

# The Practice of Ethnic Federalism in Ethiopia

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**Abstract:** Ethiopia adopted ethnic federalism and restructured the regions along ethnic lines as soon as the endorsement of the constitution in 1994. This article explores the application of federalism in the Ethiopia context. Although Ethiopia has been known as a federal state since the ratification of the constitution in 1994, the reality on the ground is contrary to the declaration. The ideological and constitutional bases of federalism have never existed in practice; institutional structures and political powers do not have federal characters; rather they have the intent of Marxist ideology of centralization. Thus, federalism in Ethiopia is an empty rhetoric of the ruling class and we can definitely say that it is an outstanding example of failure in terms of applying federal structure in Ethiopia. It is rather a parody of what the Western world does with this respect.

## 1. Introduction

The term federal structure refers to a broad category of political systems in which, by contrast to the unitary systems, there are two levels of government thus combining elements of *shared-rule* (collaborative partnership) through a common government and *regional self-rule* (constituent unit autonomy) for the governments of the constituent units (Watts, 2008). The basic design of all federations is to express what Daniel Elazar called 'self-rule plus shared rule' via the constitutional distribution of powers (Michael, 2006). This suggested that a federal system of government is one in which there is a division of powers between one general and several regional authorities and each of which acts directly on the people through its own administrative agencies. From the theoretical stand point, the importance of a federal system, as shared by all political theories of federalism, is the sharing of power among regional states. Federalism is a system of government where power is distributed between the central government and local regional units. Of course there are certain powers such as foreign affairs, currency, customs and defense force which are allocated to the central government and the unallocated residual powers remain at the hands of the regional governments. This indicates that power should not be concentrated in the hands of few and regional governments have a real say inside the frame of a wider unity.

In the federal system like the US, political power is constitutionally and structurally dispersed, giving a room for shared rule for sub-units. Federalism, in this regard, dissolves the concentration of power in the hands of the central government. In the actual sense of the term, the subunits have the right to enjoy their political autonomy without the interference of the central government whose concentration of power turns to be limited. Among the federations currently in the world, those on which attention will especially be focused are the "mature" federations that have operated effectively (Watts, 2008). In this category are the United States (1789), Switzerland (1848), Canada (1867), Australia (1901), Austria (1945), Germany (1949) and India (1950). In South America, following earlier failures, Brazil (1988), Argentina (1994) and Venezuela (1999) adopted new federal constitutions and Mexico from 2000 on made efforts to bring greater reality to its federalism. Following the breakup of the USSR, Russia adopted a new federal constitution in 1993. The federal idea is now more popular internationally than at any time in history and forty percent of the world population have lived in federal states or among the 192 politically sovereign states recognized by the United Nations, 25 that are functioning federations in their character, claim to be federations or exhibit the major characteristics of federations (Watts, 2008) which is the decentralization of power. In the United States, for example, the weight of scholarly commentary and judicial opinion indicates that the main impetus to the design of the U.S. federal system was concern about the concentration of power (Alemante, 2003). Absence of concentration of power makes the tyrannical regime non-existent which has been a core value of federalism.

Decentralization is the act of devolving some of the central government's power to the sub units. The United States has both powerful sub-unit states whose powers and autonomy are constitutionally enshrined, as well as strongly decentralized local governments within these states implementing both national and state legislation (Erk, 2014). It should be noted that decentralization is not only associated with federalism since decentralization can exist both in federal and unitary states. For example, most Scandinavian countries are constitutionally

unitary but they practice strong forms of decentralized governance (Erk, 2014). In differentiating the strength of the decentralized power in a federal and a unitary system of government, Alemante (2003) noted that in a unitary system, decentralized power is a matter of grace liable to be reclaimed at the discretion of the central government whereas in a federal system, subordinate units possess prescribed areas of jurisdiction that cannot be invaded by the central authority, and leaders of the subordinate units draw their power from sources independent of that central authority. The governing characteristic of a federal state is the creation of autonomous sub-states that cannot be overrun by the central government.

The other main reason that scholars choose the federal system of government is to accommodate ethnic diversity. In fact, the reason why a federal form of government is chosen over a unitary form is to accommodate divergent local interests that cannot bear centralized rule (Alemante, 2003). There are two opposing claims regarding the issue of accommodating various ethnic groups in a country. In a multinational and multicultural country, federalism has been seen to be an effective method of bringing about political stability and order (Bhattacharyya, 2015). The proponents of this perspective affirmed that the failure to accommodate ethnic differences has produced Rwanda's horrific genocide, Liberia's implosion, and Sudan's still-raging civil war that has already claimed thousands of lives and displaced vast portions of the population. With regard to the second competing claim, many commentators have observed that federal systems of government are inherently fragile even without adding ethnicity into the mix (Alemante, 2003). There are many compelling reasons for this assertion. William (2004) noted that the principle of federal character, far from leading to national unity, had engendered more inter-ethnic bitterness, rivalry and acrimony. This happened due to the fact that Africa leaders have used ethnic diversity as a political game in the attempt to stay in power. The Rwanda's horrific genocide and disintegration of Somalia and other civil wars in Africa have been constructed by power mongers state engineers, leaders. Adejumobi (2007) asserted that the major problem lies in the fact that political leadership is a major culprit in the perennial conflict and competition over resources. For the most part, the nationalist leaders who came to power in Africa after independence inherited the colonial ideology (Ake, 1993). In addition to instigating conflict, the federal system of governments could pose a severe secessionist challenge. Let alone in Africa, democratic states have not succeeded in eliminating the risk of

national fragmentation, economic dislocation, or population transfer. For example, Canada and Belgium have been among the most prosperous, benign, and socially just nations in the world, yet the separatist demands of their French-speaking citizens have only increased in intensity (Alemante, 2003). Pakistan, after the secession of Bangladesh, adopted a new federal constitution in 1973, but like Nigeria it has suffered repeated periods of military rule; Iraq and Sudan have adopted federal constitutions in efforts to resolve conflicts but continuing conflict has been meant that in practice they remain non-functional as federations (Watts 2008). To overcome this problem, federal states formulate a number of policies. For example, the territorial structure of Swiss federalism discourages the development of ethno-nationalism across language community lines (Alemante, 2003). Furthering the discussion, Alemante (2003) suggested that federalism, even when it is not coupled with ethnicity, has generally not had a distinguished record as a stable form of government and even a "philosophically and legally" sophisticated federal system-like that of the United States-has not been spared the tragedy of a costly civil war due to separatist demands.

Implementing the federal system of government on the idea of ethno-nationalism could worsen the matter. To put the idea more precisely, ethno-nationalism, a belief claiming the distinctiveness of a particular people and their right to self-rule in their homeland, exacerbates community clashes which gradually become ethnocentric. Moreover, it seems awkward to cultivate ethnocentric thought in the time of globalization that has turned the world into a small village. The problem is compounded when federalism is thought in Africa where there is an absence of nationalistic leaders, absence of democratic institutions, professional police force and military personnel who could serve the public through elected leaders.

A federal system of government as a solution was high on the agenda during the early phase of post-colonial politics in Africa as a potential way to reconcile unity and diversity, but they ended up being rather short-lived experiments (Erk, 2014; Michael, 2006). Those countries which were federations for a short while were Congo (1960-1965), Kenya (1963-1965) Uganda (1962-1966) Mali (1959), and Cameroon (1961-1972). Federalism's track record as a source of instability and secession might well counsel against choosing this form of government for Sub Sahara African states (Alemante, 2003). Considering the negative experiences, a number of African countries have ignored a federal system of government. While decentralization has been on the political agenda in

Africa since the 1970s, no government in the continent has devolved powers on an ethnic basis (Young, 1996). To get rid of all challenges in terms of ethnicity, most African constitutions prohibit discrimination on the basis of ethnicity and provide for equal rights for individuals regardless of their ethnic identity (Alemayehu, 2015).

Notwithstanding such skepticism, three countries in Africa (Ethiopia, South Africa and Nigeria) have chosen a federal form of government so as to accommodate ethnic diversity. But there are significant points of departures among the three in their degree given to ethnicity. The Nigerian federal structure gives legitimacy to territory over ethnicity by distributing the core population of each ethnic group in several states and thus the Nigeria's federal structure helps avoid the crystallization of ethnic identity around a particular territory. Similarly, the South African constitution-makers rejected the claims of certain ethnic groups to self-governing status on the basis of their distinctive ethnic identity, whereas the organization of the Ethiopian state is founded upon ethnic federalism, which uses ethnic groups as units of self-government (Alemante, 2003).

Viewed from the degree given to ethnicity, the Ethiopian federal model is highly ethnocentric when compared with the other two. In addition, there are some variations in the federal structures of these three countries. South Africa is one of Africa's most democratic countries, and its federal features include separation of powers, sub-national policy experimentation, and flexibility and adaptability of sub national government whereas Nigeria's federalism is thus less top-down than the Ethiopian and South African models and its sub national governments have more fiscal, political and administrative autonomy (Dickovick, 2014). Furthermore, sub national governments in Nigeria have had considerable autonomy unlike South Africa and Ethiopia. Despite the fact that there is little regional autonomy in South Africa, ANC has existed in the context of free and fair elections, civil liberties and a more or less functional rule of law and in brief, industrialized, globally integrated, democratic South Africa is quite distinct from low-income, landlocked and authoritarian Ethiopia (Dickovick, 2014). Compared to the African federal states, the Ethiopian federal system of government does not meet the minimum threshold even in the realm of African federal system let alone the prevailing federal governments in the world. The Ethiopian federal structure has been characterized by ethnocentrism, authoritarian, single-party domination and top-down state administration. Truth be told, this so-called federal

system of Ethiopia is utterly fake and a make-believe strategy to attract Western support.

Although African federalism can be seen as the spectral opposite of the federalism theorized upon the experiences of the United States, Germany and other advanced, industrialized countries (Dickovick, 2014), there are different federal structures even among the three African federal states. Ethiopia exemplifies an African federation devoid of regional government's autonomy and it is characterized by a dominant party structure and a top-down state administration which is the manifestation of the Marxist ideology. Within such Marxist frame of thought, the term federalism is mentioned now and then but vain. In principle, the Marxists are in favor of centralization of political power in a state and this contrasts with the founding principle of federalism, i.e. decentralization of power. Theoretically, Marxism and federalism are opposed to each other; it is no wonder that federalism has suffered gross neglect in Marxist thought (Bhattacharyya, 2015). The TPLF elites who were advocates of Marxist ideology in the students' movement in Ethiopia in 1970s have not left the Marxist political orientation today. Owing to this, constitutionally, the country is federal but in practice the country is under the yoke of Marxist ideology. These two concepts, Marxist and ethnocentrism, are wrongly fused in the mind of TPLF's operators.

So far, an overview of a federal system of government was discussed and this article proceeds in the following order. Section two deals with research setting and gives some picture about the political movement in Ethiopia and section three presents EPRDF's constitution and its implementation. Section four is about the pre-existing platform of the Ethiopian society before the introduction of ethnic federalism. Section five discusses the constitutional right to secession. Section six and seven deal with the rule of law and the unity of the country respectively followed by concluding remarks. Abbink (2006) and Legesse (2015) have tried to portray the prevalence of ethnic conflict caused by the federal structure. Similarly, Alemayehu (2014) relentlessly presented the weaknesses of the constitution and the federal structure. But no-one has made a critical evaluation of the practice of the Constitution in a scientific manner. Thus, analyzing the practice of the constitution is found to be important. The objective of this article is to evaluate the federal structure of the country and its implementation in line with the constitution. The method employed in this research article is qualitative and empirical resources such as published articles, documents.

## 2. Research Setting

Regarding political movement in the history of modern Ethiopia, political oppositions started in the attempted coup d'état of 1960. A strong theme in the coup-makers' pronouncements was Ethiopia's backwardness, in contrast with the forward strides taken by several newly independent African states (Bahru, 2002). The 1970's student movement also took the road foreseen by Mengestu and Geremew Neway in 1960s and they articulated a similar matter, calling for a democratic society in which all Ethiopians would enjoy equal rights regardless of their ethnic origin. Except ethnic-centered politics going on in Eritrea led by ELF (Eritrean Liberation Front), most student activists rejected the notion of national divisions in Ethiopia as designed to promote tribalism and were comfortable with the regime's policy of avoiding references to ethnicity in any context (Young, 2006; Mesfin, 2012). Not surprisingly, foreign professors teaching at HSIU (Haile Selassie I University) at that time often noted the low level of ethnic consciousness of their students (Young, 2006).

This being the case, very few Ethiopian student leaders adopted Stalin's thesis without realizing its negative implications for Ethiopia. Although the various ethnic groups have intermingled over centuries and have shared a long and common history, the use of Amharic as the sole official language of government and instruction in the days before the 1974 revolution signaled to the TPLF (Tigray People's Liberation Front) and OLF (Oromo Liberation Front) both cultural oppression and the government's intention to assimilate all groups to the Amhara culture (Alemante, 2003). During the early years of its establishment, TPLF in its Manifesto stated that it stands for the formation of the 'People's Democratic Republic of Tigray' by seceding from Ethiopia (Young, 2006). The Tigrayan nationalists saw the Amhara domination as the major reason behind the problems in Ethiopian society (Aalen, 2002). But Gebru (1977), a distinguished historian, made an objection to this argument and stated that the rebellion against the state arose not particularly because it was controlled and dominated by the Shewan Amhara but primarily it was oppressive. In this regard, Adejumobi (2007) stated that the major problem lies in the fact that political leadership is a major culprit in the perennial conflict and competition over resources. Leaders were believed to have kept Ethiopia in the most backward stage of development but it was a grave mistake that Amhara people have been beneficiaries of the political and economic systems of the country. Lack of state investment in Tigray limited development but there is little evidence that

Tigray suffered disproportionately from other parts of non-Shoan Ethiopia in this respect (Young, 2006).

Within such historical landscape, TPLF was born as one of the student movements in the early years of 1970 and made guerilla fighting until 1991. With the support of the popular mass, TPLF, with its allied parties, took power and the most nationalist regime in modern Ethiopian history was knocked down. To address its mission, TPLF created a broader party, the Ethiopian People's Revolutionary Democratic Front (EPRDF) in 1989 with its allies the Ethiopian People's Democratic Movement, an Amhara based organization which later changed its name to the Amhara National Democratic Movement (ANDM), and Oromo People's Democratic Organization (OPDO), created in 1990 and largely based on former soldiers of the 'Derg' captured by the TPLF (Young, 1997).

Although the affiliated parties formally are equal coalition partners on national level, the TPLF is the senior and it was the creator of the other parties and is the strongest political organization (Aalen, 2002; Cohen, 1995). Since then, the government has encouraged political parties to be formed along ethnic lines. The entire episode of the political movement of the TPLF/EPRDF has shown that TPLF leaders have been interested in ethnicity and they drafted a constitution promoting secession. According to the constitution, the new Ethiopian state was divided into nine states; namely, Tigray, Afar, Amhara, Oromiya, Somali, Benishangul-Gumuz, Southern Nations, Nationalities and Peoples Region (SNNPR), Gambella and Harar. The city-state of Addis Ababa and Dire Dawa are set as federal cities.

## 3. EPRDF constitution (consent and autonomy)

As per Articles 47 (1) of the Constitution of the 'Federal Democratic Republic of Ethiopia', the country is a federation of nine ethno-linguistically divided regional states.

Elazar(1987) stated that, in federalism, consent and sharing of power are the foundation of the federal structure. Similarly, some theorists, among them Burgess (1993) and King (1982), argue that a federation cannot be genuine if it is a result of or maintained by coercion from above. To use Elazar's terminology, there are 'federal covenants' which are binding agreements that enshrine certain values, beliefs, assumptions and expectations that are formally incorporated in written constitutions

and represent the birth certificate of the federation (Michael 2006). This has shown that a federal form of government is a product of deliberate, conscious and purposive acts of political units.

Unlike successful federal systems where the Constitution is the product of a contract agreed upon by subunits to form a federal government, in Ethiopia the federal system was created by the center, posing the ever-present threat that at some future date the center can declare a return to a unitary state (Cohen, 1995). The Ethiopian federal system which is imposed from above can be further confirmed by the following evidences. The new constitution, the main document for legalizing and formalizing the federal system, was ratified by a Constitutional Assembly totally controlled by the ruling party in December 1994, and came into effect in August 1995 (Vestal, 1999; Abbink, 2006; Aalen, 2002; Aklog, 2014; Berhanu, 2009; Cohen, 1995).

It is apparent that the process behind the new constitution was even less inclusive and less participatory and concerned stakeholders were spectators of the decisions rather than being active participants. Thus, the process of introducing federalism in Ethiopia is more of the leaders' imposition than a public negotiation and consent. The lack of broader participation and the dominance of the EPRDF in the constitutional process have a negative impact on the chances for a peaceful and constructive coexistence between the contending political forces in Ethiopia (Aalen, 2002). Citing a practical example, scholars claim that the Soviet and Yugoslav federations cannot be considered as genuine federations because these federations were maintained by the control of the communist party.

Federation as a solution is likely to appeal by enabling both an effective federal government and genuine regional autonomy to coexist (Watts, 2008). As per federal theorists, of the most important merits of a true federalism is to give autonomy to the sub-regional states which advocate the values of shared rule. Accordingly, the EPRDF constitution Article 47 (4) states: "Member States of the Federal Democratic Republic of Ethiopia shall have equal rights and powers" and Article 52 (1) also says: "All powers not given expressly to the Federal Government alone, or concurrently to the Federal Government and the States are reserved to the States." In line with this, advocates of ethnic federalism in Ethiopia, Alem (2003) stated that Ethnic federalism has created conditions conducive to ethnic and regional autonomy in language and

culture and in administrative, fiscal, judicial and police decentralization.

Against Alem's assertion, the practice is far from the constitutional rhetoric. Critics noted that the powers of the member states are relatively meager, and the regional governments remain dependent on the federal level to be able to carry out their duties (Aalen, 2002). Expanding this contention, Turton (2006) concluded that all policies adopted by the EPRDF have to be followed slavishly by regional governments. In every regional state, the TPLF cadres or army units who are assigned as advisors monitor the locally 'elected administrators' who are to a large extent accountable to the TPLF unit to remain in their positions (Abbink 2006; Aalen 2002). Considering the southern region, the participants of Aalen (2002) in the interview view SEPDF as a puppet of the TPLF.

The regional states in the Ethiopian Federal Government have never been autonomous units, never having a shared power. Theoretically, the constitution provides such rights to every 'nation, nationality and people of Ethiopia' but practically, the reality on the ground is extremely different; the ruling party could not let regional governments have regional autonomy. The sub-national government officials are mere instruments whose positions are left for TPLF cadres for any decision. Every decision has been made upon the approval and permission of the TPLF elites. There is a perceived lack of independence among members of EPRDF affiliated parties who do not have the vigor to argue over their constitutional rights; they are mere recipients of orders coming from TPLF elites. Like school-aged children who rely on parents for information and guidance, members of the affiliated parties stick to TPLF officials and see things from their masters' perspective.

Thus, in light of the above, in terms of power sharing, it is possible to say that the TPLF /EPRDF is practically following a unitary system of government despite the fact that constitutionally the country is federal. In summarizing the points at hand, Turton (2006) reported that political 'advisers' representing the federal government were virtual 'kingmakers' in regional politics, and were the means through which the EPRDF engaged in its classic strategy of forming puppet ethnic coalitions and suppressing genuine opposition parties. In their sub-national regional states, the affiliated party members who are instruments for the advancement of TPLF's agenda could not play their role in the sub-regional areas without its seal of approval.

#### 4. The Platform of Ethnic Federalism in Ethiopia

Article 39 (3) of the Federal Constitution states: 'Every Nation, Nationality and People in Ethiopia has the right to a full measure of self-government which includes the right to establish institutions of government in the territory that it inhabits ...'

The constitution does not take into account the existing social realities on the ground, wrongly assuming that every ethno-cultural community has its own territory. In the heterogeneous society like Ethiopia, no-one can find such territorially grouped society since the fabric of the society is so intertwined that it is hard to draw a line between or among the various ethnic groups. That is, in the Ethiopian context, most ethnic groups could not inhabit territorially defined geographical areas. In stating the limitation of the federal system in Ethiopia, Assefa (2006) argued that a significant number of Ethiopians do not live in the places where the majority of the members of their ethnic group are found; they have moved, either voluntarily, in search of better opportunities, or by force, due to, for instance, the Derg's resettlement and villagization. Similarly, Merera (2006) noted that it is not clear how a clear geographical boundary could be drawn between the Oromo and non-Oromo. No official demarcation of the regional boundaries took place in connection with the designation of the regional units (Aalen, 2002). A case in point is the regions in the south which are very heterogeneous with more than 45 ethnic groups altogether. When it comes to the Southern Nations, Nationalities and Peoples Regional State – (SNNPRS), however, it is more of a puzzle why the southern areas were created as one federal unit and not as several, when the areas are so diverse and include so many distinct ethnic groups and large territories (Aalen, 2002). The inability of the government to put a clear demarcation among the heterogeneous societies of Ethiopia could create dissatisfaction among the various ethnic groups. Many people expressed dissatisfaction with the structures of sub-regional states. For example, *Harari ethnic group* whose overall population is 185,000 has accorded sub-regional status whereas Sidama ethnic group in Ethiopia having three million people failed to get the status of regional state (Aalen, 2002; Lancaster, 2012). The process of boundary demarcation was not without difficulty, particularly in regard to districts located along the borders of regions (Cohen, 1995). The Berta elites who wanted to have their own council were not entertained for political discussion either in the regional council or in the HF; the Gamo and Gofa elites are continuing their demand for a separate zonal administration and their own

separate council (Berhanu, 2009). Some new regional states (Harari, Gambela, Benishangul-Gumuz, SNNPRS) have no clear ethnic majority population and all states, including those with one big majority (Somali, Oromiya, Tigray, Amhara and Afar) have significant ethno-linguistic minorities (Abbink, 2006). In Gambella and Benishangul-Gumuz, it is impossible to find a clear majority group. The population in Harari is ethnically mixed, and the non-indigenous Amhara and the Oromo constitute the majority; they are ethnically-heterogeneous societies without a dominant ethno-cultural community. Relatively, three regional states (Tigray, Afar, and Somali) are relatively homogenous but still in the relatively homogenous Tigray region, for instance, there are small minorities, the Kunama and the Irob, in addition to the large Tigrayan majority.

In light of this, Turton (2006) argued that the government of Ethiopia has failed to understand the cultural and historical complexities that lie behind ethnic politics in the region, preferring to see it from the simplistic perspective of the 'national oppression thesis'. In the same manner, Vaughan (2006), in her critical observation, points out that 'natural' or 'objective' factors do not play a decisive role in the formation of ethnic categories in Ethiopia. Turton (2006) further asserted that rather than seeking to implement an 'off-the-shelf' Western version of federalism, political leaders should make a virtue of finding ways in which their own cultural and political traditions can inform and enrich the federal idea.

In view of the above, it seems rational to say that Ethnic federalism was brought in Ethiopia without considering the social, political and economic situations of the public. From the theoretical perspective, socio-cultural theory of federalism asserted that a society is federal in the sense that its major linguistic, cultural, ethnic, economic or other interests are territorially grouped (Livingston, 1956). But Ethiopia is an ancient country having multicultural and multilingual societies that are assimilated due to thousands of years of continuous interaction, intermarriages, trade, migration, and other social activities and it is hard to find territorially grouped societies. The most striking feature of African communities was their fluidity, heterogeneity and hybridity; a social world of multiple, overlapping and alternate identities with significant movement of peoples, intermingling of communities and cultural and linguistic borrowing (Berman, 2010). Let alone the heterogeneous urban centers, even in the countryside, some places have mixed ethnic groups due to resettlement, famine, economic survival. That is why federalism is said to be not a function of constitutions but of

societies. Livingston (1956) judges a state as federal not by its federal government and its legal structures, but by the way social, political and economic interests are organized. In the history of Ethiopia, the social, political and economic interests are so intermingled that the majority of the society is well known with its heterogeneity. In stating the importance of the social forces underlying federal systems, scholars such as (Livingston, 1956; Watts, 2008) noted that federal systems were a function not of constitutions but of societies.

EPRDF elites believe that ethnic groups in Ethiopia could be identified and territorially fixed but in reality, the entire episode of the societal structure has shown that due to the movement and interaction of people for centuries, the societies in Ethiopia are not territorially bounded. Let alone in the Ethiopian territory, the Ethiopia ethnic groups are mixed even with other African states. The Oromo ethnic group is found in Ethiopia and Kenya while the Somali ethnic group live in Somalia, Djibouti, Ethiopia and Kenya. A similar experience is observed in other parts of Africa and Europe too, For example, Igbo ethnic group have lived in Nigeria and Cameroon and the Shona ethnic group is found in Zimbabwe and Mozambique; Yoruba ethnic group is found in Nigeria and Benin. Over the course of their long and shared history, ethnic groups in Africa have intermarried, intermingled and lived together and the diversity of ethnicity could not be territorially bordered. Thus, before accepting federalism as a system of government in Africa, African leaders need to look into the application of a federal system in the African context.

To sum up, it is possible to say that the people for whom ethnic federalism is designed are not the right fit to entertain the federal structure. For the stability and longevity of federations, a number of factors should be taken into account; for example, administrative convenience, distribution of natural resources, degree of economic development, cultural and historical factors need to be considered.

### **5. The right to secession**

Article 39 (1) of the Federal Constitution states: "Every Nation, Nationality and People in Ethiopia has an unconditional right to self-determination, including the right to secession."

The very unusual feature of the Ethiopian federalism is the right to secession which is atypical in other federal systems. Duchacek's (2014) yardsticks for the characterization of federal

system differed from Livingston. According to Duchacek, the right to secession cannot be a part of a federal constitution because it undermines citizens' loyalty to the central governance. Expanding this notion, Kymlicka (2006) was so astonished with the acts of the government and noted that that was unusual phenomenon and he could not think of any case where a Western state has encouraged a group to think of itself as a nation with rights of self-determination. While decentralization has been on the political agenda in Africa since the 1970s, no government on the continent has granted its constituents the legal right to secede (Young, 1996). The most common justification of secession in federations therefore is that the federation has somehow become less federal in its nature and operation (Burgess, 2006). The right to secede would weaken the whole system by placing a weapon of political coercion in the hands of the governments of the constituent units (Watts, 2008). Finally, most scholars hold that federal systems should not allow a right to secession (Cohen, 1995). Considering article 39(1), Aalen (2002) stated that this is clearly a constitutional anomaly, and does not have any parallels in other federal systems today and she further pointed out that the Ethiopian federation has to a large extent chosen to do the opposite: asserting the most extreme right to self-determination, the right to secession, at the same time as the powers given to the regions in the administration of daily affairs are quite scanty in a comparative perspective.

The former objective of the Tigrayan People's Liberation Front (TPLF) was to create an independent republic of Tigray but later the its leaders eventually redefined their objectives to seek political autonomy within a democratic Ethiopia. TPLF leaders spelled out their long-term plan consisting of two main parts, annexing lands within Ethiopia to expand the borders of Tigray, and acquiring access to the Red Sea through the Eritrean port-city of Assab and this plan will culminate in Tigray's secession from Ethiopia (McCracken, 2005). The official position of the TPLF was that if the response of the central government amounted to a denial of their right to control their economic, social, and cultural lives, then the TPLF would reserve the right to secede (Bereket, 1997). If they fail to meet the second objective due to the current volatile situation in the country, they would resort to the former objective. Especially, there is a widespread suspicion that, Tigray could be the first candidate to ask for secession, if the hegemonic position of the Tigray elite in ruling Ethiopia is in jeopardy (Berhanu, 2009). This idea is supplemented by the TPLF's manifesto stating the formation of the Independent

State of Tigray (1968). Although the TPLF leaders have had such intentions, it is the contention of the author that most Tigreans have believed that Tigray is an integral part of the Ethiopian state and they would not allow the secession of Tigray from Ethiopia. But the People of Tigray, who constituted the historic core of the Ethiopian polity, may not be in line with the thoughts of the TPLF elites.

The right to secession which encourages ethnic groups for self-determination is constitutionally granted in the pursuit of destabilizing the unity of the country. The TPLF's system is to disintegrate Ethiopia into pieces, abolishing the long existing unity of the people and retarding the development and growth of Ethiopia (Aalen, 2002). Berhanu expressed the opinion that the rhetoric of secession has been a hidden motive to destroy the Ethiopian state (Berhanu, 2009). Kymlicka (2006) on his part, commented that EPRDF's commitment to ethnic federalism is an anachronism, a throwback to a model of inter-ethnic relations that had just been proved a failure in three communist federations—the USSR, Yugoslavia and Czechoslovakia. The ultimate disintegration of the Soviet Union has demonstrated that a nation building strategy based on the formal grant, is not suited to achieve unity in diversity. The inclusion in the current Ethiopian Constitution of a right to secession for every nationality (Article 39.1), and the adoption of 'revolutionary democracy' as a guiding ideology by the current government, is intrinsically linked to both the ethno-nationalist and ultra-leftist stances (Aregawi, 2004). Inspired by the Soviet Constitution which stipulated the right to secede from the USSR, the Ethiopian Constitution recognizes a right of secession for nations, nationalities and peoples. The constitution of the former USSR was in its time unique in this respect, being the only constitution of a federation then making reference to a unilateral right of secession (Watts, 2008) and owing to this, the former USSR ended up with disintegration. The 1995 Ethiopian federal constitution contains the puzzling and controversial Article 39.1, which stipulates *the right of secession* from the federation of any of the sovereignty-bearing units (Abbink, 2006). Taking the former USSR as a model, the architects of the Constitutions while introducing the constitution with the notion of secession appeared to have the desire to dismantle the unity of the country. It is so satirical that the ideology which caused the disintegration of the former USSR appears to be the liberator of Ethiopia. A close scrutiny of the TPLF's mission indicates the political ideology that the TPLF elites were indoctrinated earlier might still persist and affect their consciousness; as a result, they have tried to implement the Marxist ideology that enables them to satisfy their ego-

centric mission. For the advocates of the Marxism, political order and stability can never be the goal since such a situation is a goal of revolution (Bhattacharyya, 2015). In light of this, the TPLF elites could realize that Article 39(1) of the EPRDF constitution seriously jeopardizes regional peace and stability but such regional uprisings are needed so that the regime wants to weaken the unity of the country.

By implementing a failed ideology that did not work in USSR, Yugoslavia and Czechoslovakia, TPLF has tried so much to succeed in its plan of disintegrating the country into various ethno-centric nations. Nothing can prove other than this that the regime has had a desire to disintegrate the country. This being the naked fact, it was unashamedly reported by the TPLF that Ethiopia was at the brink of total collapse due to its ethnic diversity and it is ethnic politics that had saved the country from failure in 1991. Contrary to this sham allegation of TPLF, the ethnically diversified society in Ethiopia had witnessed that it can live peacefully together before the coming of TPLF; ethnic diversity cannot be a cause for disintegration. It is not ethnic diversity as such that is a cause of conflict but rather ethnic politics. In any case, the notion of secession could create elements of uncertainty and lack of confidence in the future.

## 6. The Rule of law

Article 50 (2) of the Federal Constitution states: "The Federal Government and the States shall have legislative, executive and judicial powers." Notwithstanding this constitutional claim, in the EPRDF government, it is hard to differentiate among legislative, executive and judicial powers. These three government organs need to be distinguished and none should interfere with the other. Separation of power among legislative, executive and judicial organs prevents the concentration of power in few hands but the intrusive nature of the legislative and executive organs and absence of accountability on the part of the judicial power make the government authoritarian and tyrant.

Article 78 (1) of the EPRDF's constitution states: 'An independent judiciary is established by this Constitution' and in the same constitution Article 62 (1 and 2) states: 'The House [House of the Federation] has the power to interpret the Constitution and it shall organize the Council of Constitutional Inquiry. The Ethiopian federal system differs from other federal systems by not having an independent Constitutional Court (Aalen, 2002). Instead, the constitutional issues are left to a



political organ, the House of the Federation, and the legal-political Council of Constitutional Enquiry.

Several federal theorists claim that a federation cannot be genuine unless the government is subordinate to the law (King, 1982). In order to decide whether a government is subordinate to the law or not, it is necessary to look at the actual operation of the federal system and the practices of the political leadership. Concepts like “good governance” and “economic liberalism” were taken into the TPLF vocabulary when they came to power in 1991, much to please the international diplomacy and the donor community (Aalen, 2002) but in reality the government is so repressive that opposition party members, leaders, journalists and critics are in a state of harassment, intimidation, incarceration and beyond. Ethiopia’s Constitution and international legal commitments require officials to protect all detainees from mistreatment but beatings, torture and coerced confession of journalists or the political opposition are done in violation of the country’s constitution (Aklog, 2014). Ethiopia’s courts which cater to the party alone are politicized and lack independence, serving the ruling party and administering injustice. Thus, the TPLF’s record of trashing the principle of the rule of law proves that the Constitution to them is not worth the paper it is written on (Aalen, 2002). The Marxist-Leninist literature dictates authoritarianism characterized by strong central power and limited political freedoms and federalism as an ideology that deals with democracy and freedom through decentralization of power. Given the theoretical relationship between Marxist thoughts and federalism, it is ironic that the former wrapped by the later preaches the virtues of freedom, democracy and decentralization of power. The undemocratic regime of the Derg that had also Marxist orientation had similar features with the present ruling classes. Compared to the previous regime, the TPLF elites are new people with new styles but they have shown the same old dance.

As the autonomy of the USSR republics was controlled by the communist party, the EPRDF government controls every regional states. Due to this, the relations between federal state and regional states are marked by dependency (Abbink, 1998). The affiliated parties such as the Somali, Afar, and Beni Shangul, Ormo (OPDO), Amhara organizations are paralyzed by political infighting and administrative chaos and they were regarded as puppet of the EPRDF regime (Young, 1996). Although the regions theoretically function independently, the government has created a “shadow” government to oversee regional activities and ensure compliance with the central

government’s policy (Christina Holder et al 2006). Local authorities do not exercise sufficient decision making and self-rule in fiscal, economic and social affairs and they still depend heavily on central and regional government.

The TPLF government in general operates above the law; it is well-documented by trusted international human right defenders that the regime is well known in gross abuses of human rights (Human Rights Watch 2013); the regime narrows the political space for electoral competition and there is no free exchange of ideas and independent civil society organizations (Amnesty International, 2014/15; Human Rights Watch, 2013 ); the government rewards its supporters and punishes the democratic opposition and there are ethnic-based nepotism and high corruption (Transparency International 2014); the regime has massacred unarmed and peaceful people in different times and places (Amnesty International 2014/15); the regime labels opposition groups as terrorist organizations (Human Rights Watch, 2013). The EPRDF may use control of access to economic and natural resources to reward or punish certain groups. In addition to land, the government uses basic needs resources (e.g., roads, clinics, schools, fertilizer) as carrots and sticks to garner and maintain political support (Christina Holder et al 2006). In general, in the TPLF administration, the rule of law is buried and injustice has become the rule rather than an exception.

## 7. The Unity of the Country

The Preamble of the Federal Constitution of Ethiopia states: ‘We, the Nations, Nationalities and Peoples of Ethiopia’ and in the same constitution Articles 47(1) of the Constitution of the Federal Democratic Republic of Ethiopia states that the country is a federation of nine ethno-linguistically divided regional states.

Citing the dividing introductory section of the Constitution, Legese (2015) noted that the Preamble of the Federal Constitution has established a divided society by declaring that the ‘authors’ of the constitution are ethnic groups (nations, nationalities and peoples) of Ethiopia and not the people of Ethiopia. On the other hand, the Preambles of Federal Constitutions, such as the US and Germany employ phrases like ‘We the People of the United States’ and the ‘German People’ to endorse undivided sovereignty. The same things holds true in the federal states of Africa. The Preambles of the Constitutions of South Africa and Nigeria also respectively state: ‘*We, the people of South Africa*’ and ‘*We the people of the Federal*

Republic of Nigeria.’ The Ethiopian Federal Constitution's Preamble makes reference to ethnic groups and says ‘We the Nations, Nationalities and Peoples of Ethiopia’. The sovereign power is not given to the Ethiopian people at large; the sovereignty is vested in the regional entities. Political leaders are supposed to consider more imaginative and innovative ways of applying pragmatically the spirit of federalism as a way of combining unity and diversity (Watts, 2008). But in Ethiopia, let alone the practice of the federal system, the federal Constitution itself has left these societies deeply divided.

The introduction of ethnic federalism has imposed a serious crisis in national unity, thereby qualifying Ethiopian features to be tribalism. Ethnic federalism is the EPRDF's answer to the problem of state centralism and ‘Amhara domination’, while Tigray is the prototype for local administration (Young, 1996). Put simply, TPLF has worked against the unity of Ethiopia which was felt by TPLF leaders as a manifestation of the superiority of Amhara language and culture. In other words, the ruling party has defined the nationality question as a problem of the Amhara ruling class, and ignored competing interests amongst local groups (Turton, 2006). But scholars in the area asserted that the imposition of the cultural, linguistic and religious values of a dominant sub-national group was a historically necessary means to the creation of the Ethiopian nation and Amhara was responsible for creating an Ethiopia (Merera, 2006). During the Imperial era, the assumption was that, to produce national unity, it was necessary to have one language, an assumption that was widely shared at the time (Cohen, 2006). In light of this, Amharic was used as a national language since language is used as a unifying agent that ties Ethiopians together. The language Amharic which was believed to show national unity is a common thread tying people together. From the two major ethnic groups (Amhara and Oromo), Amharic might be preferred because it is well spoken by almost all ethnic groups in the country and it has got its own scripts that gave the language this opportunity. TPLF leaders experienced the prevailing Amharic language as political as well as cultural crisis and the historical hegemony of the Amharic language was challenged by TPLF leaders who perceived Amharic language not just as a means of communication, but rather as a symbol of Amhara domination (Alemante 2003). Owing to this, throughout the revolution, the TPLF consistently linked the struggle against the Amhara-dominated state (Young, 1996).

Basically, language cannot be a marker of ethnic identity since people become bilingual, multilingual and they use the language for various reasons other than ethnic identification. It was assumed that ethnicity is a principle of political organization in Ethiopia but still scholars argue that federalism in Ethiopia might well be termed as ‘linguistic’ rather than ‘ethnic’ because the new borders, claiming to represent ethnicity, were, in fact, based on the broad distribution of language use which cannot be an effective marker of ethnic identity because it does not provide an objective means of classifying people into permanent groups (Cohen, 2006). Cohen further argues that the use of language as a structure for organizing society is, therefore, inherently problematic because as explained above, individuals do not necessarily fit neatly into language categories. A case in point is the people of ‘Welkait’ who become bilingual in Amharic and Tigrigna. These people identify themselves as Amhara due to the socio-cultural resemblance with the people of Amharic speaking society though they are fluent in Tigrigna, too.

Thus, by pressing a hot button, ethnic federalism, that mobilizes other ethnic groups, TPLF has tried to succeed its mission of rejecting nationalism as Amhara ideology. Thus, to get ride of the broader nationalism, ethnic federalism was introduced in the Ethiopian political system which is a great threat for nationalism because ethnically divided societies give their primary loyalty to the ethnic group they belong. To this end, the TPLF government is trying to persuade the various ethnic groups of Ethiopia that they should identify themselves as ‘nations’ or ‘people’, with fictitious rights of self-determination. By emphasizing ethnicity and discouraging a national unity, TPLF introduced ethnic federalism as a divide and conquer tactic to maintain control of the majority by a minority group comprised of only 6% of the total population; thus, we all know that the Ethiopia of today is more divided by ethnicity than ever before. The leaders of TPLF who learnt the principle of divide and rule from European colonists have propagated the gospel of ethnic division (Alemayehu, 2013; Alemante, 2003). As the Italians encouraged the expansion of Islam as a better weapon for dividing Ethiopia (Ephraim, 1971; Ephrem, 2008), the TPLF launched covert and overt campaigns to encourage and strengthen tribalism as a hedge against nationalism and as a means to prevent the growth of nationalistic movements that are not favorable toward the interests of few TPLF leaders.

The Ethiopia federal system does not only divide the society; it also splits family members, parents and children, husband and wife. In a family level,

half Amhara background was forced to leave his children born from Oromo mother. To get identification card, citizens are forced to choose between their different identities (either the mother or the father) as they have to belong to one of the nationalities. Due to the nature of ethnic ideology the government follows, most political parties remained ethnic-based and the government encourages people or political parties in Ethiopia to group themselves along ethnic lines and Ethiopians exchange national citizenship for ethnic citizenship. The EPRDF's emphasis on ethnic political organization prevents viable trans-ethnic parties to emerge and the majority of the opposition parties today have an ethnic base (Aalen, 2002).

Since it erodes national unity, ethnic federalism would be probably more prone to fail than to succeed in forging national unity among the various constituent ethnic communities that typically comprise these states. And without national unity, so essential to political stability, it is impossible for constitutionalism to take root in these countries (Alemante, 2003) and this is because most groups also want to maintain and build an overarching national Ethiopian state framework (Abbink, 2006). The critics further argue that ethnic federalism is not viable in a country with more than 80 different ethnic groups. The politicization of one's ethnic group within a nation-state erodes the substance of nationality. Femi Taiwo (1996) cited in William (2004) has argued that "the absence of genuine nationality is connected with the dominance of ethnic politics. Sharing the Nigerian experience, Femi Taiwo (1996) cited in William (2004) stated that the over-politicization of ethnicity has a boomerang effect on the stability of the Nigerian state; it erodes the substance, basis and status of a common Nigerian nationality. Expanding this issue, Fawole & Bello (2011) stated that at the beginning, Nigeria had three regional states; later it became four, twelve, nineteen, twenty-one, thirty and finally it has had a thirty six states structured federation. This situation of continuous structural division of the country has led some scholars to liken the Nigerian federation to a biological cell capable of sub-dividing and reproducing itself. Like the continuous structural division of the Nigerian federal system, in the Ethiopian federal system, there are a number of appeals requiring to get the status of regional states; a case in point is Sidama and Gewada ethnic groups residing in the SPNN that call for the restructuring of the federal system. But all these pleas have been repressed by the TPLF government and there were occasional clashes between the government police force and members of the ethnic groups. Similarly, Oromo People Liberation Front (OLF) and the Ogaden National Liberation Front

(ONLF) have been militant groups fighting for secession. Despite the fact that the Oromo region is one of the nine recognized regional states, while Ogaden is not, both regions have desired independence from the federation and started armed struggle with the government.

Citing King's assertion, Michael (2006) noted that failed federations—for example, Czechoslovakia, Yugoslavia and the Soviet Union (admittedly not genuine liberal democracies) – signify the failure of particular experiments rather than the demonstrable failure of federation itself. The current government of Ethiopia could draw lessons from the failed federations of the aforementioned countries. Accordingly, federalism was introduced, admittedly as an experiment; as the former Ethiopia's prime minister said (Abbink, 2006). As a result, the ethnicization of Ethiopian politics has been generating an increasing grievance among ethnic groups which makes the tension between ethnic group loyalty and aversion towards inter-ethnic inequity (Valfort, 2007). Most of the conflicts which are ethnic-styled keep recurring, and that means they seem to be politically or socially reproduced due to problematic assumptions in the political set-up which is ethnic-based federal order (Abbink, 2006). This happened because ethnic politics represents a complete reversal of this country's past practices (Young, 1996) but still the present government has neither got lesson from the failed federations of other regimes nor realized the failure of its ethnic federal policy.

In addition to this, if we follow Elazar's definition of federations, dealing with the consent of the public and power sharing, or Livingston's socio-cultural theory of federalism considering territorially grouped society, or Duchacek's argument of federalism referring to the right to secession or King's measurement of federalism focusing on the rule of law or William's case of federalism centering on nationalism, all the theories of federalism disqualify the Ethiopian federal system.

## 8. Conclusion

Political theories of federalism tend to focus on three approaches: constitutional, sociological and procedural. The constitutional approach is tantamount to the concept of federalism which advocates the values of shared rule and self-rule. The sociological approach is the same as the socio-cultural theory of federalism which asserted that a society is federal in the sense that its major linguistic, cultural, ethnic, economic or other interests are territorially grouped. The procedural

approach is equivalent to Elazar's definition of federalism which focuses on the consent of the citizens and shared rule.

Given the variations in the implementation of a federal system, measuring all federal systems by the same yardsticks may ruin its validity. But, to do justice to the real meaning of the term, federalism, the governments need to consider key federalism markers. Measured against the key federalism indicators (sub-national regional autonomy, multiparty system, civil liberties, and rule of law), the federal system of Ethiopia could not qualify the federal forms of government. The basic pillars or marks of federalism such as the sharing power (autonomous administration), the socio-cultural plausibility of the federal system and the consent of the citizens are far from practice in the Ethiopian scenario and the policies of TPLF contradict the very nature of federalism. By mixing up the banner of ethnic federalism with the thoughts of Marxism which focuses on centralization and one-party rule, the TPLF has constructed a hybrid ideology, an amorphous ideology that contradicts every philosophy and theory of modern life that justifies its dominance.

Thus, ethnic federalism in Ethiopia has been imposed without public interest. Closer examination of the TPLF policies reveals that TPLF introduced ethnic federalism for dividing the multiethnic and multilingual societies and enslaving them forever. It seems clear that one potentially fruitful line of enquiry would be to return to the intellectual debate about how and why federations are formed. It is clear that the best means for the TPLF to retain a leading position in Ethiopia, where Tigrayans constitute a small proportion of the country's population, is to maintain an ethnic-based coalition; the Front's opposition to multinational parties, its promotion of ethnic-based movements, and formation of the EPRDF, are all designed to reinforce this perspective (Young 1996).

In view of the above, Ethiopians look for a new constitution that reflects consensus-driven federal structure if at all federalism is indispensable in the Ethiopian context. Moreover, most African states have to draw a lesson from Ethiopia that political ethnicity shall not be taken as remedy for any social illnesses in the African context. The experience of Ethiopia can certainly teach the international community much more lessons about the dire risks of ethnic politics and imposed federalism.

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