Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: the Case of Ethiopia

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1. Introduction

Together with a large part of the states on the African continent, Ethiopia struggles with a double challenge: how to accommodate an ethnically diverse population and at the same time enhance democracy. Many African states have introduced territorial and non-territorial measures to accommodate their ethnically diverse populations, ranging from federalism in Nigeria, to the moderate regional devolution in South Africa, and the unbalanced union of Zanzibar and Tanganyika in Tanzania. It seems, however, that Ethiopia has gone further than any of these countries in promoting ethnic diversity through a federal system which is explicitly based on ethnicity. The main idea is to give ethnic groups, termed "nations, nationalities and peoples" the right to self-determination, which also includes the right to secession if certain conditions are fulfilled.[1] Sovereignty is not given to the member states of the federation, as is common in other federal systems, but "[a]ll sovereign powers resides in the nations, nationalities and peoples of Ethiopia" (Article 8.1). All languages are given equal state recognition (Article 5.1), and every national group has the right to develop and promote its own culture and preserve its own history (Article 39.2). Finally, they are entitled to a full measure of self-government including their own institutions within their territories and representation in regional and federal governments (Article 39.3).

But in spite of the extensive constitutional devolution of power to ethnic groups in Ethiopia, the ruling government holds a firm grip on political affairs in the country. Through the centralised party organisation of the Ethiopian People's Revolutionary Democratic Front (EPRDF), regional and local autonomy is undermined and opposition party activities are severely restricted. The ruling party's unwillingness to share power was exposed after the 2005 general elections, when the opposition's unprecedented progress led the incumbent to detain the opposition leadership and charge them with treason. So Ethiopia falls clearly into the category of semi-authoritarian states: the rulers accept liberal democracy rhetorically, but the system

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[1] FDRE Constitution. Constitution of the Federal Democratic Republic of Ethiopia, (Addis Ababa 1994).

has apparent illiberal or authoritarian traits.[2] The political situation in Ethiopia implies therefore an apparent paradox: the regime is falling short of democracy, while at the same time claiming to accommodate its various ethnic groups in a sustainable way through a federal system. Central theorists on federalism support the argument that stable multiethnic federations presume democracy and constitutionalism. Federalism in itself is not enough to mitigate ethnic conflict, but needs to be reinforced by other factors, both institutional and societal. In this article, I will demonstrate the difficulties Ethiopia faces in its efforts to accommodate ethnic groups in a peaceful way while maintaining a non-democratic form of government.

2. Two Preconditions for Mitigating Ethnic Conflict in Federal States

Several scholars of federalism stress *contextual* factors rather than variations in institutional design as decisive for success or failure in regulating ethnic conflict. The most fundamental contextual precondition for a stabilising federal system is the presence of a democratic government.[3] Evidently, a federation cannot be genuine if it is a result of coercion from above, because coercion undermines the federal division of power and the self-rule of member states. The Soviet and Yugoslav federations should therefore not be considered as genuine, because the unity of their ethno-regional parts was maintained from above through coercion. In addition, democracy should imply the respect for individual and group rights, which may provide the overarching common values of the state and may assure the recognition of minorities within minorities.[4]

Another argument in federal theory is that without the idea of common citizenship, self-determination for ethnic groups is likely turned into claims of secession and finally leads to disintegration of federal states.[5] In order to prevent ethnically based self-rule from leading to parochialism and fragmentation, space must also be given to the development of an overarching identity in addition to the ethnic one.[6] People should have a loyalty to the ideas of both an overall citizenship and the more

[2] *See* M. Ottaway, *Democracy Challenged: The Rise of Semi-Authoritarianism* (Carnegie Endowment for International Peace, Washington DC, 2003). In this book, the author focuses on the semi-authoritarian regimes of Venezuela, Egypt, Azerbaijan, Croatia and Senegal.

[3] *See* M. Burgess and A.-G. Gagnon, *Comparative Federalism and Federation: Competing Traditions and Future Directions* (Harvester Wheatsheaf, New York, 1993), P. King, *Federalism and Federation*, (Croom Helm, London, 1982), and J. J. Linz, 'Democracy, Multinationalism and Federalism', in W. Busch and A. Merkel (eds.), *Demokratie in Ost Und West* (Frankfurt am Main, Suhrkamp, 1999).

[4] *See* R. Simeon and D.-P. Conway, 'Federalism and the Management of Conflict in Multinational Societies', in A.-G. Gagnon and J. Tully (eds.), *Multinational Democracies* (Cambridge University Press, Cambridge, 2001).

[5] *See* R. Braubock, 'Why Stay Together? A Pluralist Approach to Secession and Federation' in W. Kymlicka and W. Normann (eds.), *Citizenship in Diverse Societies* (Oxford University Press, Oxford, 2000).

[6] *See* Y. Ghai, *Autonomy and Ethnicity: Negotiating Competing Claims in Multi-Ethnic States*, *Cambridge Studies in Law and Society* (Cambridge University Press, New York, 2000) and G. Smith, 'Sustainable Federation, Democratisation and Distributive Justice', in W. Norman and W. Kymlicka *Citizenship in Diverse Societies* (Oxford University Press, Oxford, 2000).