Constitutional and Federal Arrangements as Major Sources of Crisis in Ethiopian Politics

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ABSTRACT
Ethiopia, which was one of world civilizations and antiquities, has gone through a number of evolutionary processes in its modern state formation and political architecture. Nevertheless, the long existence of state and government from a distance past has not guaranteed for the existence of democracy, strong institutions and stability in the country till today. This short piece tries to critically analyze the trajectories of political development of Ethiopia since the inception of ethnic-based federal system. It tries to justify why the country is still in a vicious cycle of political turmoil and conflict that has claimed the lives of thousands and adversely affected the socio-economic and political aspects of the state. This study mostly used secondary sources drawn from books, journal articles, newspapers, dissertations and theses, web sources and other documents. The piece has found that the problem of Ethiopia continues to destabilize its existence as a united polity due to systemic and structural incompatibility of the governance system that mostly emanates from its constitutional and federal designs which do not go in line with the interests and demands of the people of the country for accommodation of their diverse nature on the one hand and the promotion of the shared and common values for their integration and unity on the other hand. The author of this piece argues that federalism can be taken as the best governance system for a multicultural state like Ethiopia for reconciling both issues of unity and diversity. It is not because of federalism per se that Ethiopia faces difficulties rather the way the federal system was organized and operated as well as the constitutional framework itself are the impediments for the prevalence of democratic, stable and peaceful Ethiopia under a working federal system. The piece finally prescribes alternative solutions which may be helpful for Ethiopia to uplift itself from the vicious circle of political turmoil and instability. Hence, the piece strongly recommends the necessity of smooth, genuine and peaceful political transition on the basis of fundamental changes in Ethiopia's current constitution and federal arrangement.
KEY WORDS: federalism, Ethnic federalism, unity in diversity, political transition

I.   INTRODUCTION

Ethiopia was one of the oldest civilizations in the world. It is best remembered by the ancient Aksumite civilization which had controlled the trade activities in the Red sea and contacted other civilizations like Syria and Ancient Greek in commerce. As one of the great antiquities, Ethiopia is a place where various cultural, spiritual, and historical fingerprints have been found. Furthermore, a series of archeological findings have found the country as a cradle of human species with the discovery of Lucy (Denkenesh in Amharic) having 3.2 million of years old.

Ethiopia is also an exceptional country among states of African continent to defend itself from European colonization due to its triumphal victory over the Italian colonizers at the historic battle of Adwa in March, 1896. That was the turning point in the history of black African struggle against colonial yoke. The victory served as a psychological boom and symbol of liberation for the rest of black people to be determined and committed to emancipate their continent from European colonial masters.

Even though all the aforementioned positive elements in the country, Ethiopia as a state has faced a continuous crisis in nation building process. Since the inception of the process of the formation of modern state of Ethiopia in the middle of the 19th century, the country went through a wave of evolutionary process of its political, economic and cultural aspects until Emperor Menelik II completed the modern state formation of Ethiopia in the late 19th century.

Following Menelik's death, Ethiopia entered in to an era of effective centralization policy under the reign of Emperor Haile Sellasie I (1930-1974) who was the last ruler of the Solomonic Dynasty. Even though Haile Sellasie's big role in international arena in the process of the formation of the then Organization of

African Unity (OAU) in 1963 at Addis Ababa, a capital city of Ethiopia, his administration in the home did not bring a fruitful result in the fields of good governance, democracy and human rights protection.

Following the demise of the Imperial regime by popular revolution in 1974, Ethiopia entered in to a new political system of Marxism-Leninism which was directly copied from the then Union Soviet Socialist Republic (hereafter called USSR). Except the change of political system from monarchical model in to military rule, there was no significant change in the economic and political aspects of the country. The year 1991 was significant in the political history of Ethiopia and the world. This particular year marked the end of military administration of Colonel Mengistu and the coming of new government under the leadership of Ethiopian People's Revolutionary Democratic Front (hereafter called EPRDF) which came with the idea of ethnic federalism to the country. The year also marked the demise of USSR that in turn completed the era of cold war that brought unipolar world dominated by USA. This piece therefore critically analyzes the trajectories of political development of Ethiopia and its continued crisis in the nation building process till now. It also tries to scrutinize the reasons why Ethiopia is still in state of political turbulence and in a vicious circle of conflict and crisis by examining its political history since the Imperial regime in 1930 and goes to the current political scenario.

This piece therefore critically analyzes the trajectories of political development of Ethiopia and its continued crisis in the nation building process till now. It also tries to scrutinize the reasons why Ethiopia is still in state of political turbulence and in a vicious circle of conflict and crisis by examining its political history since the Imperial regime in 1930 and goes to the current political scenario.

Methodologically, the piece used primary and secondary sources of data for analysis. Among the primary sources, audio and video interviews with activists, political party leaders, individuals, scholars and members of parliament have been included. Secondary sources like books, journal articles, newspaper articles and others have been used for triangulation.

II.   POST-1991 POLITICAL DEVELOPMENTS IN ETHIOPIA
2.1 Transitional Charter as a de facto Federal Arrangement
The first measure taken by EPRDF was to organize a Conference for establishing a transitional government led by a Charter. This conference was called a July Conference held from 1st to 5th July, 1991. Parties and armed organizations formed mainly on ethnic lines took part in this conference and set up a transitional government under a new Charter. Later on, based on the Charter, Proclamation Number 7/1992 was enacted for the reorganization of the Ethiopian state in to fourteen self-governing regions. However, the process of making a transitional government was not inclusive enough to invite those parties and organizations formed on the basis of ideology other than ethnicity. So, right at the beginning, the process of the formation of legitimate and genuine governmental structure was mostly dominated by those centrifugal forces interested to establish their own statehood out of Ethiopia. Even though the Charter did not claim Ethiopia as a federation officially, it can be considered as a de facto federation since most of these constituent units (Killils in Amharic) were carved out mainly along ethnic lines for their self-governing purpose. For further clarification of the new organization of the regional map of Ethiopia, Abbink (2006) noted that under the leadership of TPLF/EPRDF, the transitional government reorganized Ethiopia into 14 regional states (killils in Amharic meaning 'reserve', 'fenced territory', or 'area that inhabits the view'. The boundaries of these regional states were mainly carved out along ethno-linguistic lines by ignoring other variables like geography or economic-ecological aspects

2.2. The Coming of ethnic federalism under the constitution of FDRE as a de jure setup
2.1.   Introduction
Ethiopia is declared as a "federation" explicitly in the new constitution promulgated in 1994 and came to force in 1995. According to Article 1 of the constitution, Ethiopia is claimed to be a federal democratic republic. But it fails to achieve the true sense of both federalism and democracy for various reasons which will be discussed in detail in the next sections.

This section will securitize why and how both the constitution and the federal structure become the fundamental causes of unrest and instability in Ethiopia. In fact, there is almost a common consensus among academia, political actors and the public in general on the necessity of federal form of government to Ethiopia to accommodate diversity and hold the country as sovereign state. However, there is polarization on what kind of federal model is appropriate and relevant to Ethiopia. As Emnet (2013) said "it was purely an ethnic based federal arrangement, which received a mixed reaction of fear and appreciation at the same time".

Proponents of the existing ethnic federal model argued that it brought equality of ethnic groups by giving the right to self-governance to promote their culture, history and language. On the contrary, the opponents of the existing federal framework of Ethiopia argued that the coming of ethnic federalism in the country brought tensions, prejudices, mistrust and instability in the country by dismantling the long-existed

social fabric of the Ethiopian society that they developed through their course of history. Hence, this piece will critically analyze these two polarized stands and give its own suggestions based on the analysis.

2.2 Constitutional Framework

For a viable and sustainable form of governance system in a certain state, there should be a legitimate and inclusive constitutional framework from the outset. Since 1930 when the Imperial rule came to power up until the present, Ethiopia has been suffering from the absence of inclusive, legitimate, and democratic constitution and governance system. That is why the author of this piece argues that the vicious circle of Ethiopia's socio-political crisis emanates from this missing link. It seems good at its normative argument that the current constitution of Ethiopia was designed to give an answer to the question of identity of the hitherto marginalized ethnic groups from their participation in the socio-economic and political arena of the state.

The current constitution, which was adopted in December, 1994 and came to force in August, 1995, has eleven chapters divided in to 106 articles. It declares Ethiopia as federal country comprising of nine federating states commonly known by their Amharic name *Killils*. The constitution establishes a parliament of two houses namely House of People's Representatives (HPR) which is the first and lower house representing the people of Ethiopia as a whole and House of Federation (HF) as the Second/Upper chamber representing directly the Nations, Nationalities and Peoples (hereafter called NNP) of the state.

According to Article 8 of the constitution, sovereignty resides on the NNP of the state. This right is also further strengthened by article 39 of the constitution that claims the unconditional right to secession to all NNP of the state. One can argue that the constitutional coverage of basic rights under Chapter three of the constitution which divides them in to human (from article 14-28) and democratic (from article 29-44) rights might be an indication of commitment and devotion both for individual and group rights.

However, critics have shown that the constitution has missed various elements and foundational frameworks for building a viable and democratic state of Ethiopia. The author argues that the current constitutional framework is hardly capable of being an instrument for nation-building process rather it is becoming the major source of tension and political crisis due to the following reasons.

Firstly, the constitution has a question of legitimacy. Some writers of Ethiopian federalism (Aalen, 2002 and 2006; Semahagne, 2012; Gedion, 2013) argued that the whole process of drafting and constitutional making process was not free and inclusive. The overall making of the constitution was biased in to more of a pro-centrifugal tendency. They criticized the constitutional making process that it was under full control and influence of EPRDF which became the sole architect and mastermind of it under the mentorship of the late dictator Meles Zenawi and his ethnic-based party TPLF. It was simply an imposed document that disregarded the interests and demands of the people of the country at large. Most of the time, EPRDF whose hegemonic control of the state apparatus still exists in contemporary politics of the country becomes hostile towards those who have tried to ask constitutional amendment genuinely. There has never been any single amendment made so far in the constitution not due to the absence of questions of constitutional amendment or change but due to the ruling party's deliberate negligence of the voices of the citizens. The party used this constitution as an instrument of staying in power by abusing the notion of ethnicity as a strategy of "divide and rule" (Aalen, 2002). Hence, the current constitution has the question of inclusiveness and legitimacy.

Secondly, the constitution has given more emphasis for ethnicity than other multiple identities of Ethiopian people. It makes ethnic identity as the sole organizing principle of the federal system and the society. This prevents the opportunity of creating nested identity and cross-cutting identity formation which could play for the integration and unity of plural societies of the country. There is unbalanced weight between diversity and unity. The constitution mostly focuses on differences than similarities. It ignored the value of social capital as a force of integration of multicultural, multilingual and multiethnic societies like Ethiopia.

Thirdly, the constitution does not give room for those who can identify themselves in a non-ethnic way. The constitution does not directly recognize the existence of citizens rather it first acknowledges the so called "Nations, Nationalities and Peoples". Due to this approach, the constitution hardly recognizes individuals by virtue of being the citizens of the country first. It has an approach of observing them simply as mere collection of ethnicities (Abbink, 2006). This approach is also explicitly shown in the preamble of the constitution which begins with "We the Nations, Nationalities and Peoples…" which is a deviation from the common constitutional beginning of most countries of the world.

Fourthly, the current constitution is the only constitution in the world to include unilateral and unconditional right to secession to all ethnic groups in the federation. Making unconditional right to secession as a primary alternative in a country striving towards the building up of one economic and political community as enshrined in the preamble of the constitution is a paradox. Other alternative mechanisms which can enhance the capacity of the federal system to be more accommodative and inclusive should have been taken in to consideration rather than choosing secession as means of solving problems. The unconditional version of the

right to secession may be discouraging for further bargaining process which is an inherently feature of a federal system.

2.3   *Ethnic Federal Arrangement in Ethiopia*
The architect of the current federal system in Ethiopia was a TPLF/EPRDF led group which seized power following the demise of the Derg regime in 1991. This section of the piece will scrutinize how the idea of ethnic federalism came to appear in Ethiopian politics and how it becomes still a contested debate among political actors and the public in general. It also critically analyzes how and why this an ethnic infused federal model becomes a source of most if not all conflicts in the country.

Mentioning all these indicators of crisis in the country is a matter of mountainous books but few and selected cases are presented here for the purpose of this piece. The following points of analysis try to show how the existing federal structure becomes a problem rather than being a mechanism of solving problems.

Firstly, using ethnicity as the only organizing principle of the federal system in the context of mixed societies expressed in various forms creates many problems in the country. This approach led to the development of parochial thinking among those ethnic entrepreneurs who always associate a certain geographical area to a specific ethnic group.

In this connection, Taye (2013) reflected the following,
The experimental fallacy appears evident with the granting of an exclusive-right to rule to a single ethnic group in a rather ethnically mixed and demographically ever changing country. Crowning one ethnic group over others would give way to ridiculous form of 'reverse injustice' righting 'old-injustice' with 'new injustices'. Whereas the moral fallacy is quite evident when one is faced with choosing one worthy identity from among many equally competing identities.

This kind of mentality in turn led to inter-ethnic conflicts in many areas of the country. Boundary disputes between Regional states of Somali and Oromia, Amhara and Tigray, Amhara and Afar, Tigray and Afar, Oromia and Benishangul-Gumuz, Amhara and Oromia can be taken as indicators of political unrest in the country. Similarly, Huntington (1993) put his own point of reflection on Ethiopia's move in to Ethnic Federalism from the beginning as follows; "Ethnicity is likely to be central to Ethiopian political parties, elections, and politics generally. Attempts to suppress ethnic identifications or to prevent ethnic political appeals are not likely to be successful". Nevertheless, Huntington warned the disastrous effect of drawing regional boundaries along ethnic lines on the national unity and political stability.

The other side of the conflict is associated with ethnic cleansing, atrocities and displacement of ethnic groups from their homelands just due to their ethnicity. Since both the federal and regional states constitutions do not directly recognize citizens as bearers of rights, those ethnic groups living in a specified regional state who are mostly considered as 'outsiders' or 'settlers' have often faced death, displacement, marginalization, and exclusion from socio-economic and political representation on the grounds of ethnicity, language and others. This directly contradicts Article 32 (1) of FDRE constitution which stipulates that "any Ethiopian or foreign national lawfully in Ethiopia has, within the national territory, the right to liberty of movement and freedom to choose his residence, as well as the freedom to leave the country at any time he wishes to".

Secondly, the idea of federalism in Ethiopia is an appreciated project but the ideological orientation of TPLF/EPRDF is incompatible with genuine federal system. The notions of democratic centralism, revolutionary democracy and vanguard party of the incumbent government are antithesis of true federalism. What exists in reality in Ethiopia is not a federal system that transforms the country in to a path of democracy rather it is simply a matter of replication of what USSR, Yugoslavia and Czechoslovakia did once up on a time as pseudo federations which were put together forcefully. In this regard, Keller (2002) reached at the extent of categorizing Ethiopian federal model as putting-together federation.

Thirdly, this model of federalism in Ethiopia created the notion of 'first' versus 'second' class citizens in most regional states. We can mention as an example the constitutions of the states of Gambella, Benishangul-Gumuz and Oromia. They stated specified ethnic groups which are regarded as "indigenous" as the sole owners of the states. Whereas, those ethnic groups which are regarded as "non-indigenous" having significant number of population are stateless and are able to live under the mercy of the former. This dichotomous division of the people into "indigenous" and "non-indigenous" created tensions, mistrust, conflicts and prejudices. These "non-indigenous" groups are mostly regarded as "second-class citizens" due to the denial of their rights to elect and be elected and getting fair representation in various levels of governmental structures. They are not treated as equally as those regarded as "indigenous". Hence, this federal model becomes triggering factor for inter-ethnic disharmony and other communal hatreds that lead to the deterioration of social interaction and healthy relations among the pluralistic societies in Ethiopia.

Fourthly, it is a federal system that denies the integrity and indissolubility of the state having long years history of existence and sovereignty. One can argue secession might be more associated with those federations

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formed through coming-together model than those of holding-together ones since the former is supposed to be created by formerly independent and sovereign entities with their strong sentiment and spirit of statehood. It is the parts which decide to come together willingly and form a federation. The typical example in this case is USA. However, the thirteen colonies reached at an agreement and consensus to dilute their right to secession and decided to form one integrated, indestructible and sovereign federal state of the US. From this point of view, Ethiopia's federal system to integrate itself with the notion of secession is self-contradictory. If one state decides to be a federation, it is expected to strengthen the idea of living togetherness and social capital of its society rather than taking the wrong path leading into its final disintegration and demise. In this regard, Tsegaye (2016) noted that "one of the essentials of federation is that the Union should be constitutionally immune to dissolution by secession. The grant of a constitutional right to self-determination is in contradiction with the very idea of a federalist constitution".

III. ALTERNATIVE SOLUTIONS FOR THE CRISIS AND THE NEED FOR GENUINE POLITICAL TRANSITION IN ETHIOPIA

Ethiopia is currently sick due to the existence of deep political crisis. First and for most, the problems that the country has been facing need to be examined in a way they meet the relevant and appropriate solutions because solutions can never be found without knowing what the exact problems are in a similar was as a doctor is not able to prescribe an appropriate medicine for a patient without diagnosis. The author of this piece argues that the major problems of the country are those discussed above which claim that they emanate from the constitution and the federal system of the country. Hence, in this section, the author will prescribe some alternative solutions based on the nature and scope of the problems in the country. Moreover, the author of this piece believes in the need for peaceful and genuine political transition on the basis of fundamental changes both in the country's constitution and federal system. The following are lists of alternative solutions which the author believes are very fundamental and cornerstones for healing the wounds of Ethiopian politics that in turn enables the country to move in to a genuine political transition.

Alternative Solution One: one important thing that every citizen or group in the country needs to understand is that the current problems of Ethiopia are not created overnight rather they are cumulative results of the absence of inclusive and democratic governance for longer time. The first step to be done in the country is to reach at national consensus at least on some common pillars which contribute for positive nation building process. It is imperative to mention here that Ethiopia is surrounded by complex problems that need great attention from all sections of the society. The solution cannot be a one-sided solution and it can never be solved by the ruling party only. An inclusive solution for the problems can only be obtained from inclusive discussions and dialogues which may perpetuate the path towards democratic transition.

Alternative Solution Two: the incumbent government needs to initiate the process of the amendment/change of the current constitution and the federal arrangement. There is no as such strong opposition towards the necessity of federalism for Ethiopia but the approach that TPLF/EPRDF used to establish federalism in the country was not only wrong but it has also become conflict-generating in many areas of the country that in turn puts the country's existence in danger. The most existential threat to Ethiopia's survival now a day is ethnic federalism. Hence, the newly constitutional making process in the country needs to reconsider other variables like geography, language, shared history and economic beneficiary, consent of the people, integration and unity of the society as organizing principles of the federal system. Using such formula is useful to create a nested identity which crosses parochial sentiment of ethnicity and ethnic identity. Moreover, such kind of arrangement might be suitable for creating social fabric and social capital among diverse societies enabling them to strive for the common good of the society as a whole rather than focusing on fenced and arrowed version of ethnicity or identity politics.

Alternative Solution Three: Any constitutional and federal arrangement in Ethiopia needs to recognize the integrity and indissolubility of the Ethiopian state. It should be under this framework that any issues can be bargained. The indestructibility of the federation needs to be recognized and should not be disputable. Ethiopia needs to learn from those failed federations as well as from those multicultural federations like India whose track of record is relatively positive. Learning from both negative and positive track of records in federations enables Ethiopia to revisit its constitutional and federal arrangements for the betterment of its future. Normally, a federal state deciding to hold the country together by accommodating diversity can never put the federation in danger by making secession as a prioritized option which complicates the problem.

Alternative Solution Four: Ethiopia faces problems not due to its adoption of federal system per se. But it is because of the way its federal system was structured and designed that the country faces serious problems. The federal idea and its principles need to be understood well among the citizens of the country. Some people think that opposing the current ethnic federal system in Ethiopia is necessarily an opposition to federalism in general. But that is misleading due to the wrong perception that these people have towards the concept of federalism. They always perceive federalism from the Ethiopian ethnic federal model only. Hence,

various debates, discussions and dialogues need to be conducted for expanding the concept of federalism and its basic principles among the society at large. Genuine research centers need to be opened and developed to address the scientific nature of federalism in general and ethnic federalism in particular.

Alternative Solution Five: constituent units of the federation need to treat all citizens equally. Accommodation of social diversity should start from the grass root level. In this regard, local and regional institutions of democracy, human rights and rule of law need to flourish because without these institutions federalism cannot work properly and smoothly. What needs Ethiopia currently is unity other than fragmentation and disunity. Giving high credit for civic values which can create a strong bondage among plural societies of the country to understand each other and strive for the common good is very important.

IV.   CONCLUDING REMARKS

This piece tries to articulate the trends and patterns of the crisis of Ethiopian politics since the coming of Emperor Haile Selassie I in 1930 till the contemporary political scenario in the state. As it has been analyzed in the piece, the absence of inclusive and democratic constitution and governance system has been the root cause for the continuation of political crisis in Ethiopia. In the context of Ethiopia, federalism may be considered as the best means of accommodating diversity and promoting unity if and only if the federal system is backed by strong institutions of democracy, justice, rule of law and human rights. Any political transformation in Ethiopia without considering fundamental changes in its current constitution and federal arrangement is nothing other than being cosmetic-like activities that do not have the power to move the country in to a high level of genuine political transition which in turn opens the roads towards democratic, peaceful, and stable Ethiopia under a working federal system. More importantly, the paroxysm of Ethnic federalism of TPLF can be healed by replacing the current ethnic and divisive constitution by other inclusive, legitimate and practical constitution having some flavors of civic nationalism. Generally, based on consideration of the above mentioned alternative solutions, a comprehensive peace and transitional process needs to be started soon to establish an inclusive transitional government to be formed based on political consensus that will reconsider the current constitutional and federal arrangements.

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