

## Formation and Reorganization of States in India and Ethiopia Federations

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**Abstract:** Ethiopia and India federations allow new state formation and territorial reorganization of states, albeit they follow a different path for establishment, breakup, and merger of the existing states. In Ethiopia, there exist apparent demands for new state creation, and several ethnic groups openly pressed their claims. However, senior politicians and concerned officials have opposed and often slacken down new state formation and territorial reorganization of state claims. Conversely, in India, new state formation and reorganization of states are among the many strategies used to build modern nation-states and contain ethnic conflicts. Second, in India, new state formation and reorganization of territorial space of states is a continuing process that can be made occasionally. Third, the creation and reorganization of subnational-unit should not compromise the territorial integrity of the India federation. These are some of the lessons that Ethiopia federations can draw regarding the formation and reorganization of states.

**Key Words:** New state formation, Reorganization, Constitution, Federation, India, Ethiopia.

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### I. INTRODUCTION

Variations exist among federations in exhibiting common elements of the federations. As federation operates within a specific local context, several factors, such as historical and cultural contexts and social and political structures, attribute to this variation. In this sense, federations evolve in different ways comprising different aspects and dimensions of federal system. For instance, Ethiopia and India have adopted a federal system that exhibits familiar -one can find among federations- and distinct federal topographies. The peculiar federal feature each of them possesses serves as a ground for many scholars to question the legitimacy, orientation and essential characteristic of their federal configuration. Atypical feature of the Ethiopian federal system is concomitant with the introduction of a unicameral legislative house, non-representation of regional states in the upper house, and vesting sovereignty and unconditional self-determination including secession to all NNPs (Nation, Nationality and People of Ethiopia) (Fiseha, 2006).

On the other hand, the unconventional feature of the Indian federal system is attendant with the over-use of the emergency powers that enable the center to dismiss state governments and the power of Parliament to reorganize the territorial space of the states (Adeneym, 2014). Despite specific variations between India and Ethiopia federations, they exhibit shared federal characteristics that one can find many federations, which are often recognized as a silent feature of federations. Division of power, written and supreme constitution, umpiring body and intergovernmental relations are some of the common features that one observes in Ethiopia and India federations. This discussion portrays that most federal states may not meet all common characteristics that distinguish federal systems from other kinds of government systems (Anderson, 2008). Each federation might have a distinctive federal element, which might not be seen in other federation, albeit the federation exhibits several common federal elements.

A given federation, driven by its history, diversity, political circumstances, may follow a different approach in limited issues which have direct or indirect relation with the common federal elements. For instance, India and Ethiopia have different stand regarding the territorial integrity of the State (country). The Constitution of India makes the Union of India a permanent and indestructible wherein secession is explicitly banned (Kumar, 2014). The use of the word 'union' than federal is a deliberate act to overemphasize that the Indian federation is not the result of an agreement by the units, and the component units have no freedom to secede from it. (Ibid) In the words of Balveer Arora, "[t]he Constituent Assembly created an 'Indestructible Union of Destructible States'. Secession was banned explicitly in the early years, but constitutional flexibility enabled other forms of search for solutions" (Arora, 2007: 3).

Unlike India, the Ethiopia Constitution contemplates changes of territorial limits of the country and member states. The Ethiopia Constitution creates both 'destructible nation and state' through allowing every NNP the right to form separate sovereign states of their own or breakaway. For this reason, there is no constitutional guarantee concerning the territorial integrity of the country and the states (federation units) owing to the unconditional right of the NNPs to secede. This makes Ethiopia Constitution more idiosyncratic compared to other federal systems in the world (Lovise Aalen, 2007). The unique feature of the Ethiopian Constitution is not only the recognition and institutionalization of unconditional new state formation but also the making of such rights non-derogable even in the state of emergency. (Tewfik, 2010, & FDRE Constitution, Art 93(4 (c))) The Constitution seems to overemphasize that Ethiopia federation is the result of an agreement by the NNPs, and the NNPs have the freedom to secede from it. This articulation appears the reason that opens unsettled debate over the formation of the Ethiopia federal system. The way the Preamble of the Constitution transcribed and started with a clause "We the Nations, Nationalities and Peoples of Ethiopia" adds to such confusion and gives the strength for some individuals to label the Ethiopia federalism as a 'coming together federation', formed through the amalgamation of Nation, Nationality and Peoples of Ethiopia. This claim indisputably negates the historical account of the country. The last pre-1991 style of governance seen in Ethiopia is characterized as 'universalist and unitarist in the extreme' (Brietzke, 1995). This historical account of the country enables one to argue that Ethiopia is a devolved federal state formed through 'holding together federation.' Others, for instance, Fiseha, argues that "the Ethiopian federation as it appears on the text of the Constitution reflects both aspects of 'coming together' and 'holding together' (Fiseha, 2006).

On the other hand, both federations allow new state formation, which is taken place under formal constitutionally entrenched routes. The inclusion of such provision depicts the intent of both federations to divide, expand, or reorganize the existing federal units strategically over time. The logical extension of this argument is that the federal configuration of these federations will increase or decrease over time. This could happen, in India situation, when the Parliament decides for the establishment of new states. In Ethiopia, the federal configuration increases when NNPs subsume in the ten states exercise their right to self-determination and eventually establish themselves as a member state of the Ethiopia federation.

However, in the presence of constitutionally entrenched mechanisms and procedures, Ethiopia and India have diverse experiences and achievements concerning new state formation and restructuring of the territorial space of states. The pattern and nature in which new state creation has been seen and treated are quite different in Ethiopia and India federations. While India has virtuous experiences and achievements, Ethiopia has been alien to new state formation and reorganization of territorial space of states claims, albeit many more apparent demands for a new state creation have existed. (Aalen, 2008). Pending the recurring and pressing new state formation claims with silence than strategically handling the matter, taking a lesson from 'matured' federation, such as India, may have adverse consequences on the unity of the country. Hence, the objective of this article is to explore the establishment, breakup, and merger of States in India and Ethiopia federations. The main questions that need to be examined and answered are: What are the standard criteria for new state formation in both federations? Who has the authority to decide on the establishment, breakup and merger of states? What are the procedural requirements that should be followed in the exercise of a reorganization of state boundaries or creating a new state?

The first section deals with the constitutional set up and state structure of India and Ethiopia federations to give background information about the two federations. The second section discusses the mandate to make and break subnational-units in India and Ethiopia federations. This part explains who has the authority to initiate and arbitrate establishment or alteration of state boundary and designation. Section three takes up the establishment and reorganization of state exercise in India and Ethiopia federations. In this section, an attempt is made to depict the experiences and achievements of Ethiopia and India federations concerning new state formation and restructuring of territorial space of subnational-units. The pattern and nature in which new state creation has been seen and treated in both federations are deliberated. The lesson drawn regarding the formation and states reorganization is discussed in Section 4.

## **II. CONSTITUTIONAL SET UP AND STATE STRUCTURE**

The Constitution of India establishes a dual polity comprising a Union Government and twenty-nine states (Kumar, 2018). The Indian federation, formed through the 'holding together' process, has often been termed as 'quasi-federation' by many comparative scholars of federalism (Raghuvansh, 2016). Others even state the structure of the Indian constitution is 'federal, but its spirit is unitary' (Duhane, 2016). The attribution of such naming to India Constitution and federation is linked, partly, with the overuse of the emergency powers enabling the center to dismiss state governments (Adeney, 2014) and, mainly, the exclusive authority of the parliament to reorganize territorial space of states or union territory and form new state or union territory. The Indian federal parliament may create a new state or even change the size, names and consistency of the states (Mazza, 2015). Unlike Ethiopia, the India constitution aspires (perhaps puts the possibility of) admission of

other sovereign states into the Union. In this regard, the Indian Constitution indicates that the territory of India comprises the territories of the States, the Union territories and such other territories as may be acquired. The last words of this statement should be read in conjunction with the other power of the parliament that the constitution confers, i.e., the power to admit any sovereign entity into the Union on such terms and conditions as it thinks fit.

The Ethiopia constitution, which ought to be designed in this manner, remains silent regarding the admission of other sovereign states into the Ethiopian federation. The Constitution rather overemphasizes the right of NNP to unconditional self-determination up to and including secession, which compromises the territorial integrity of the State and also designs how the various ethnic groups secede from Ethiopia. In this sense, one may argue that nowhere was the 'confederal' intent of the founding fathers Ethiopia federation more evident than in the provisions that vest sovereignty to every NNP and permit every NNP to secede unconditionally. The Constitution tends to recognize Ethiopia as a union of several sovereign collectivities (otherwise, nations, nationalities and peoples) (Henrard & Smis, 2000). Vesting sovereignty and unconditional external self-determination to NNPs give the impression that the Ethiopia federation is a union formed through the free consent of the Nation, Nationality and People of Ethiopia (Eshete, 2003) and "the foundation of the Ethiopian state requires the ongoing consent of NNP" (Fiseha, 2012: 445).

In tandem with this, the Constitution provides alternatives to 'all nations and nationalities': to remain in the states they reside, form their new subnational states, or secede. Meaning, the various ethnic groups (NNPs) who subsume in the existing states have the right to form new smaller administrative units (woreda or zones) or establish a new state. The FDRE Constitution attempts to guide these issues in a non-threatening path and has envisaged precise procedures on how the NNPs exercise that. The NNPs can form new states if they follow the procedures specified in Article 47 of the Constitution. If an NNP establishes its state, complying with the procedures listed in the Constitution, the newly created state becomes a member of the Federal Democratic Republic of Ethiopia directly without any need for the application. On the other hand, the NNP who intends to secede from Ethiopia needs to follow the procedure stated in article 39(4) of the constitution. Due to such a procedure, the Sidam state, who voted for statehood through the recently held referendum, is accepted as the tenth member of the Ethiopia federation without further application.

### **III. THE MANDATE TO MAKE AND BREAK SUBNATIONAL UNITS**

Variation exists between India and Ethiopia regarding the mandate to initiate new state formation request and territorial reorganization of states. In India, a bill to initiate a new state formation request is introduced to the House of Parliament upon the recommendation of the President. It meant that the mandate to propose new state formation either by separating of territory from any State or by uniting two or more States or parts of States or by combining any territory to a part of any State fall within the ambit of the constitutional power of the President (the Constitution of India, Art 3). Upon the suggestion of the President, the Indian Parliament has the authority to form a new state or union territory (by uniting a part of any state or union territory to other state or union territory) or altered or even expunged one or more of the existing states (Raghuvansh, 2016). Hence, the parliament, through the initiation of the President of the national government, redraws state boundaries without securing the consent of the state concerned, although it must consult them (Adeney, 2014). Seen from this point of view, Chadda said that "[n]owhere was the unitary intent of the founding fathers more evident than in the provisions that endowed Parliament with the powers to create new states and alter existing ones" (Chadda, 2002: 47). The power of parliament regarding reorganization states goes to the extent of increasing or diminishing the area of any state as well as altering the boundaries and name of any state. This makes the parliament the ultimate arbiter regarding the establishment or alteration of state boundary and designation (Ibid).

The Indian Constitution puts no stringent conditions for forming new states or making the territorial organization of state boundaries. (Ibid) The only condition attached with such matter, which is more of procedural in nature, is requesting a state(s) affected by a territorial organization to express its views thereon within such period as may be specified in the reference or within such further period as the president may allow and the period so specified or allowed has expired. The question is, what weight opinion of a state affected by territorial reorganization or boundary re-demarcation have in exercising the claim? What would happen if a state affected by territorial reorganization or boundary re-demarcation objects it? Does it discontinue the territorial reorganization and boundary re-demarcation motion?

The consent and approval of states affected by territorial reorganization and boundary re-demarcation are not a mandatory requirement; instead, it is ceremonial. The national parliament can unilaterally make or break borders in consultation with the affected State(s) but without explicit consent (Suan Hausing 2018). It meant that the parliament could dismember reluctant states and give over their parts to more compliant units if a majority in Parliament agrees to that effect (Chadda, 2002). The India Constitution allows Parliament to change any state borders unilaterally with making neither referendum at the state-level nor the approval of the state

legislative assembly. It is important to note that conferring such kind of formidable powers to the parliament, which is unusual in other federal systems, enables the central government to respond flexibly to demands of recognition and self-governance and to use them to build a modern nation-state. (Tillin, 2017, & Chadda, 2002) In this regard, Adeney, in his apart, argues that this flexibility in constitutional provision enabled India to accommodate its extreme ethnolinguistic diversity through state reorganization (Adeney, 2014).

Contrary to India, in Ethiopia, the constitution is mute whether a territorial reorganization of the state is practicable or not. It is also unclear whether the federal government has the mandate to initiate territorial reorganization of states either by separating the territory from any State or by uniting two or more States or parts of States or by combining any territory to a part of any State. There is also hardly any constitutional provision that permits the parliament to carve out territory from the existing states and create federal territory (city) administrated directly by the federal government with or without consent of regional states or people residing there. Odd to many, as already mentioned, the Constitution allows all NNPs (ethnic groups) to form new states upon fulfilling the terms and conditions set in the Constitution. This shows that splitting the existing states or creating a new state is outside the limit of the federal government. This situation depicts that, in Ethiopia, territory reorganization may not occur without a re-demarcation petition or new state formation claim. The central government does not have the necessary competence to exercise the territorial restructuring of the state exclusively. It seems that territory reorganization of states may be off the limit of the federal government. It is the question of state formation by the NNPs and its acceptance by the state council that would bring the territorial reorganization issue into the table. Consequently, the new state formation (through the application of NNP) results in an increase and decrease of state territory. Hence, the internal map of Ethiopia may be redrawn to create a new state accordingly.

In Ethiopia, the claim for new State formation is set in motion if the petition for new State formation is submitted to the legislative council of the concerned NNP (Yared Legesse, 2011). It means the mandate to initiate new state formation falls within ambits of concerned NNP. As the Constitution gives unconditional right to create a new state, the NNPs are required neither to mention a list of just causes nor to prove the violation of internal self-determination right by the central government to serve as a cause for forming new states (Afesha, 2016a). "What is central to this issue is that it presupposes endorsement of the claim by the NNP and their collective desires to form a new federation unit" (Afesha, 2016a: 242). In other words, the restraints are (which are more of procedural) agreement of the legislative council of the claimant NNP to the new state formation and the proof for the support of the new state formation claim by a majority vote. Seen from this perspective, save as the procedural requirement attached to it- right of a new state formation-, one may argue that the Constitution puts no stringent conditions for materializing a new state formation. It follows that increasing, diminishing or altering the area and boundaries of the states occurs incidental to the exercise of a new state formation by any NNPs (ethnic groups). The creation of a new state might alter the designation of the mother state from which the NNP withdraws and creates its own state.

In relative terms, the state where a quest for new state formation arises involves more than the federal government in Ethiopia. It means that the state wherein a pursuit for new state formation initiated is involved in organizing a referendum, supervising whether a majority vote supports the demand for statehood and transferring its powers to the NNP that made the demand (FDRE Constitution, Art 47 (3)). In all these processes, the power of the federal government seems financing and undertaking a referendum. This is because it is the National Election Board tasked to undertake referendum of any kind (Proclamation No. 532/2007, Art 32). Apart from this, it is unclear whether the federal government is requested to express its view on the new state formation request, and if there is, the next logical question is how much weight it will have on the process of a new state formation. The other circumstance whereby the federal government involves in new state formation is through the upper house. This could happen if the state council that received the demand for new state formation is reluctant to organize a referendum. In this situation, the NNP legislative council, which approves the state formation request by the majority, dissatisfied with the reluctance of the state council that received the demand for new state formation to organize a referendum, can appeal to the House of Federation (HoF), the upper house. In this case, the HoF receives the appeal and oversees the whole process than after. The constitution makes the HoF an ultimate arbiter to decide on issues relating to the rights of Nations, Nationalities and Peoples to self-determination, including the right to secession (FDRE Constitution, Art 47 (3)).

#### **IV. ESTABLISHMENT AND REORGANIZATION OF STATE EXERCISE**

India, as a federation, was founded in 1950, orchestrating twenty-eight states and seven union territories using multiple criteria rooted in geographical, linguistic, religious and tribal cleavages (Singh, 2016). Since its establishment, in India, state reorganization claims have been vowed in all corners of the Union (Adeney, 2014). Following the death of a local leader, Potti Sriramalu, during a hunger strike in favor of a Telugu-speaking state, the center conceded the creation of Andhra Pradesh in 1953 and set up an independent States Reorganization Commission (SRC) to study other statehood demands (Tillin, 2017). The SRC, established

in 1953, was tasked to undertake study and provide a better method of the reorganization of states that would preserve and strengthen the unity and security of India, bring linguistic and cultural homogeneity as well as financial and administrative efficiency.

Upon the recommendation of state (SRC), in 1956, the then twenty-eight states and seven union territories were reorganized- in terms of linguistic, cultural homogeneity and geographical contiguity- and reduced into fourteen (14) and six centrally administered territories.(Naik and Kumar, 2016& Mawdsley, 2002)It follows that many princely states were integratedwith neighboring states, and some combined with centrally administered units that took account of the country's linguistic diversity (Majeed, 2003). However, such regional reorganization and move to accommodate ethnic, linguistic, and religious diversity had not sufficiently answered the demands for statehood. Hence, the States' reorganization has continued, and territorial space and boundaries of states (or union territory) have continuously been rearranged in all corners of the Union (Adeney, 2014). In the words of Tillin, "the most significant rearrangement of India's internal borders," which took place in the 1950s to meet demands from southern and western linguistic groups that wanted states of their own (Tillin, 2017). However, the reorganization was uneven, so the process continued in the subsequent years, and the rest of the Indian states started demanding for a separate state of their own based on the linguistic identities (Adeney, 2014). The reorganization also took place in the western and northern India in the 1960s and northeastern India in 1970, which ended up creating smaller states in India's incredibly heterogeneous northeastern region (Ibid).

In 2000, the territorial reorganization was taken place so that the internal map of India was redrawn through which three new states, namely, Uttarakhand, Chhattisgarh and Jharkhand), were created. (Adeney, 2014). Contrasting with the last state restructuring criterion, which took account of the country's linguistic diversity, the formation of these states was made using good governance and development (administrative efficiency) as criteria - the new basis of State formation (Suan Hausing, 2018). Besides, "the formation of these states is interesting because historically, the major political parties have tended to oppose the formation of new states in India. Changes to India's internal political-administrative boundaries over the last 50 years have usually been conceded only after considerable struggle. Successive central governments have tended to view assertions of regional identity with suspicion, and to stigmatize them as parochial, chauvinist and even anti-national." (Mawdsley, 2002: 34) Unlike the earlier new state formation submissions, these new states formation claims have conceded with less opposition by major political parties, and inconsequential struggle and central governments also viewed the new state formation submissions positively.

In general, in India, since independence, newer states have been carved out now and then without adversely impacted the unity of the country. Yet, the pattern and nature in which newer states have been recently created are different since there is incongruence between ethnic identity and territorial homelands of the new states that have, ostensibly, guided state formation in the past (Bangash, 2016). The recent new state formations were proposed and directed by administrative efficiency rather than on the language principle (Mawdsley, 2002). The new state formation demand continued, and in 2014, the state of Telangana was created from Andhra Pradesh (Tillin, 2017). Though India has conceded to new states formation claims with this scale and its federation units, States have reached twenty-nine, albeit many more apparent demands for state creation exist and many more in future years (Adeney, 2014). This shows that new state formation is the process that cannot be completed with a certain defined period. There are still some demands for creating new states and the finalizing of boundaries of the states (Naik and Kumar, 2016).

Some scholars, such as Khan, propose further territorial reorganizations of states, and over the years, India could have more than fifty states (Mawdsley, 2002). In this sense, territorial reorganization is made "in order to transform the large, administratively unwieldy, politically troublesome and economically uneven states into a more 'rational' map of states based upon economic viability, socio-cultural homogeneity and political and administrative manageability" (Mawdsley, 2002: 43). What is more vital about India state formation and territorial organization, one has to note, in all instances is that territorial reorganization and creation of new states have been taken place peacefully and with the express consent (wishes) of relevant 'parent' states. (Tillin, 2017) It was on the formation of Telangana state, for the first time, the 'parent' state objected its creation, and it came into being against the wishes of its parent state. Despite vehement opposition, the process of bifurcation itself was mostly peaceful (Ibid).

With this background note, when we see the state formation and territorial reorganization experience in Ethiopia federation, following the introduction of federal arrangement, the new state formation and reorganization of territorial boundaries of states took place *de facto* in 1991, during the transitional period (Fiseha, 2012). In the initial stage of the federal system exercise, the territorial reorganization was made to accommodate various ethnic groups through granting self-rule and ensure their participation in the decision-making process. In this sense, during the transition period, with due recognition of different groups and interests, the Ethiopia federation was organized with a federal government, fourteen regional states and one city administration.

However, the 1995 Constitution of Ethiopia reduced the number of regional states from fourteen to nine. The reorganization of states was done by amalgamating the five regions (named region seven to eleven, 7-11) that were established during the transitional period. With the merger of the states created the new state called SNNP (Southern Nation, Nationality and People Regional State). The merger downgraded some NNPs, for instance, the Sidamas, Wolayitas, and Gurages and others from a regional to a zonal status, and forced numerous ethnic groups to share a zone, thereby creating stiff political competition (Dessalegn, 2016). Opinions are divided regarding why the merger of the five regions under one region. Some argue that following the unification of several EPRDF affiliated parties across the southern parts of Ethiopia; they desired to have one parallel administrative structure in the south so that they created the SNNP regional state and to utilize shared resources and human resources (Aalen, 2002). The opposition, however, claims that the merger was an outcome of pressure from the EPRDF, which preferred to control the troublesome southern areas through one rather than several federal units (Ibid).

Since such regional reorganization had not sufficiently answered the demands for statehood, the new state formation demands have continued in the southern parts of Ethiopia since 1992. As a result, various ethnic groups have appealed to form new ethnic administrative units, albeit the party that runs the incumbent government - rejected demands for internal secession (to create new states) and had done little to address and mitigate the statehood claims. The rejection was made in the existence of explicit Constitutional provision that grants the unconditional right to new state formation to every ethnic group of the country up to and including secession. This prerogative bestowed the right to every NNP subsumed into nine states to form new ethnic administrative units, from a smaller administrative district (woreda) up to a new state.

Thus, NNPs subsume in the existing states can form a new state of their own if they follow the procedures listed in Article 47. The issue is that does the right to create a new state of their own given to NNPs include the right to merge with other states? Can two NNPs, for instance, Sidama and Gedio Nations, amalgamate and apply to form one a state? Can a given NNP subsume in one of the nine states petition to combine with another state under the disguise of exercising its right to unconditional self-determination, and does this include in the right to unconditional self-determination of NNPs? How can we understand the expression "any NNP has the right to unconditional self-determination"? Some of these questions may not have direct answers due to an absence of precedent in these points. Taking the merger of the five states established during the transition period and the formation of the new state, one may argue that a given NNP subsume in one of the states can apply to unite with one of the states under the disguise of exercising its right to unconditional self-determination. Concerning the Union of two NNPs to form a new state, one may also argue that if a certain NNP is allowed to create its state, for a stronger reason, two NNPs will have the right to merge with another NNP to form a new state at any time.

There have been pressing demands for new state formation in Ethiopia since introducing the federation; some of the NNPs have appealed frequently. Countrywide, a pioneering claim for statehood came from the Sidama Nation in SNNP regional state and the Berta Nation in Benishangul Gumuze regional states. For instance, the Sidama Nation, followed by the Berta Nation, demanded statehood status for a long (Afesha, 2016a). Currently, the SNNP regional state that hosts 56 ethnic groups has been flooded by new state formation claims. The Dawro, Gamo, Gofa, Gurage, Hadiya, Kafficho, Kambata, Wolayta are some of the NNPs (ethnic groups) that have sought to establish their regional state through proper channel and submitted their application to the SNNP state council to create their own states, just to mention a few. (Kassahun, 2019) However, with the existence of an unconditional right to new state formation, pressing demand for new state formation and precise procedure, none of them have succeeded in this regard except the Sidama nation. The Sidama nation is the first ethnic group that exercises new state formation right since the constitutional construction of the Ethiopia federation in 1995. Unlike India, wherein the creation of new states has been taken place repeatedly in Ethiopia, the nation and nationalities existing in the nine states have remained there since the formative stage of the federation. Looking into the track record of Ethiopia's federal system, many argue that "in the existing situation, it would be unrealistic for the NNP to exercise their right to establish, at any time, their own states and administer themselves in their respective territories.

As Gutema argues that the resistance and reluctance of the ruling party towards a new state formation claims is an indication of the unwillingness of the party to accept the full consequences of the constitution's emphasis on ethnic rights (Gutema, 2007). Others even argue that "the question of self-determination of nations, nationalities and peoples which is prescribed in the Constitution as one of the most significant articles proving the truly democratic character of Ethiopia but...this principle remains an illusory one and serves only as a rhetorical theory" (Záhořík, 2018). Looking at the various NNPs demand for statehood, the response from the government, and the way the claim was handled, Asnake argued that the federal authorities were not committed to supporting the demand to establish one's own state (Kefale, 2009). For this reason, until now, neither the right to form one's own state (internal self-determination) nor has the right to secede (external self-determination) has been exercised effectively (Beken, 2010).

Yet again, starting from the coming into power of Prime Minister Abiy Ahmed in early 2018 and opening up of the country's political space and some window of hope, many NNPs restart and reclaim their overdue new state formation claims that they have been denied for the last three decade. As seen in India, many more apparent demands for state creation exist in Ethiopia, increasing in future years. As of 2018, more than eleven NNPs (ethnic groups) have openly presented their claims to establish their state and approved the same by majority vote in their respective legislative councils. Among the NNPs who have prominent requests for state creation and pressed their demand openly, the Sidama nation succeeded in its new statehood move and has become the 'tenth' states of the Ethiopia federation. While processing the Sidama Nation new state formation claim, the SNNP state council has suspended the demand for new state creation pleas of the other ethnic groups, such as Dawro, Gamo, Gofa, Gurage, Hadiya, Kafficho, Kambatta, Wolayta. The SNNP state council has suspended the demand for new state creation requests, albeit claims are supported and approved by majority vote in their respective zonal nationality councils.

The formation of more new states has been opposed by senior politicians, who, for various reasons, wanted the SNNP regional state to remain undivided. SEPDM party, which administers the state, has intervened and tried to stop other NNPs who run for new state formation. The involvement of the SEPDM party to slacken down the new state formation demands emanates from the perceived fear that this request would cause more similar demands from other ethnic groups and dismantle the SNNP state. The fear of the party seems legitimate. However, the Constitution offers no avenue for the ruling party to make such a decision. The new state formation demands should be considered and answered institutionally to constrain unnecessary intervention of the ruling party. As long as the new state formation process is regulated by and through the ruling EPRDF than what the Constitution stipulates, move to exercise such right may become a cause of conflict and instability. "One may even have the impression that the right to state formation in Ethiopia has only symbolic value" (Afesha, 2016a: 247).

One has to note that, unless the existing situations are managed in some way or the constitution is amended, the Ethiopia federation will not remain with ten states. The member states of the Ethiopia federation will increase sooner or later. What is important to note here is the establishment, break up, and merger of political units should not be done based on political considerations only rather than on rational grounds. The caution is that the reorganizations of states should not jeopardize national and local interests, affect national unity and integrity and encouraging separatist and extremist forces. In this regard, Majeed has said the following points: "[t]hroughout the world, there have been numerous arguments in favor of the formation or reorganization of states. Among them are geographical proximity, a common language, similar usages and customs, comparable socioeconomic and political stages of development, common historical traditions and experiences, a common way of living, administrative expediency, and, more than anything else, a widely prevalent sentiment of "togetherness," that is, a sense of shared identity." (Majeed, 2003:84) In this reality, the federation tries to accommodate diversity through constitutionally established subunits (Solomon, 2008). India can be cited as a witness to this assertion. "As the Indian experience reveals, splitting up existing federal units and creating new ones is only one of the many strategies new democracies can use to build nation-states and contain ethnic conflicts" (Chadda, 2002). This is the lesson federations can draw regarding the formation and reorganization of subnational units.

## **V. LESSON DRAWN REGARDING FORMATION AND REORGANIZATION OF SUBNATIONAL-UNITS**

Ethiopia, a multilingual, multicultural, and multi-religious state, has struggled to entrench a stable political system and prove itself a robust and successful democratic state with a parliamentary democracy. However, in the current situation, many persons are pessimistic about the prospect of democracy and Ethiopia's survival as a nation. The reason for this, beyond internal displacement, which arises from ethnic conflict, Ethiopia has been flooded with new state formation claims and administrative reorganization, which is a thorny issue and marked as a bottleneck in the peace and stability maintenance process. Currently, there are more than eleven new states formation claims, which are approved in the NNPs legislative councils without the usual fuss. However, demands for statehood have met hostility from the federal government and the ruling party. This depicts that the evolving democracy that has been witnessed in Ethiopia recently may take a long period to mature. There have been perceived ups and downs, but need to be managed well to survive successfully.

The Ethiopia government may take lessons regarding new state formation and reorganization of the existing states from other federation, such as India. India has been hassled with new state formation demands since independence, which has a different pattern and nature. There were fears and anxieties among prominent political leaders (such as Nehru) and scholars (like Harrison) that the formation of linguistic States would destabilize India. "Contrary to the fears and anxieties raised by Nehru and scholars like Harrison that the formation of linguistic States would destabilize India, they have acted as stabilizing agents by catering to the emotional need of regional elites to have State(s) of their own, and by localizing and quarantining the outbreak

of ethnic conflicts within State boundaries.” (Suan Hausing, 2018: 452). For this reason, from the inception of the India federation, newer States have been carved out repeatedly but not adversely impacted the unity of the country. (Bangash, 2016) This has been regarded as the formula for forging national unity, which would otherwise affect the national political life in many ways.

In Ethiopia, at the same time, there were new state formation demands for more than two decades. As underlined above, more than eleven NNPs have submitted petitions to form new states. These NNPs have been looking for responses to the SNNP council. However, the SNNP council receiving their new state formation submissions (plea) has remained declined to refer the matter to a National Electoral Board (as it did to the Sidama nation) to organize a referendum for new state formation requests. The NNPs, who have unanimously endorsed the demand for statehood in their respective legislative councils and submitted their new state formation petition to the state council, have been watching what could be a decision of the state council and the position of the federal government on the statehood. The SNNP State council and the federal government suspend the remaining new state formation requests upon the approval of the Sidama statehood status. The suspension of the remaining new state formation request could renew a surge of resistance against central and state officials (who named themselves reformist) and reenergized the struggle for further political autonomy. It is important to note that carving out new states and the constitutional recognition of the unconditional right to self-determination remains to be a controversial subject in Ethiopia to date. The demand for creating a new state still has been fuelled, more often than not, by linguistic and regional fanaticism, which has assumed a new urgency. This situation even forced the council of ministers to set up a Commission that study and forward recommendations regarding a new state formation and identity determination requests, as India did this in 1953 (Mawdsley, 2002). Following the commission's proposal, there could be a split of existing states and a creation of new states, which is one of the many strategies modern democracies use, as seen in India, to build a strong nation-state and contain ethnic conflicts.

The government should also admit the fact that there could be territorial reorganization once in a while in Ethiopia so that it should be treated and regulated under the procedure the Constitution sets out. The uncalculated interface of the party apparatus to arrest some of the requests while allowing others may create a sense of discrimination and neglect in the eye of the NNPs that are unnecessarily denied their new state formation entitlement. With more than 80 NNPs in the country, the Ethiopia states will not remain ten. The newer states could have been carved out when the NNPs exercise their internal self-determination right following the constitutional routes. The caution should be such a move should not bring an adverse impact on the unity of the country. In this regard, the suggestions of the commission are likely to enhance the unity of the state and give greater recognition and protection for regional identity markers, such languages and cultures. Conferring the right to unconditional new state formation to all NNPs in the existence of more than 80 NNPs would lead to the question, is it feasible to enforce this right, all NNPs to from their subnational units. It is highly unlikely that they could all find the establishment of their states a viable option.

In this regard, Aalen argues that since many of them very small (and may not be feasibly able to establish a state), the right to self-determination is most likely to be enforced practically by giving different ethnic groups their own zones or special Woreda (district) administration within the member states of the federation (Aalen, 2006). For that matter, the NNPs who have petitioned for internal self-determination not necessarily request a new state formation owing to different reasons. Instead, the Ethiopia federation has been hassled by the quest for new state formation and the creation of one's own Zone or special Wereda. Among the states, the SNNPR has been flooded with the claim for new state formation, including new Zone or Special Wereda formation. The SNNP has allowed the establishment of their own Zones or special Weredas to some of the NNPs. Others still claim to have a zone or special Wereda owned by them individually or in a few groups. This has been quite a frequent question in a state as it comprises more than 65 NNPs.

The other point that needs to be seen incidental with the establishment or reorganization of the state is the creation of federal cities that can be accountable to the federal government. The attempt to create cities that can be accountable to the federal government might be challenging for the lack of a constitutional base. However, this may be done to bring sustainable peace and maintain the constitutional order and self-governance of the resident. One has to note that Ethiopia has some experience in this regard. In Ethiopia, there are two 'cities' that are directly accountable to (or partly administered by) the federal government, in the words of the Indian federal system named as Union territory. One city is instituted as per the constitution (Addis Ababa), and the other one (Dire Dawa city administration) is as per the decision of the government: through an informal constitutional amendment (Afesha, 2016). The Dire Dawa city administration, *de facto* carved out since there were proliferating claims made by the Oromia and Somalia regions over city administration following the regional boundary demarcation (Proclamation No. 416/2004, Preamble). On top of this fact, there was also a need to regulate self-determination of the Dire Dawa city residents by law until the then claims of the Somalia and Oromia Regions was finally resolved (Proclamation No. 416/2004).



As a result, the Dire Dawa City has been made accountable to and directed by the Federal Government since 1993 as per the decision of the government (Proclamation No. 416/2004). This is believed to ensure good governance and expedite development in Dire Dawa City until a lasting solution is secured (Proclamation No. 416/2004, Preamble). It was this philosophical foundation that gave courage to the HoPR to enact the Dire Dawa Administration Proclamation. Nowadays, there are burgeoning claims made by the Amhara and Tigray regional State over Wolkite and Raya. There is a perceived fact that none of these regional states is ready to accept any kind of decision that could be made over these areas. Taking the case of Dire Dawa city administration, these areas have to be accountable to and directed by the Federal Government until the then claims of the Amhara and the Tigray Regional States are finally resolved.

The other essential point that Ethiopia has to learn is making its territorial integrity permanent and indestructible. The recognition of Ethiopian as a union of several sovereign collectivities and providing the unconditional right to secession for NNPs compromise the territorial integrity of the country over the period. The distractible intent of the territorial integrity of the Ethiopia polity should be revisited and corrected constitutionally. Unless this diction of the Constitution is reconsidered in some form, there is no formal mechanism that stops individual NNP from separating from the Ethiopia polity. One may argue that its existence would not necessarily threaten the unity of the country. One may also argue that secessionism is a rare phenomenon (Jason, 2003). However, what is known is that secessionist claims challenge the constitution of the world by calling into question the justice of state borders (Lehning, 1998). It seems with this reason that the vast majority of the world's sovereign states do not recognize any right of secession in their domestic constitutions (Andrei, 2004). Outlawing secession rights and claims affirm the maintenance of the state's territorial integrity.

For this reason, many states' constitutions make the territorial integrity of the states beyond the reach of the people. They make territorial integrity of the states 'indivisible', 'inalienable' or 'inviolable' (Andrei, 2004). In the same token, Prime Minister Abiy Ahmed, in his recent speech, asserts, "Ethiopia is not a leaf of a tree that can fall in easy swinging". This tends to cast doubt on political commitment towards secession and the diction of the constitution that utters every NNP has the unconditional right to session. It indicates government position shifts its position over the territorial integrity of the country and makes territorial integrity Ethiopia as permanent and indestructible. This might be construed that the Ethiopia Constitution may have a plan to follow the policy India has followed for a long time ago and is keep on following: India creates the 'Indestructible Union of Destructible States'. With this policy, self-determination is allowed if the application does not intend to withdraw from the territory of India. Once Ethiopia makes such kind of informal constitutional adjustment, another equally important point that needs to be taken into account is that the Constitution should aspire to the admission of other sovereign states into Ethiopia federation, as Indian does and envisages. As this requires a constitutional amendment, this might have political costs since the amendment proposal needs to pass several stages. The current turmoil within the party may hinder the introduction of any modification the party wants to make as it did in the past, a decade ago.

## **VI. CONCLUDING REMARK**

Ethiopia and India federations were organized, possessing shared and unique federal features. The unconventional federal quality of Indian is related to the establishment, breakup and merger and of States, which is one of the many strategies that India uses to build modern nation-states and contain ethnic conflicts. The Indian Constitution entrenched constitutionally mechanisms and procedures on how new state formation and reorganization of territorial space of states is regulated. The Ethiopian Constitution also inserted the procedural requirements unequivocally to handle a new state formation exercise peacefully. Although both India and Ethiopia have designed the mechanism to govern the formation of a new state, the pattern and nature in which new state creation has been seen and treated are quite diverse in both federations. While India has used new state formation and reorganization of states as stabilizing agents, it becomes a source of conflict in Ethiopia. Ethiopia has been alien to new state formation and restructuring of states claims, although there are many more apparent demands for state creation since introducing the federal system. Giving a deaf ear rather than strategically handling such matters taking a lesson from 'matured' federation such as India may have an adverse consequence on the unity of the country. Ethiopia has to use new state formation and restructuring of states as one of the many strategies to build a unified and robust state, including to contain ethnic conflicts. The government must give due attention to the rights of the Nations, Nationalities and Peoples (NNP) and recognition of their involvement in all aspects of the country's political life. Whenever the need arises, the government should govern the new state formation claim in a non-threatening path and in the way that forges national unity, which otherwise affects national life in many ways. In doing so, the government can dispel the usual suspicion that the incumbent government favors a particular ethnic, religious or regional group.

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