Beyond the Usual: Re-thinking Ethiopia's Ethnic Federalism for the 21st Century

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Abstract

A review of the political and ideological stalemate demonstrates that the concept of federalism has produced a polarizing debate among scholars. That is, federalist regimes have been rigorously challenged from theoretical and from practical points of view. Supporters of multi-ethnic federalism defend it as an effective operational device for granting autonomy to distinct peoples. They forcefully swear that federalism is indispensable for self-rule, encouraging shared governance, and giving each region the opportunity to enjoy a proportional share of economic investment to support development. On the other hand, the scholars that espouse a democratic autonomous self-ruling type of federalism are skeptical and also question the viability of a centralized Federal state. They argue that initially ethnic federalism could act as a starting point for accommodating the demands of emotionally charged ethno-nationalist movements. To be viable for the future, however, scholars of an autonomous self-ruling democratic form of federalism advocate that in order to practice effectively the principal linguistic and cultural values of its national communities and foster a democratically induced self-ruling form of government, the designated federal sub-units need to be demarcated and allowed to exercise dynamic workable levels of autonomy.

Despite continued achievements of economic growth for the last decade and the attempts undertaken to lift rural poor out of poverty, the implementation of ethnic-federalism in Ethiopia for the last twenty years has produced these polarizing debates. Advocates have argued that implementing ethnic federalism in Ethiopia has rendered stability and has provided the opportunity for each region to develop, promote, and preserve its language and culture. In addition, ethno-national federation fosters deliberation and political participation and also enhances the citizens' capacity to empathize with one another more readily than in the heterogeneous setting prevalent in the past.

Opponents on the other hand argue that in Ethiopia disparity still exists between the doctrine of federalism and the diffusion of central governmental power to impose its norms upon the autonomous regions. In addition, they argue the demarcation of regions according to ethnicity is static and cannot adequately drive the transition for the future. Given this, they propose that the scale of transformation in the era of globalization demands new ways of engaging citizens in the search for solutions rather than being the prisoners of political cadres that have been socialized to blow vague slogans. Extending their argument, they claim that Ethiopia's ethnic federalism has denied economic and political rights to its inhabitants because it denies its stakeholders involvement in designing and implementing the nation's federal development process. Therefore, their constructive suggestion is that Ethiopia's ethnic federalism needs to be constantly altered into manageable democratic and autonomous federal units so that the country will be able to cope with the challenges that are likely to arise in the 21st century era of globalization.

Introduction

The root base of Africa's intra-state federalism is attributable to the divide and rule policy that was designed by the British colonialists. Against the formation of a unitary system that was supposed to have ushered in and escalated instability, the British colonialists purposely formulated a federal policy that would divide and rule, balkanize and disintegrate the then existing cohesive and powerful principalities or administrative units(B., W., Záhoík, J.,2008; Assefa2007: 101; M. Burgess (2012). The most recent example of this is, during the dark years of apartheid in South Africa, multi-national federalism was purposely perpetuated to facilitate political disintegration. In recent years, however, in order to achieve some type of political integration based on a combination of shared rule and /or self-rule in South Africa, the existing regime of the South African government is attempting to set up a decentralized ethnic type of federalism. (Elazar,1987 and Studlar, 2006).

Ethnic groups are composed of people sharing a distinctive and enduring collective identity based on common cultural traits such as language, religion, and the perpetuation of a common heritage, linked with a specific territory, shared experiences, and often a common destiny (Obydenkova, 2014). In some cases, ethnic federalism has been tailored as a stepping stone for launching separatist movements. In addition, the formation of ethnic federalism has given rise to the belief that ethno-nationalist groups have the superiority to claim their rights to self-determination. In the final stage, through a well-engineered referendum process, some alienated ethnic groups could make demands up to and including secession (See S. Huntington ,1993b:13-14 and Burgess 2012, 11).

Because of their bitter experience with the colonial divide and rule policy, most African countries do not have a positive image of federalism. Instead of federalism, a number of African nations have been showing a vested interest in the formation of unitary states whereby the polarity of power could give latitude to the central governmentsto design national sovereignty with the twin processes of achieving nation building and strengthening national integration. Even those countries that have established a nominal form of federalism have been reluctant to sustain a liberal form of democratic rights that could foster local autonomy and encourage self-government. For example, the Congolese Federation implemented federalism in 1960. It was abrogated in 1965. The Ugandan government that designed a federal system regime to accommodate the Kingdom of Buganda in 1960, but it too was gradually abolished in 1966. The Anglo-French project of the Cameroonian federation that started in 1962 was dismantled in 1972.

Given such negative experiences, a number of African countries have been reluctant to form intra-state and multiparty democratic federalism. For example, among the 54 nations in Africa, Ethiopia (1995), South Africa (1996), and Nigeria (1999), are the only three African countries that are endeavoring to experiment with establishing multinational, or multiethnic, or regional, or city-state, or provincial types of a federal system. However, as stressed by Burgess (2012), the formation of federalism in this handful of African countries doesn't seem to amount to the formation of federal democratic nations. Rather, the type of federalism that has been experimented with in the above mentioned three African states seems be construed as favorable ways to accommodate ethnic and linguistic diversity within a single centralized political party. The constellation of haphazard regional states (mostly ethnic) has also induced the feeling that like unitary states, some authorities of the central governments have been propagating and using

vague and irrelevant jargons such as "revolutionary democracy" coined by Marx and Lenin to enforce some forms of federal mandates or provisions in order to undermine the power of local units and constituents.

As mentioned above, starting in1995, the Federal Democratic Republic of Ethiopia has been predominantly administered by an ethno-federalist structure marked by some distribution of responsibilities among ethnic, national, state, and regional components with the objective of maintaining the overall territorial integrity of the country. As stated in the Africa Report (4 September, 2009) the intent of the Ethiopian ethnic federalism was "…to create a more prosperous, just and representative state for its entire people."

At the outset, it needs to be made clear that compared to the most oppressive form of unitary Dergist government that Ethiopia had, the federalism type of government that Ethiopia is now practicing is an improvement. The majority of Ethiopians have no desire to go back to a type of unitary form of government that abhors diversity. Actually, when initiated in 1995, a number of the oppressed people in Ethiopia highly valued federalism because it ideally cherishes all forms of human rights. But its current organizational type is outdated and needs to be overhauled. Realizing that there occurs a significant gap between the viewpoint of the theory of federalism as it is practiced, a number of political economy researchers are attempting to address the opportunities and dilemmas faced by a number of federalist regional states, and are critically examining whether the existing centralized form of federalism in Ethiopia is viable for maintaining unity while at the same time preserving diversity.

Given this concern, the central purpose of the study is to reassess the structure of and learn lessons from Ethiopia's type of federalism that has existed for more than two decades. In addition, the study is expected to provide additional insights for policy makers to reexamine in order to modify the country into autonomous democratic entities with self-rule that would contribute to Ethiopia's stability, and unity, and empower the local people to navigate forward, engaged in dialogue that would effectively bargain for their interests, grievances, and aspirations.More specifically, the central questions of the study include:

1) Is the political power in federal Ethiopia structurally dispersed among centers of authority so that it encourages shared rule and self-rule?
2) Are the subordinate units of the federal structure prescribed by areas of jurisdiction so that they couldn't be subjugated by the central authority?
3) Do the governmental institutions of the sub-units have democratic rights to choose their own officials and develop their own policies within their areas of jurisdiction? and
4) Do the leaders and representatives of each sub-unit of the federal structure possess a legally protected base from which they are able to voice their opposition to central authority?

Literature Review

Federalism involves a territorial division of power between constituent units – sometimes called provinces, cantons, regions, possibly cities and states, and the central government (Watts, 1998). Stated differently, federalism is defined as a form of governmental and institutional structure designed by the will of the stakeholders to maintain unity while also preserving diversity through shared rule (Odion, 2011). According to Elazar (1987), Federalism is a mode of political organization which unites separate polities within an overarching political system so that it induces each polity to maintain its political integrity. The political order of federalism also requires: a) the definition of boundaries and the composition of the member units (i.e. along geographical, ethnic, and/or cultural lines); b) the distribution of power between the member units and the central institutions; c) the allocation of power-sharing or a form of influence by member units in central decision-making bodies within the interlocking political systems; and d) maintaining sufficient democratic control over the central bodies (Stanford Encyclopedia of Philosophy, 2003).

The main characteristics of federalism include: 1) political power that is structurally dispersed among centers of authority to encourage both self and shared rule; 2) subordinate units prescribed by areas of jurisdiction that cannot be invaded by the central authority; 3) leaders of subordinate units who draw their power heavily from local sources independent of the central authority; 4) governmental institutions of the sub-units that have democratic rights to choose their own officials and their own policies within their areas of jurisdiction; 5) leaders and representatives of each sub-unit who possess a legally protected base from which they can voice their opposition to the central authority; and 6) governors of each unit chosen not by the ruling political party but who are elected by local residents (Feeley,1994).

To examine the advantages and disadvantages of federalism, at least two polarizing debates have been forwarded. These are, 1) State-centered or centralized federalism and 2) Democratic Autonomous self-ruling federalism or Consociationalism.

State-centered or Centralized Federalism

Starting in the early 1990s a number of states have been governed under different types of federal systems because they were convinced that unitary sovereign states are static and would become more efficient and could sustain stability if broken down into federal autonomous regions. According to the proponents, ethnic or national federalism depends on: 1) allowing regulated self-rule of each ethnic-nation group and the sharing of political power with the central government; 2) the representation of various ethnic-nation groups to have a say in the various institutions of the state, and 3) the affirmation and preservation of the particular cultures (religion, language, etc.) of each ethnic-national group (Magnareila, 1993).

Advocates of state-centered or regulated or democratically centralized federalism argue that the state-centralized form of federalism alleviates tensions of division because the structures are somewhat democratically interlocked (Bakke and Wibbels, 2006). In other words, instead of pursuing the goals of national integration and political legitimacy that could exacerbate ethnic conflict, multinational types of states tend to adopt a federal system of government to empower different nationalities and ethnic groups and avoid political instability. In short, federalism accommodates the interests of different ethnic groups, enhances liberty, and promotes active citizenship.

In view of the argument that federalism of a multi- ethno-national federalism is a reliable method of safeguarding stability in ethnically diverse countries, provided it is established voluntarily and is not imposed by interest groups or the government, a number of unified sovereign nations have created their own autonomous ethnic or region-based federal states (provinces). Stated differently, advocates of regulated federalism argue that the dismemberment of an existing unitary sovereignty into the formation of autonomous national or ethnic or regional federal states could empower all the inhabitants of a nation in its developmental process. As summarized by Bakke and Wibbels (2006), "the theoretical justification for federalism, is based on the combination of shared and self-rule federalism, offering the potential to retain the territorial integrity of the state while providing some self-governance for disaffected groups." In addition, supporters of federalism predict that federal states will tend to do better than unitary states to manages ethnic conflicts and stimulate social trust among the different forces in society, limiting discriminatory practices against other groups (Bermeo, 2002).

The proponents of regulated federalism suggest that to be authentic, federalism needs to be grounded on the rule of law and based on the "British" model of Parliamentary Democracy. In simple terms, Parliamentary Democracy applies to a democratic form of government in which the party (or coalition of parties) with the greatest representation in the parliament (legislature) forms the government. Parliamentary democracy promotes simplicity in administration and efficiency in decision-making, and also provides voters and representatives the right to monitor. The constitutional division of powers and the rights of citizens are fully honored and respected. Similarly, cabinets are bestowed with the courage not to shirk their duty but to act in the public interest (Strom, 2000).

Parliamentary Democracy could be operationally defined to entail a simple form of delegation and accountability. In terms of the chain of flow of delegation, Parliamentary Democracy reflects at least four discrete steps: 1) the voters elect their legislative representatives to parliament who are the holders of original authority; 2) the majority of the legislators then choose the head of the government or prime minister to run the country and oversee the executive branch of ministers; 3) the head of government or prime minster in turn chooses heads of cabinet and presents them to the legislators for approval, (that is, the prime minister and his or her cabinet are correspondingly the legislature's *agent* or are the subset of the parliament); and

4) the head of departments appoints or hires civil servants to run the day to day operations of their institutions. When analyzed in reverse direction, the chain of accountability scrutinizes or monitors the effective implementation of the chain of delegation that runs from ultimate policy makers to voters. Though cumbersome in implementation, on paper, adherents of a centralized federal system stress that under specific conditions and in accordance with a strictly defined process, the federal arrangement of multination states could have the rights to self-determination with a constitutionally entrenched right to secession (McGarry, 2005).

Democratic Autonomous self-rule Federalism or Consociationalism

Sometimes federalism can be a nominal principle of government dominated by a one political party which is able to override formal distinctions with a centralized agenda. Opposed to this type of federal formation, the democratic autonomous self-rule or consociational federalism school of thought is lukewarm about the creation of mono-party federal states that may emerge as a result of emotional demands rather than rational decisions. Also they argue that the demarcation of border lines of various ethnic groups of a centralized state is basically controversial and is a politically sensitive matter that could thwart the realization of genuine federalism. As discussed above, federalism provides the best possible form of government for a nation characterized by ethic and regional disparities. A centralized federated state however may not encourage local participation. Its viability to become an effectively managed and unified sovereign state may not be possible because it could limit the ability of the ethnic majority of the region to impose its will on ethnic minorities (Obydenkova, 2004). By not subdividing itself into so many equally sharing units, a vast centralized federated state may be too vast to save itself from despotism (Beccaria in Spolaore, 2008).

In view of the fact that a federal system cannot provide the whole answer to existing or potential conflicts, adherents of democratic or consociational federalism argue that without a genuine robust democracy, the republic form of federalism is not sustainable (Kefale (2013). Thus, the nature and possible challenges of centralized federalism may be better appreciated using Lijphart's paradigm of liberal democratic or consociational federalism. To avoid the likelihood of turmoil and ethnic ruptures in the future**,** Lijphart suggests that nations need to emphasize and practice a democratization process that creates manageable self-rule of communal constituents in order that they may fully enjoy equal partnership in the system (Howe, Philp J; Clark. P and Foweraker, J (2001). In short, as suggested by Lijphart (1977), to be called democratic or consociational federalism, a nation must be governed by the existence of: 1) Grand coalition (the ruling elites of each unit rule in the interest of their constituency); 2) Mutual veto (consensus is required rather than majority rule); 3) Proportionality (representation based on the population of each unit), and 4) Segmental autonomy (each federal units is autonomous).

Given the above argument, the only option that we have is a democratic system of autonomous self-rule federalism or consociationalism (i.e., a plural society with overlapping ethnic/cultural /linguistic groups, democracy). It is the only genuine option for a democratic and stable form of management because it promises harmonious relationships among ethnic, religious, or linguistic factions. Democratic self-rule federalism or consociational democracy divides the federated state into equally autonomous units. The autonomous federal units are managed with recognition and accommodation among the elites of each of its major social groups so that the created federal state remains stable rather than being fragmented on the basis of ethnicity and religious factors. In short, the goals of democratic self-rule federalism or democratic consociationalism, brings about governmental stability, the survival of the power-sharing provisions, and the avoidance of violence (Wikipedia, 2015).

More specifically, the operational attributes of democratic self-rule federalism or consociational democracy are strongly associated with the following nine constellations. These being, 1) small population size, 2) no majority segment, 3) segments of equal size, 4) overarching loyalties, 5) small number of segments, 6) geographic concentration of segments , 7) socioeconomic equality, 8) traditions of accommodation, and the 9) lack of external threats (Lijphart, 1977, 53-103 and see alsoTaylor, 1992). In addition, the attributes of autonomous self-rule federalism include the existence of reciprocal relationships between central and local governments and between local governments and citizens. Through the transfer of authority, responsibility, and accountability from the central to local governments, democratic political decentralization incorporates both devolution and the power to develop, implement policy, and the extension of democratic processes to lower levels of government (Barnett , C. et al., December 1997and Araia, 2013).

That is, the process of democratic political devolution is the transfer of responsibilities and services from the central government to municipalities that elect their own mayors and councils, raise their own revenues, and have independent authority to make investment decisions. In a devolved system, local governments have clear and legally recognized geographic boundaries over which they exercise authority and within which they perform public functions. Therefore, political devolution inevitably changes the allocation of power and jobs (The World Bank Group, 2001).

The advocates of Democratic Political Devolutionor democratic self-rule federalism don't completely discount that ethnic-federalism may act as a positive force for the enhancement of peace and stability. Instead, they go one step further and strongly advocate that a better method of forming constituent units needs to be based on a coherent historical and geographical basis to provide stability rather than decentralizing various groups based on ethnicity. In other words, to this group of thinkers, first, administrative decentralization of federalism based on ethnicity does not necessarily mean that each ethnic constituent unit is represented by democratically voted representativeswithin the federal government. Second, the demarcation of borders according to

various ethnic groups in a centralized state is difficult because ethnicity is by and large a politically sensitive matter. Third, in the absence of effective political mechanisms to integrate populations with diverse preferences, "…self-determination and voting outcomes tend to bring about excessive fragmentation and costly breakup. Such political costs tend to depend not only on the degree of heterogeneity of preferences but also the quality of institutions though individual preferences are turned into collective action," Spolaore, 2008). As aptly put by Selassie (2003) it does not make sense to combine two or more regions into the same federal unit based on ethnicity "…when the regions are otherwise separated by natural barriers such as harsh deserts, non-navigable rivers or high mountains, merely because those regions are inhabited by the same ethnic group."

As argued by Fleiner (November, 2006), the formation of autonomous units of federalism may weaken national unity or create loyalty conflicts leading to a decline of loyalty toward the national state and potentially encourage separatist tendencies. However, politically, democratic autonomous self-rule federalism as a unit of local self-governance encourages local units to have a say in selecting their own rulers to bring about political stability and also to select rulers of their counties who can be held accountable for their decisions. In short, the supporters of the democratic autonomous self-rule type of federalism claim that this regime provides a system of checks and balances between ethnic, regional and national levels, and reduces the fears of minorities (Bergman, 2011). Since it is believed that a mechanism for dialogueis a prerequisite for the development of co-operative practices, the democratic self-rule school of thought argues forcefully that creating an authentic, democratic federation allows the representatives of its national communities to engage in dialogue and effectively bargain for their interests, grievances, and aspirations.

To thrive economically, advocates of a democratic system of local self- governance suggest that the local government needs to be endowed with adequate resources, collecting taxes and administering fiscal policy to maintain the necessary foundation for fostering economic competition and enhancing competitive efficiency. But, if the ability of the local government is constrained, the state federal government needs to play cooperatively in order to bring about fair allocation of resources among the federal subunits. Ensuing and instituting financial adjustments will be important for the federal state to ensure more equal living standards among the subunits of the federal system. To maintain equality between resource-endowed units with other resource-poor units, democracy and local governance should be strengthened with fiscal decentralization without diminishing the benefits that can arise from coordinated action at the center (See Desta, 2015).

To repeat, the sequential stages of progress in achieving the governance objectives of decentralization needs to slide from centralization to: 1) administrative decentralization, 2) financial decentralization, 3) democratic decentralization or the empowerment of autonomous

local government, and 4) legitimizationof the process at the local level through which diverse interests can be heard, and negotiated for resource allocation decisions (Barnett et al (1977).

In short, in light of the experience of Switzerland (cantons) and India (states), the advocates of democratic decentralization or democratic self-rule argue that a federal system is only viable and manageable if the existing emotionally charged ethnic group feelings are further sub-divided into manageable geographic regions. Following the viable concrete examples from the well managed federated nations, believing that the formation of an ethnic community contributes to the formation of a shared space that could provide individuals with a cultural context in which to establish relationships, Spain, for example, is in the process of entertaining the formation of multi-ethnic federal states for its inhabitants. Belgium on the other hand is now relying on voluntary agreements to reorganize itself into a manageable ethnic federation because it is convinced that as membership in a community flourishes, so does the member's well-being and life chances.

 To those whose opinions reflect democratic self-rule within the constituent units or adhere to "new federalism," the federation of sub-national units is appropriate for the 21st century because it presumes the formation of homogenous groups within geographical units. For example, by breaking themselves into manageable autonomous states and espousing the cardinal principles of democracy, Canada, India, Switzerland, and South Africa are effectively managing their various constituent units.

Ethnic Federalism in Ethiopia

In 1991, as the EPRDF ousted the Derge's authoritarian rule, it embarked on a radical transformation of Ethiopia's political system by inviting all ethnic-based and other opposition parties to a transitional national conference held in Addis Ababa in July 1991. About thirty different groups attended and adopted a provisional national charter, created an 87-member Council of Representatives, and formed the Transitional Government of Ethiopia (TGE, led by the EPRDF that controlled 32 of the 87 seats in the Council of Representatives (Africa Review, 2009, and Vaughan, S. 1994).

As mentioned above, the EPRDF vigorously redefined the political landscape and restructured the state into the contemporary Federal Democratic Republic of Ethiopia. In December 1994, a constitutional assembly ratified a new constitution, which was fully implemented in 1995. Using Tigrai as the model (see Desta, 2015), the EPRDF spearheaded the formation of nine asymmetrical, ethnic-based regional states. These encompassed five single ethnic states (i.e., Tigray, Afar, Amhara, Orimiya, and Somali) and four multi-ethnic regions (i.e., Benishangul-

Gumuz, Southern Nations, nationalities, and peoples, Gambella, and Hara). The Addis Ababa and Dire Dawa cities were designated as federally administered city-states.

On August 21, 1995, the Federal Democratic Republic of Ethiopia created a federal structure of government. In accordance with Article 39 of the constitution, each region was assured the unconditional right to self-determination, including the right to secession. As stated by Alem Habtu, "the ideological antecedents of the EPRDF' ethnic federalism project can be traced to Marxist-Leninist ideology and its conception of the national question. The project followed the example of the USSR and Yugoslavia. The Ethiopian Student Movement (ESM) at home and abroad had introduced Marxism-Leninism to Ethiopia in the mid1960s" (Habtu, 2003). Though controversial, the integration of political with secessionism makes Ethiopia's federalism unique because it is the only federal nation that has integrated political pluralism with the right of secession for its constituents, after the dissolution of the USSR in 1985 (Habtu, 2003).

The implementation of Ethnic-federalism for the last twenty years in Ethiopia has produced polarizing debates. Advocates have argued that implementing ethnic federalism in Ethiopia has rendered stability and has provided each region the opportunity to develop, promote, and preserve its language and culture. As pervasively argued by Simoeon (1982), ethno-national federation not only fosters deliberation and political participation but it also enhances the citizens' capacity to empathize with one another more readily than in a heterogeneous setting.

Comparing ethnic federalism to the centralized form of feudal monarchy and unitary military dictatorship that previously ruled Ethiopia, critics have countered that administering the Ethiopian state under ethnic federalism is deepening with little or no recognition of self-rule for each constituent. Extending their argument they claim that Ethiopia's structure upon ethnic federalism has denied economic and political rights to its inhabitants because it has hardly involved the stakeholders in designing and implementing the nation's federal development process. To mitigate these problems, they propose that the Ethiopia's ethnic federalism needs to be altered constantly in order to cope with the challenges that are likely to arise in an age of globalization. More specifically, they suggest that some of the existing regions need to be subdivided into more manageable units. In the upcoming book, the status of Ethiopia's ethnic federalism will be systematically and rigorously reviewed to answer the pertinent questions posed above.

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