systems like decentralized unions or confederations is the constitutional guarantee of autonomy over a certain range of assigned functions for each order of government (Ibid).

There is an explicit constitutional division of power between the federal government and regional states in Ethiopia. Constitutionally, it seems that the regional states are more powerful and privileged when one looks at the generously given powers to them. What makes this problematic is that they are not allowed to exercise their given powers on the ground. According to Keller (2002: 34), though the FDRE constitution has given wider powers to the regional states, the lion share of political and economic powers still remain under the sole control of the federal government which in turn leads us to say that Ethiopia practices more like a unitary state than federal one.

There are many justifications for describing Ethiopia’s federal practice as more of unitary like operation than a federal one. As a result scholars who made researches on Ethiopian federal practice have remarked that Ethiopia is a *de jure* federation but a *de facto* unitary state where there are some legacies of the Derg practiced under the current government of EPRDF. Even some depict the government as an authoritarian (Aalen, 2006; Merera, 2004). Similarly, Kasleder (2011:47) has asserted as follows

The government’s attempts to decentralize power have resulted in what Keller terms as “a type of putting together federalism”. In short, the federal

government has not honored its commitment of power distribution. This can be seen with revenue sharing between the two levels of government. For example, most taxing powers rest with the federal government while most of the expenditure obligations are the responsibility of the regional authorities.

Kidane (2001: 23) has in his turn pointed out that the government has not devolved a real power to regional governments. This can be supported by the fact that regional states are still excessively dependent on the federal government in relation to their finance. He further remarks that EPRDF keeps its domination in all aspects of the country by creating and controlling ethnic-based satellite parties. In addition to this, the Tigray People's Liberation Front (hereafter referred to as TPLF) which is the most influential and powerful ethnic-based party, controls the key-decision making position of the state. Because of all these factors, the government has failed to be representative of all ethnic groups of the country.

EPRDF's deviation from practicing genuine federalism in the country can be generally associated with its miscalculated ideology of federalism and its practice of democratic centralism which according to Merera (2004: 40-41) has been part of the old socialist ideology. The principle of democratic centralism closes opportunities of alternative policies at the grass root level because it is a strict top-down approach which does not consider the interests of local communities (Aalen, 2002 & 2006). In a similar vein, Alem (2003 & 2005) asserts that both self-rule and shared-rule are practically impossible to actualize under democratic centralism. Kidane (2008: 12) has shared a similar position that "the ruling party is organized under the principle of democratic centralism and it exercises strict control over the regional and local governments through party structure."

In sum, the last two decades of Ethiopia's federal practice has witnessed a deviation from exercising genuine autonomy which is an essential element of a federation. The constituent units (named as regional states in Ethiopia) have been still under hegemonic control of a single party system. Hence, it seems that the present state of Ethiopia exercises legacies of centralized trend of the past in terms of political and fiscal issues though the federal model has been relatively a success story in terms of cultural and linguistic matters. The government is following a kind of federalism which lacks genuine practice because of the presence of totalitarian like rule, fusion of party and state, democratic centralism and vanguard party approach all of which are considered as antithesis of federalism and a direct carbon copy of the former defunct communist federations of Soviet Russia, Czechoslovakia and Yugoslavia. One can argue that today's Ethiopian federal model is another version of the former and failed communist federations of the past because of a number of similarities as mentioned above.

Lack of multi-party democracy

Most research findings have revealed that mere introduction of federalism is nothing without integrating basic democratic principles like rule of law, popular sovereignty, separation of power, multi-party democracy and others. Scholars have no reservation on the necessity of democracy to federalism. Without democracy no federalism (Anderson, 2008; Stephan, 1999).

Burgess (2012: 12) has emphasized the above idea that "federalism and democracy had to go hand in hand for federal democracy to become a practical reality in Africa". In a similar vein, Jonah (2013:19) has noted that "federalism thrives best in a democratic setting." Another scholar, Daniel (2003:205) has also remarked that federalism works best when there is

tolerance, conciliation, respecting of human rights and diversity of views. Similarly, Semahagne (2012: 173) has noted “federalism is a system of government that only functions in a genuine democratic context”.

As Galina (nd: 12) puts it,

The existence of a federal system does not necessarily mean that the concerned state is democratic. Federalism and democracy are two different things. But federal system becomes largely dysfunctional and even problematic if basic democratic institutions (such as freedom of political expression, equality of citizens, popular sovereignty, separation of powers, an independent judiciary, periodic elections, control of armed forces by elected representatives, etc) are not allowed to exist and function.

A major conclusion to draw from the the discussion is that federalism is meaningless without democracy and its principles. Taking this assumption in to account, it is very essential to critically assess the status of multi-party democracy in the Ethiopian federal context.

As can be easily observed, democracy and democratic culture in Ethiopia has not yet developed and reached at the desired level. It was in the post 1991 period that Ethiopia embarked, at least in principle, on a transition from a centralized authoritarian and military rule in to a federal multi-ethnic state. This has been articulated both in the 1991 charter of the transitional government and the 1995 FDRE constitution. However, Ethiopia's transition from authoritarianism in to a democratic polity has been handicapped with many challenges. As noted by many scholars like Merera (nd) that Ethiopia's transition lacks democracy. With regard to the same issue, Semahagne (2012:173) has also pointed out that Ethiopia's democratization process has been overshadowed by the presence of extreme control, atmosphere of fear and mistrust, lack of strong institutions, problem of protecting rights of citizens, and lack of legitimacy and democratic values.

It seems that a liberal democratic structure of government, at least in principle, has been established following the 1995 FDRE constitution. It is undeniably a point of departure from previous governments to devise a form of democratic government in a new style that would lead Ethiopia in to a road of democratization (SIDA Document, 2003). However, this attempt of democratization process has been impeded with many problems.

Taking the issue of election as one of the most central parameters of democracy and democratization process in Ethiopia, it is worth noting to assess the elections conducted so far in the country in a brief and critical manner.

Clapham, cited in International Crisis Group Report (2009:7), has remarked that “while the EPRDF embraced multiparty politics half heartedly after 1991, it never considered that the opposition had a legitimate right to take power via the ballot box”. Clapham's point of view seems credible if one considers the elections conducted in the country so far. The first attempt to conduct a multi-party regional and district level election of the 1992 had failed because of the withdrawal of OLF (Oromo Liberation Front) and AAPO (All Amhara Peoples' Organization) which were two of the most influential and big parties of the time and represented the largest section of the Oromo and Amhara ethnic groups respectively. This kind of electoral process continued and overshadowed the first and second federal and regional parliamentary elections because of harassment and intimidation of opposition parties and their supporters.

It is true that there were injustices and unequal treatment of ethnic groups in Ethiopia in the past. But this inequality and injustices could be healed not by magnifying and polarizing the hitherto but rather by creating an environment of reconciliation, trust-building and mutual benefit among the existing ethnic groups.

To sum up, the Ethiopian federal system should be revisited in a way so that it could accommodate multiplicity of ideas and interests. The ideological orientation of EPRDF's stand not to see other political parties and interest groups as potential actors of the democratization process in the country is a very dangerous and a threat to the country's future. The federal system has not yet developed a platform that can facilitate an all inclusive party politics to play a vital role for the common good of the people of the country. There is no as such national dialogue in the country that can entertain all diverse political issues and ideas of the country to be aired through various channels of media.

Lack of strong institutional frameworks

For a federal system or any other governance system to work smoothly, there should be some institutional frameworks which can change the theoretical aspects of the system in to practice. In the case of Ethiopia, most of the key institutions which are supposed to work independently are mere agents of the ruling party. By institutional frameworks it is implied that there should be functional units of institutions which are active and genuine in implementing the constitutional idea. Hence, it is worthwhile to critically assess the conditions that exist in Ethiopia in this regard. One can raise questions like are the existing institutions designed in such a way that they can work effectively and in an all inclusive manner? What are their pitfalls? Below is a brief analysis on these and other related questions. Another critical problem that the Ethiopian federal system faces is the huge discrepancy and incongruity that exists between the constitutional theoretical provisions and its practice. A brief look at selected institutions like the judiciary, House of Federation and the media elaborates this claim. To begin with, the federal model needs to have strong institutions in relation to implementing the human rights laws and ensuring justice in the country. If one sees, for example, the judicial body both at federal and regional state level, he/she finds its independency highly questionable though the constitution of the two levels of government and the legal framework mandate judicial independence. (See also Article 78 of FDRE constitution and constitutions of regional states). For instance, according to the study conducted by World Bank (2004), there are signals showing strong government's interference in the judicial affairs (Word Bank Report, 2004:21). Interestingly, what was reported a decade ago and what is going on in the present are quite the same in the fact that there are still outcries coming from the public because of the abuse of the justice system.

Secondly, the independence of one of the two houses of the FDRE parliament called the House of Federation (here after referred to as HoF) is also a source of contested debate. Regarding to this, Adem (nd) has forwarded as follows

The power to interpret the Constitution and resolve all constitutional disputes lies with the HoF and the Council of Constitutional Inquiry. However, the Constitution does not require that members of the HoF, who are representatives of ethnic groups, be independent while adjudicating over constitutional issues. Similarly, there is no constitutional provision that requires the independence of members of the Council of Constitutional Inquiry. Moreover, the Judicial Administration Council does not have any

constitutional role in appointing members of the Council of Constitutional Inquiry.

From these reflections, it can be inferred that there is still a deep concern on whether or not the HoF has the reputation for being a genuine and a trustworthy institution to solve all the constitutional disputes as there are claims that it is rather operating as a political body.

Finally, the same story is also highly associated with the media in the country. As an emerging federal state and as it is also a country of diversity, Ethiopia needs to have a genuine media institution that can address the national interest of the public at large on the basis of basic human rights such as the right to freedom of expression and right of thought and opinion. However, what is stated in the FDRE constitution and what is actually practiced on the ground is contradictory. According to Nigussie (2014:84) the media in Ethiopia is highly criticized for being the mouth piece of the government only rather than being the representative of the public interest at large. This shows how far the media is highly biased. Generally, there are still a lot of things to be done in relation to creating free, independent and public serving media in Ethiopia.

The roadmap towards genuine democratic federalism in Ethiopia

Proposition 1: learning from positive experiences

The author argues that the problems related to Ethiopian federal system emerged not because of the federal system per se, but rather it is mainly because of politicized ethnicity and absence of democratic led federalism. Most scholars recommend that those states which have poor record of democratic culture and experience should take care when they are engaged in federal transition. Comparatively, multicultural and linguistic federations like Switzerland, India, and Belgium have a relative success story in their federal experience. Though it is not the only reason, it is because of the long-existing culture of democracy in these countries that their federal model has not faced as such serious challenges. Hence, federalism in these countries has been welcomed warmly due to their long-existing culture of democracy. So a well-established culture of democracy could facilitate and create conducive environment where federalism functions smoothly. Returning back to multi-ethnic states like Ethiopia, what lesson it should take is strengthening and establishing strong institutions of democracy along with federal transition. In the case of Ethiopia, federalism is born out of a long-existing culture of authoritarianism.

Proposition 2: learning from negative experiences

The Ethiopian federal model should also draw major lessons from those defunct federations of Soviet Russia, Yugoslavia, and Czechoslovakia which were designed in more or less similar manner as that of the contemporary Ethiopian model. As it has been pointed out in the discussions, EPRDF's ideological notions like democratic centralism and a dominant party system are not workable in line with the principles of federalism because federalism supports a bottom-up approach rather than a strict top-down approach and the existence of genuine multi-party politics that can widen the political space for different forces to act freely and play their active role in the democratization process of the state. It can be seen that all the three defunct socialist federations did not practice genuine federalism. That is why they are termed by scholars as sham or *pseudo* federations which finally disintegrated. Hence, Ethiopia is

more likely to be such, if it fails to revisit its federal model by taking lessons from these failed federations.

Proposition 3: giving equal emphasis to both ethnic diversity and national unity

Whether we like it or not, Ethiopia's federalism can not effectively function without giving equal emphasis to both national unity and ethnic diversity. First, there is a need to develop a positive attitude towards any kind of diversity including ethnic difference and regard diversity not as a threat but as an asset. Ethiopia cannot inherently be a country of chaos because of its diversity but it has a chance of being so if its diversity is mismanaged, abused and politicized. There should be a tendency of making the country's ethnic diversity more a blessing than a curse.

Developing an inclusive approach that could solve problems related to ethnicity and identity politics is needed. Moreover, transforming the highly emphasized notion of ethnicity and ethnic politics in all aspects of the life of people in to a genuine, democratic and non-discriminatory approach of common citizenship that develops in to a strong trust building and cooperation among different groups is also needed.

Proposition 4: Revisiting the federal model in line with past shared values and norms of Ethiopians

Most historians believe that the people of today's Ethiopia are the product of past wars, population migrations, inter-mixing/inter-mingling of societies and marriage alliances in their course of history. So, the federal model needs to use this long-existing culture of living together as another means of restructuring the state to strengthen their national unity. It is undeniable that there were injustices and inequalities which were burdens on the Ethiopian people because of the wrong directions that the previous governments followed; however, even under these circumstances the people of Ethiopia had a strong tradition of respect and tolerance. Thus, both the federal and state governments need to take this historical fact in to account to make the federal system more accommodative. Moreover, the constitutions of some multi-ethnic regional states need to be revisited so that they can be regions of all. What the federal constitution is saying should be respected by the states' constitutions regarding those ethnic groups who are living in states other than states which are assumed to be their origin. What federalism should play in Ethiopia is to create a platform everywhere to achieve a United Nations of Ethiopia.

Proposition 5: devolving real political and fiscal powers to regional states

Over the last two decades of Ethiopia's federal experience, it has been witnessed that the economic dependence of the regional states on the federal government has undermined their political autonomy and led many to hold suspicion. Hence, the federal design needs to be reviewed in line with real devolution of both economic and political powers to constituent units. As the philosophical foundation of federalism is based on the constitutional division of

power between/among various tiers of government, there should be real devolution of power for a certain state to be rightly called federal. The last quarter century federal experience of Ethiopia has shown in the fact that regional states are weak in implementing their authority in their jurisdictions as enshrined in the constitution. The federal model needs to be revisited itself to avoid several non-federal features. The ideological orientations of EPRDF such as democratic centralism, revolutionary democracy and vanguard party can never go hand in hand with genuine democratic federalism. That is why the current Federalism of Ethiopia is suffering from such anomalies which in turn are antithesis of the federal formula.

Conclusion

It is argued that the bold experiment of federalism in Ethiopia in the last two decades has mixed records. It is undeniable that the system of federalism is a watershed in the socio-economic and political changes in the first time in the history of the country for various reasons. The political system of federalism tries to give a solution for the long existed big problems of the country which immersed the state in a protracted war for several decades in history. The system lays a fertile ground at least in a normative principle to solve the questions of self-determination of ethnic groups in the context of unity in diversity and vice-versa.

However, Ethiopia's brand of federalism has faced a number of problems since its inception. It is found that the contemporary Ethiopia's federal model is deviating from the common principles and founding norms of federalism such as from its legitimacy, balance of diversity and unity, autonomy of regional states, multi-party democracy and institutional frameworks perspectives. Hence, a democratic and genuine federal model is necessitated to reverse all these anomalies which are the main hindrance for the system not to be an all-inclusive based federalism.

References

- Aalen, Lovise (2002) *Ethnic Federalism in a Dominant Party State: The Ethiopian Experience 1991-2000*, Bergen: Chr. Michelson Institute.
- Aalen, Lovise (2006) 'Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: the Case of Ethiopia', *International Journal on Minority and Group Rights*, 13.
- Adem Kassie (n.d) *Ethiopia: Introductory Notes*, University of Pretoria, South Africa
- Aklilu Abraham (2006) Ethnicity and Dilemmas of state making: Ethnic federalism and institutional Reforms in Ethiopia: *International Journal of Ethiopian Studies*, Vol.2, No. 1/2 pp. 77---119
- Alem, Habtu (2003) *Ethnic Federalism in Ethiopia: Background, Present Conditions and Future Prospects*, Queens College/CUNY.
- Alem, Habtu (2004) 'Ethnic Pluralism as an Organizing Principle of the Ethiopian Federation', *Dialectical Anthropology* 28.
- Alem, Habtu (2005) 'Multiethnic Federalism in Ethiopia: A Study of the Secession Clause in the Constitution', *Publius* 35(2).
- Anderson, G (2008) *Federalism: An Introduction* (Oxford university press)
- Asnake and Hussein (2007) "Ethnicity as a Basis of Federalism in Ethiopia: Cases of Harare National Regional state (HNRS) and Dire Dawa Administrative Council (DDA)" In Kassahun Berhanu et al, eds. *Electoral Politics, Decentralized Governance and constitutionalism in Ethiopia*: Addis Ababa University press, Department of PSIR.
- Assefa, Fiseha (2007) *Federalism and the Accommodation of Diversity in Ethiopian; A comparative study* /wolf legal publishers/
- Burgess, Michel (2012) *Federalism in Africa: An essay on the impacts of cultural diversity, development and democracy*
- Daniel Kendie (2003) The causes of the failure of the present Regime in Ethiopia; *International Journal of Ethiopian Studies* Vol.1, No.1 pp. 177---213
- Filippov, M et al (2004) *Designing federalism: A theory of self-sustainable federal institutions*, Cambridge University Press
- Galina Gribanova (nd) *Federalism as a Challenge for transforming societies*, Herzen University, St. Petersburg, Russia
- Habtamu Wondimu (2013) *Ethiopia: Social Psychological Analysis of the opportunities and challenges: Discussion paper prepared for HOF*

- International Crisis Group (2009) Ethiopia: Ethnic federalism and its discontents, Africa Report No. 153
- Jonah, Isawa (2013) The practice of federalism in Africa, The Nigerian Experience and the way forward ; Lecture delivered under the auspices of the GODDY JIDENMA FOUNDATION
- Kasleder, Rozalia (2011) Semi-Authoritarianism: The case study of Ethiopia. MA Thesis (Unpublished) University of Saskatchewan
- Keller, Edmond (2002) 'Ethnic Federalism, Fiscal Reform, Development and Democracy in Ethiopia', African Journal of Political Science 7(1).
- Keller, Edmond, '*Ethnic Federalism and Democratization in Ethiopia*,' *Horn of Africa*, v. XXI (2003).
- Kidane Kiros (2008) The Right to Self-determination and Accommodation of cultural diversity: The case of Ethiopian Ethnic-federalism: IFF Summer University, Paper for week 2
- Kidane Mengisteab(2001) Ethiopia's Ethnic-Based Federalism: 10 years after: African issues Vol.29, No. 1/2
- Levine, D.N. (2000) *Greater Ethiopia: The evolution of a multiethnic society* 2nd edn. (Chicago: The University of Chicago Press)
- Mengie, Legesse (2010) Federalism for unity & minorities' protection (A comparative Study on constitutional principles and their practical implications: US, India & Ethiopia) LLM Thesis, Central European University
- Merera Gudina (2004) The state, competing Ethnic Nationalisms and Democratization in Ethiopia: African Journal of Political Science Vol. 9, No. 1 pp. 27---50
- Merera, Gudina (nd) Ethiopia: A Transition without Democratization
- Nigussie Meshesha (2014). Media and Politics in Ethiopia: A Critical Analysis. Ethiop.j.soc.lang.stud. 1(2), 74-95. eISSN: 2408-9532
- Paulos Milikias (2009) Authoritarianism and the Ethiopian Body politic dissonance between democratization and elite political subculture: In Svein Ege, et al, eds. Proceedings of the 16th International Conference of Ethiopian Studies
- Riker, William H. (1964) Federalism: Origin, Operation, and Significance, Boston; Toronto: Little Brown and Company.
- Semahagn Gashu (2012) The dilemma of adopting ethnic federal system in Africa in light of the perspectives from Ethiopian experience, Journal of African Studies and development. Vol.4(7) pp. 168---175

- SIDA (2003) Ethiopia: Structures and Relations of Power; Background document, country strategy 2003-2007
- Solomon Negussie (2006) 'Fiscal Federalism in the Ethiopian Ethnic-based Federal System', Utrecht: School of Law, Utrecht University.
- Stephan, A. (1999) 'Federalism and democracy: Beyond the U.S. model' 10 (4) *Journal of Democracy* 19-34.
- Tsegaye Regassa (2014) Two Tales or one? : On Ethiopia's Federalism and Apartheid
- Tsegaye Regassa (2010) Learning to live with conflicts: Federalism as a tool of conflict management in Ethiopia; *Mizan Law Review* Vol.4 No.1
- Van der Beken, Christophe (2007) Ethiopia: Constitutional protection of Ethnic minorities at the regional level. *Afrika focus*, Vol. 20, Nr.1—2 pp.105---151
- Vaughan, Sarah and Kjetil Tronvoll (2003) 'The Culture of Power in Contemporary Ethiopian Political Life'. SIDA Studies No. 10 Printed by Edita Sverige AB
- Watts, R.L. (1999) *Comparing federal systems* 2nd edn. (Montreal and Kingston: School of Policy Studies Queen's University).
- Watts, Ronald (2008) *Comparing Federal Systems*, Third Edition, Montreal; Kingston; London; Ithaca: McGill-Queen's University Press.
- Wheare, K., *Federal Government* 4th ed. (London: Oxford University Press, 1963)
- World Bank Report (2004) Ethiopia: Legal and Judicial Sector Assessment
- Yonatan Tesfaye (2008) Institutional Recognition and Accommodation of Ethnic diversity: Federalism in South Africa and Ethiopia; PhD Thesis (Unpublished), Faculty of law, University of the Western Cape.
- Yonatan Tesfaye (2010) Ethnic Diversity and Federalism: Constitution making in South Africa and Ethiopia; /Ashgate publishing/.
- Young, John 1996. 'Ethnicity and Power in Ethiopia', *Review of African Political Economy* vol. 23, no. 70
- Zahorik, Jan (2011) Ethiopia between constitutional principles and reality

Legal Documents

The constitution of the Federal Democratic Republic of Ethiopia, Federal *Negarit Gazette*, 1st year No.1 Addis Ababa, 21st August, 1995.

Constitutions of the states of Benshangul/Gumuz, Gambella and Oromia as published in the local official legal gazettes.

Consolidation of the House of Federation of the FDRE (2001) Federal Nagarit Gazette, Proclamation No. 251/2001.