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THE FEDERAL EXPERIMENT IN ETHIOPIA
A Socio-Political Analysis

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"... L'idée toute entière de transformer ou développer l'Afrique sans restructuration des États coloniaux est inacceptable (...) Nous affirmons qu'il n'existe pas de pays appelé Éthiopie, pas d'État qui défende les intérêts de cette communauté multi-ethnique rassemblée sous le nom d'Éthiopie. C'est pourquoi nous avons été plongés dans les guerres pendant les trente dernières années. Nous devons donc repartir de zéro".

This statement from Yohannes Dawitt in 1966 appears like a prophecy (Cayla 1997: 115)¹. More than thirty years later, and with almost thirty years of civil wars, the issue is still unresolved. Ethiopia is still experiencing its transition from an authoritarian imperial or communist regime to an indeterminate future, perhaps democracy.

Ethiopia has been a federation officially since 1994 but the bases of the federation were laid as early as the *Conference for Peace and Democracy* in July 1991. The federal form has been presented as an attempt to prevent ethnic struggles within Ethiopia. Nevertheless some analysts doubt about the good will of the government to really implement what is in the Constitution.

The Ethiopian People's Revolutionary Democratic Front (EPRDF) is the political coalition in government. It was formed after rebel groups led by the Tigreans and the Eritreans ousted the communist dictator Mengistu in May 1991. It is made up of four parties of various ethnic origins (Oromo, Amhara, a coalition of southern Ethiopia peoples) but it is mainly controlled by the Tigreans. The Federal Republic of Ethiopia is presided by an Oromo, Negaso Gidada, but the post is mostly honorific. Power is actually held by the Prime Minister, Meles Zenawi, who is also a Tigrean and the president of the EPRDF. Elections were held in 1995 but boycotted by the opposition parties that protested against the central position of the EPRDF.

When the communist government was overthrown in May 1991, the main issue to be tackled was how to keep together over eighty different ethnic groups in a huge country (1,097,900 sq. km). The concept of ethnicity is hotly debated among research-workers. There are several criteria involved and in most cases it is impossible to single out clear-cut ethnic groups. We shall only describe the main cultural divisions along language lines and religions.

There are four language families: Ethio-Semitic (includes Amharic, Tigre and Tigrigna), Cushitic (includes Oromo, Somali and Afar), Omotic in the southern part of the country and Nilo-Saharan on the border with the Sudan. Speaking the same language is not sufficient in itself as a ground on which to define an ethnic group. Of course the mother tongue has its importance but when people live in places of communication and trade they tend to use several languages. Multiple languages become part of the identity much more than the single mother tongue. This is especially true for Amharic, the historically dominant language which is widely spoken amid other ethnic groups. Over 23 million persons speak Amharic, that is 40% of the population when the Amhara ethnic group represents a little more than a quarter of the population.

Most of the ethnic groups belonging to one or another of the four families above-mentioned are minute groups, and it is only five of them that make up the main part of the population.

1. *African Research Bulletin*, 32(5), 1967: 11840.

<i>Ethnic and linguistic groups</i>		<i>Estimated percentage of the population</i>
Oromos	Cushitic	40%
Amharas	Semitic	27%
Tigreans	Semitic	8%
Somalis	Cushitic	6%
Afars	Cushitic	2%

Source: *Atlas politique de l'Afrique*, French Embassy, November 1995

The Oromo people are the prominent group as far as their number is concerned. But politically, as we will see, the Amharas were dominant until recently and currently it's the Tigreans who are holding most of the responsibilities at the federal level.

The other important divide is that of religion. The Semitic groups are mainly Christians whereas the other groups are Muslims. It is estimated that 40% of the population are Christians, 40% Muslims and 20% Animists (*Atlas politique de l'Afrique*). Wars between the two have raged for centuries, the final episode having been won by the Christians when Menilek II conquered all the southern part of Ethiopia between 1865 and 1913. After having taken Harar, one of the holy cities of Islam, Menilek razed the mosque and built a church in its place. As a consequence of this double division, a few non official opposition political parties are based on ethnicity as well as religion.

In 1991, ethnicity was taken as the sole criterion on which to draw the new administrative map. Except for one, each regional state bears the name of the dominant ethnic group in the state, regardless of the presence of minorities. The Southern Nations, Nationalities and Peoples (SNNP) Regional State is a particular case as it is composed of forty-five administratively identified ethnic groups. The final result is a country divided into nine regional states and two cities with a special status (Addis-Ababa and Dire Dawa). Addis Ababa is the federal capital and the capital of the Oromo state.

<i>Regional States</i>	<i>Estimated superficies</i>	<i>Estimated populations</i>
Oromo	25%	20 000 000
Amhara	15%	14 500 000
SNNP	10%	12 000 000
Tigray	8%	5 000 000
Somali	24%	3 600 000
Benishangul	7%	3 100 000
Afar	9%	1 100 000
Gambela	2%	192 000
Harar	City	116 000
<i>Special status</i>		
Dire Dawa	City	200 000
Addis-Ababa	Capital City	2 112 737
<i>Total</i>		<i>61 920 737</i>

Source: FRENCH EMBASSY, November 1995

But obviously, the newly drawn boundaries do not match with the dispersion of the ethnic groups and if there are overlaps of population over the boundaries, there are also clusters of ethnic groups within the main ethnic zones. Accordingly the estimated population of a regional state is not the estimated population of the group that gave its name to the state. We will see that the creation of those provinces supposedly along ethnic lines was mainly a political move taken by the new government, and that the consequences were various.

There are many other divides that complicate the situation and cast doubt on analysis made too quickly. Firstly, the population divide: there are the classic divides between rural population and urban population (only 14% are city-dwellers for the moment but Addis Ababa is a huge city) or between the nomads and the peasants. But Ethiopia is also a land that has encountered a lot of internal migrations (the Mengistu regime displaced hundreds of thousands of persons) and where the traditional land occupants oppose the recent immigrants.

A second series of divides would separate the north from the south. The North is the historic part of Ethiopia, "*l'Éthiopie des monuments*", Ethiopia for the archaeologists, while the South is "*l'Éthiopie sans monuments*", neglected by Westerners because of its lack of prestige. With its history the North is political, it incarnates the Ethiopian legend and, with its resources, the South is economic. As Gascon puts it, the *Great Ethiopia* quandary is bound to this divide: "L'utopie africaine de la Grande Éthiopie peut-elle être reformulée en dehors de la répartition traditionnelle des rôles entre le nord qui possède le sens et le sud qui fournit la nourriture ?" (Gascon 1995: 19). There is in actual fact an economic division that follows more or less the North/South divide. The South produces most of the cash crops and a good part of the country's staple food; The North, on the other hand, only produces part of its own staple food, the rest comes from the south. Moreover the South eats mainly the root-crop *ensete* whereas the North eats mainly the *tef* cereal.

The last series of divides opposes a massive traditional Ethiopia to some individual areas of modernity e.g. a few model farms supported by international aid are scattered among millions of peasants using hoes (in the South) or ploughs (in the North), railways are frequently sabotaged by nomadic herders because the company refuses to pay for the cattle killed, etc. The territory is vast and rugged, the pull of the centre is resisted by the many far-flung enclaves which jealously defend their life styles.

Ethiopia is a kind of territorial and population nebula. It is difficult from the outside to fathom exactly what is happening within. It is sometimes also difficult to understand how important the events we hear of actually are. When the communist government had to step down in May 1991, when the new Constitution drew up a completely new institutional system, many doubts arose about the real possibilities of the new Federal Republic of Ethiopia to deal with the daunting difficulties of the country. Many feared resurgent ethnic strife, the break-up of the country (Merera Gudina 1994; Vircoulon 1995), economic chaos and so on.

The fact that Ethiopia is one of the poorest countries in the world adds to the problem of having to find the appropriate political set-up. Ethiopia has the lowest

GNP per head ratio in the world; The Human Development Index¹ rates Ethiopia as 170th out of 175 countries. Two thirds of the population are illiterate. The hygiene and health conditions are dire. Infantile mortality² is 119‰ (the African average between 1990 and 1995 was 94‰). There is an average of 3 doctors for a hundred thousand people.

A walk in the streets of Addis Ababa can be harrowing. There are numerous beggars, many of them maimed by war, some of them lying on the ground because they lost both legs, people living in plastic shelters clinging to railings or trees even in the centre of the city, etc. Similarly the countryside in the north is extremely poor. The rugged relief means that many far-flung places have no health system and few resources. Small villages in the Simien Mountains show people living in frail mud and branch shelters at over 2,500 m, children have a single thin shirt of rough fibre and have chronic bronchi-pulmonary diseases, the meals are essentially based on barley *injeras* (a sort of crepe) whereas in other parts of the country they use *tef* the local cereal which is more expensive. Although the country as a whole has recently benefited from rather good harvests (the last food emergency was in 1994), there is a structural imbalance

1. The Human Development Index is calculated every year by the UNDP (United Nations Development Program) and aims to be closer to reality than the plain GNP per head. It blends three distinctive social and economic criteria: the level of education, life expectancy and a ponderated calculation of the revenue. Canada and France are rated the two first, Sierra Leone and Rwanda being the last two.

2. Infantile mortality is the number of deaths of children under one year out of a thousand live births.

between the fertile land of the South and the arid landscapes of the North. The country is nevertheless still heavily dependent on international aid for its food security.

This is also true for the government budget of which 36% comes from foreign aid (Marchal 1998). 50% of the resources come from the export of coffee, which means that the state resources rely largely on the current price of coffee on the world market, and on climatic variations.

Ethiopia is a huge territory inhabited by many peoples having distinct cultures and where there is such wretched poverty that it makes us think of the Dark Ages. What is more, the consequences of recent history, marked by seventeen years of an "African communism" dictatorship, has left the country even more impoverished than it was in 1974 and with the ethnic balance between groups deeply disturbed. The "long history" itself has left scars the importance of which remains to be seen: feudalism, deliberate centralisation, cultural dominance by the ruling group, etc.

The aim of this dissertation is therefore to evaluate the political opportunities for the new Federal Republic of Ethiopia to overcome the consequences of the last twenty years of turmoil and also the legacy left by hundreds of years of most eventful history. Will this new set-up give Ethiopia enough political stability to put an end to the sombre period that started with the military coup in 1974? In other words, will the new institutional organisation soothe ethnic rivalry by giving a real possibility to each ethnic group to conduct their life the way they want within the broader community of the Federal Republic of Ethiopia?

We will see that in May 1991, when the rebel groups seized power, ambitious perspectives were drawn for the country. In a second step, however, we'll have to acknowledge that there are doubts about the adequacy between the ambitions written in the Constitution and the reality of the country.

Ambitious perspectives for the federation

The federation is a result of recent and thousand-year history.

Historical roots

In 1991, groups of rebels coming from various parts of Ethiopia took power in Addis-Ababa and overthrew the *red dictator* Mengistu Haile Mariam. He had been in power for seventeen years, since 1974, when he succeeded with other officers in organising a military coup against the Negus Haile Selassie. During those years, he tried to set up a communist organisation of society with the help of the Soviet Union, particularly for agricultural matters. The land reform of 1975 was well accepted by the peasants in the South since they were allowed to seize land previously owned by big landowners from the north. Conversely in the North the land reform was rejected because it was in opposition to the traditional tenure system. In 1979 came the *green revolution* with the goal to "extinguish the peasant mode of production"... It consisted in land collectivisation and of *villagisation*. Twelve million peasants were forcibly gathered in *villages* that were mainly organised in order to subordinate the population better. Among them six hundred thousand were moved from the north to the south. The result was the massive famine mentioned in media headlines around the world in the 1980s.

Meanwhile armed opposition began to rise from various parts of the country. In the north, the Eritreans had been fighting the Ethiopian central government since the early 1960s and were the best organised rebels. The Tigreans took advantage of their close cultural links with the Eritreans (plus a common border) to play a crucial role in bringing down the Mengistu regime.

Other ethnic groups (Oromos, Somalis, Afars, etc) for specific reasons did not play such a role although they were not inactive¹.

When the capital fell in May 1991, both the Eritreans and the Tigreans held key positions in the new government. The question was then whether they would use this power for their own benefit, or whether they would have a new vision for the future of Ethiopia. Their ideals when they seized power and the blunt reality of a multi-ethnic country would favour the latter. In favour of the former argument, however, there is the powerful myth of the "three-thousand-year Ethiopia" continued by the rapid expansion of the centralised state initiated at the end of the 19th century. Such a strong myth that whoever held the power in Ethiopia, the Neguses or the communists, tried to appropriate the myth to themselves (Gascon 1995: 182-183).

The kingdom of Ethiopia dates back to the beginning of the first millennium before Christ. The traditional foundation is said to be when the Queen of Sheba married King Solomon and gave birth to a son. Menilek I, as he was called, was the first king of a dynasty which was constantly referred to since the 13th century by the many families that held power on the highlands of Ethiopia (known as Abyssinia). Those kingdoms were at first centred in the north of Ethiopia with Aksum as capital. But later on the political centre shifted down to the south principally in Lalibela first and then Gondar.

The people from which these kings originated, mainly Amharas and Tigreans, would insist on the superiority of their culture compared with the nomadic tribes roaming the eastern and the southern arid areas, the Western Nilo-Saharan tribes or the Omo people in the south. Moreover the first two were both largely Muslims (they still are), whereas the Amhara-Tigreans are Christians. The Christian Orthodox Church was well organised and held its legitimacy from its ancient foundation (4th AD) and Christianity had already given birth to strong musical and literary traditions using a written system of their own.

The myth found its continuation in the second half of the 19th century with three emperors who succeeded in unifying the country. The last of these three kings, Menilek II, an Amhara, expanded it to its present limits. He also started to transform the Ethiopian empire into a centralised state. That is a *modern state* with fixed borders, with the embryo of a central administration, with the commencement of the decline of the system of allegiance, and accordingly with the state as the sole legitimate authority on the territory.

The first problem Menilek had to solve was that of the borders. At the end of the 19th century, Ethiopia was under the pressure of the colonial powers. Italy and France settled on the coast of the Red Sea in the 1880s. France wanted to join Dakar to Djibouti, through Ethiopia. Great-Britain was established in Kenya, Somaliland and the Sudan. Ethiopian borders, until then, had never been defined administratively. There was nothing like western boundaries defined precisely, to the very meter. They had never been defined politically either. Allegiance was more or less intense according to the proximity or according to the political balance between the centre and the vassal state. From the 1880s onwards, Menilek had to rush to the South and the North, to the west and the east to established fixed boundaries before the western powers did it for him.

Another reason for the conquest of these lands was, as we mentioned, the revival of the Ethiopian myth. The southern highlands were considered lands that had been previously lost, the conquests of Tewodros and Menilek had thus several dimensions. One was to fight against

1. The Oromos from the south have long had the same conflictual relations with the Ethiopian central government as the Eritreans but they were far less effective and when the time came, despite their number that makes of them the third of the country's population, they were not able to take a substantial part in the rebellion. Gascon points out that the Oromo rebellion was at best a diversion in 1989-1990 and a complement in 1991. The Ethiopian Somalis have to be considered separately since they were participants in the long and expensive war that the government waged against the Somali state between 1976 and 1978. After the Ethiopian victory, with the sizeable help of the Soviet Union and of Cuban troops, Ethiopian Somalis were completely disorganized.

external powers and to fix definitive Ethiopian borders, another was to build an empire-state. However, the third dimension was that all of this found its legitimacy in the myth of gaining back the lost territories invaded by Cushitic nomadic tribes over the weakened Ethiopian kingdom of the 16th century. Ethiopia at that time was vigorously aggressed by the Turk-aided Muslims from the eastern city of Harar. Oromo tribes, Muslim and non Muslim, took this opportunity to start a steady migration from the south and to occupy a large part of the territory until then more or less occupied by the Amharas – there is little archaeological evidence but strong presumption (Gascon).

The *aqānna*, as this process was called, was therefore supposed to end a long struggle of several centuries on theological and political bases. To the conquerors, it was not colonisation of the south, but a phenomenon that should be compared with the *reconquista* of Muslim Spain by the Castellans and the Aragoneses (Gascon).

All would be fine for the Amhara mythology if the Oromo population, which arrived in the 16th century, had finally been assimilated or expelled. Not only was this not the case but other nomadic groups that had never been part of the empire were forcibly integrated.

The *aqānna* did operate a political recovery of the southern territories but the Oromo remained there, with their own languages and traditions. Today the Oromo-speaking people make up 40% of the population and occupy the largest state in the federation. They constitute a significant objection to the veracity of the Amhara myth and, today, a political protestation for the traditional Northern rulers. In the course of history, however, they developed disparate attitudes towards the Amhara dominated society. Some of them were almost totally integrated and adopted the Amharic language, they even converted to Christianity. They became part of the notability, and at times shared the power at a high level - Negus Haile Selassie was of partly Oromo descent as Mengistu. Others, on the contrary, experienced the Amhara power as oppression, especially as far as land tenure was concerned. Yet, it was not before the 1950s that the first Oromo nationalist parties were created. In the 1960s and 1970s several uprisings occurred, leading to subsequent political demands. Today the Oromo Liberation Front (OLF) is one of the most demanding opponent parties, though it is not clearly known how representative of the population it is. It began a rebellion before the regional elections of 1992 because it considered that they were rigged in favour of the EPRDF coalition. It demands independence for the Oromo State. Nevertheless there are other Oromo rebel groups and the opposition is split according to local particularities.

Furthermore, the surge to fix Ethiopian boundaries led to include vast desert areas in the East, uninhabited except for a few nomadic tribes, *i. e.* the Afars and the Somalis. These desert plains have always had complex trade interactions with the highlands. There has never been a complete separation between the two cultures. But the integration within the boundaries of a state (as recognised in diplomatic relations and international law) entailed much more than the informal relations of the past centuries, especially from the second half of the century onwards when the Ethiopian government attempted to develop a centralised administration. Generally speaking it is considered that administrations tend to increase their control on the population that they are responsible for. In that context, nomads are particularly irritating because they are always moving and reluctant to comply with the rules of the settlers. This was the occasion for several outbursts of violence in the 1960s and 1970s and here again legal and illegal opposition parties¹ appeared. The Somali issue was further complicated by geopolitical considerations in the Horn of Africa. The Somali rebellion was supported by the Somali State, which at that time was undertaking parallel attempts to establish a *Greater Somalia*.

In short, the three-thousand-year Ethiopia has drastically changed in a century. Modernity, new populations, extended territories call for a renovated approach of the future.

1. Western Somalia Liberation Front, Somali Abbo Liberation Front, Afar Revolutionary Democratic Unity Front, etc.

The conclusions drawn in 1991

In 1991, once they had seized power, the Tigreans and the Eritreans had to find the solution of the dual legacy resulting from Ethiopian history.

Firstly, the tradition that came from the “long history” was that the Ethiopian state had to be Amhara, Christian and centralised. But the reality was a fragmented territory that had been kept together only by the means of force. Both Tigreans and Eritreans had experienced the bitter rule of the central government. For Eritreans the 1991 victory was the end of more than thirty years of struggle against the state that annexed them¹. Force and centralisation had to be rejected by the new authorities.

Linked to the first, the second issue was the fact that the ethnic criterion, which had been for long secondary to the Ethiopians (III.B), had become increasingly important with the harsh policy of centralisation conducted by the previous governments over the past one and a half centuries. The will to comply with the 19th century fashion of nation-state (the fusion of nationality with citizenship) pushed Haile Selassie to refer to the populations of Ethiopia as the *Ethiopian people*, in an attempt to symbolically rub out their variety. As a result, not only did Somalis, Afars and Oromos demand a degree of autonomy and became resentful against the Amhara state, but Tigreans and Eritreans themselves, although part of the historic Ethiopia, were ready to consider the Ethiopian conundrum from the ethnic angle. In that sense it is significant that no inter-ethnic rebellion movement ever claimed to unify the various ethnic groups in a common struggle against the Mengistu regime. The rebellion was divided along ethnic lines and this necessarily had some consequences on the form of the regime chosen in 1991.

Federalism seemed the most suitable solution to this two-fold problem. The new Constitutions framed between 1993 and 1994 introduced new concepts in the Ethiopian political system *i. e.* federation, devolution and the rights of ethnic minorities. It remains to be seen if too much confidence has not been bestowed on institutions alone and whether they will be sufficient to achieve that goal.

New constitutions supposed to solve everything

Is Ethiopia a federation?

There are differences between the notions of *federalism*, *regionalisation* and *decentralisation* although sometimes the Ethiopian administration, academics and the staff of international organisations use them indistinctly – they use also *regional states*).

In a federation there is a superposition of two legal tiers: the judicial order of the member states and, above it, the judicial order of the federation. Each member state agrees to shed some of its sovereignty to the benefit of the federal state higher entity. But simultaneously, their *autonomy* and their *right to participate* in the federation are fully recognised. Autonomy means that members may set up their own institutions like a constitution, an executive, a parliament and a judicial system. It also means that the states have their own particular jurisdictions, there is therefore a balance to be found between the federal and the state power. Participation means that a member state, as such, as a fullstanding state and independently from the size of their territory or their population, is entitled to be involved in decision making at the level of the federation. Autonomy and participation are usually guaranteed by constitutional mechanisms whereby it is not possible for the central administration to modify the constitution unilaterally and they are also guaranteed by a higher jurisdiction such as a Supreme Court.

Decentralisation and regionalisation, in the strict meanings of the terms, can only exist in a unified state. It is a process of devolution of lesser or greater responsibilities to a lower

1. Autonomous Eritrea was bound to Ethiopia in a federation by a UN resolution in 1950. But Eritrea was annexed by Haile Selassie in 1962. From then on till 1991, the Eritrean Popular Liberation Front fought for Eritrea independence.

administrative level within the state. This can be the region, but decentralisation can go further down to the grass-root level. Whatever the level, the entity is denied any of the characteristics of a state (constitution, government, etc.) except for the elected body that can be related to a local parliament. The status of the entity and the scope of its jurisdiction are set solely by the central government. And above all there is a single judicial order and not a superposition of two orders as in the federation. From there the situations are extremely various and devolution can be particularly extensive e.g. Italy and Spain.

The confusion between *federalism* and *decentralisation* comes from the fact that federalism leads anyway to decentralised responsibilities, the difference being that federalism implies added institutional clauses. In contrast, regionalisation should not be confused with federalism, for the clear reasons stated above. In contemporary Ethiopia, it is unambiguously federalism that is involved. All of the above characteristics apply: the Federation has a constitution, legislative and executive powers and so does each of the member state, there are clearly two distinct judicial levels; Autonomy and participation of the member states are taken into account in various ways as we will see. Nonetheless, when it comes to vocabulary, various terms are used in official documents. Whereas the federal Constitution only speaks of *member states*, the States Constitutions refer to *Regional states*, and in the federal budget for the fiscal year 1997-1998, there is mention of *regions* (Oromo region, etc) and of *Regional governments*. We will use all these terms indiscriminately except *region*.

The federal constitution

One usually differentiates federalism *by association* and federalism *by dissociation*. In the first case independent states decide to join because they feel that they have common interests or a common destiny. Such was the case with the United States or Germany. In the second case on the contrary a united country decides to split in order to unravel a complicated situation, usually linked to the variety of nationalities. This is what happened in 1924 when the "prison of the peoples" became the USSR, and this is the choice that was made in Ethiopia in 1991.

The federal constitution was ratified in December 1994 and bears the date of 21st August 1995, which is when the new institutions began to function. At least three aspects are worth being studied: in the first place, the balance of power between the federal government and the member states; secondly, we shall examine how the concept of ethnicity was worked out. We shall see in the second part all the criticisms that such a concept gives rise to; lastly, we shall consider how the economic autonomy of the member states was provided for. However, this question fosters many suspicions about the real willingness of the EPRDF government to yield effective budget, hence power, to the new states (part II).

Here is a swift description of the way these three aspects were designed in the Constitution, without prejudice to the way they are implemented in actual facts.

• How do the federal government and the member states share the power?

This is of course the crucial issue. The general principle is that the member states receive all the powers that have not been given expressly to the federal government. The House of the Federation is the chamber where all Nations, Nationalities and Peoples (NNP) are represented as such. It is noteworthy that it is not the nine recognised member states which are represented but rather the NNPs. A Member state often includes several NNPs. Contrary to the US Senate, and somewhat similarly to the German Bundesrat¹, NNPs are represented so that bigger states have more weight. Each of them has at least one seat and an additional seat for each one million of its population. This gives therefore a major weight to the Oromos and the Amharas.

1. Three to six seats are assigned to Länder according to their population.

Among other features, the House of the Federation is dedicated to solving the issues that may arise between the member states. Most importantly, the House "decides on issues relating to the rights of Nations, Nationalities and Peoples to self-determination, including the right to secession" (art. 62). We know that self-determination "including the right to secession" is the most striking feature of the Constitution of 1991 and that this clause has fed many fears among some observers (Vircoulon). Another remarkable feature of the Chamber is that it may propose and take part in the vote of amendments to the Federal Constitution. So do *State councils* (member state executive). The Constitution is therefore theoretically adaptable to the necessities of member states (art. 104-105).

In matters of security, there is a clause which provides for military intervention by the Federal State in any of the member states: "It shall deploy, at the request of a state administration, Federal defence forces to arrest a deteriorating security situation within the requesting State when its authorities are unable to control it" (51.14). Further: "It has the power to declare and to lift national state of emergency and states of emergencies limited to certain parts of the country" (51.16). Although these measures may not differ from similar provisions in other Constitutions elsewhere in the world¹, they deserve particular attention considering the chaotic past and the still equivocal present.

- Ethnicity

Article 39 (Appendices) deals with the rights of "Nations, Nationalities and Peoples", the standard expression in the Constitution to designate ethnic groups. It sets the conditions and procedure for self-determination and for secession. It assures self-government, fair representation and recognises the culture of each NPP. Nonetheless, most strikingly, there is no list of who is to be considered as a NPP. The only indirect way to find who is to be considered as a NPP is to check the composition of the House of the Federation since each NPP is entitled to at least one seat².

Article 47 sets the conditions not for secession but for statehood within the Federation (Appendices). A characteristic of the Ethiopian Constitution is indeed that, whereas only nine states were created at the outset, each and every NPP can qualify for statehood...

The procedure is two-step both for statehood and for secession: a request approved by a two-third majority of the NPP concerned is addressed to the next higher institutional level (the member states council in the case of statehood, the federal government for secession). Then a referendum is organised.

- Economic autonomy

Land has been the central issue of Ethiopian economy over the last century (86% of the population is rural). Many revolts from the 1960s onwards have been ignited by land claims. The new regime has decided to settle the issue by granting land and natural resources a special status. Both belong exclusively to "the State and the people of Ethiopia" (art 40.3 and 89.5). Peasants and herders have free access to land and they are guaranteed in their possessions (40.4). As for natural resources, they are deemed too important to be in the sole possession of a particular state. But if the land and the natural resources *belong* to the Federation, they are *administered* by the member states, thus the management is supposed to be local but the revenues go to the Federation.

Besides, on top of the macro-economic policy and the currency, the federal government holds the exclusivity of the relations with foreign investors, notably foreign donors (art 51.2, 51.7). This source of money, which is vital for Ethiopia's economy, has to transit through the federal government even if the foreign donor earmarked it for a specific state. Likewise, the

1. Constitution of the USA, art. IV, section 4; Germany art. 91.

2. According to J. Abbink (but not in the copy of the Constitution I could consult), forty-five ethnic-groups are listed in the Constitution and fifty-one if we consider those included in the names of the member states. The proclamation 7/1991 which has been taken as a reference for the Constitution enumerates 63 ethnic groups. Anthropologists and linguists estimate that there are over 80 different ethnic groups, particularly because it is extremely difficult to distinguish who can lay claim to that qualification (see *in* The Harsh Reality, p. 19).

federal government controls all inter-states communications (air, rail, roads, and waterways) and thus the considerable amounts of money granted for the infrastructures by the European Union or the World Bank. Interstate and foreign commerce is once again in the hands of the Federation.

Therefore, according to the Constitution, what are the revenues of the member states and where do their economic competencies lie? One should examine how the revenues are shared, and how much autonomy the states have as far as economic policy is concerned.

States have no direct access to foreign investments, furthermore borrowing conditions are set by the federal government and are restricted to internal sources (art. 51.7). As a result, the states have two main sources of funding. The first are the taxes. The second are the subsidies provided by the federal government. Both of them are determined by the House of Federation (art. 62.7).

As regards taxes, the power of taxation is either exclusive to the federal government and the states, or concurrent (art. 96, 97, 98):

– The exclusive power of taxation deals with what is directly related to them (employees; companies and properties owned by them, etc.). The federal government retains all rights for collecting taxes on imports and exports, on air, rail and sea transport, consequently on a good share of the cash-crops revenues. On the other hand, the states tax what is related to the land: they tax the income of farmers, they receive the fees for land usufructuary rights, the duties for use of forest resources, etc. Whatever is local falls within their jurisdiction e.g. water transport within the territory, trade within the territory, local mining operations.

– The most obvious feature of the concurrent power of taxation is that the tax on large-scale mining and on all petroleum and gas operations is levied and collected jointly.

Subsidies are provided from money of the federal budget and earmarked to the states every fiscal year. In fiscal year 1997-1998, it accounted for 35% of the federal budget, which is not at all negligible. The federal government audits and inspects the proper utilisation of subsidies it grants to the states (art. 94).

When it comes to economic policy, each state is empowered "to formulate and execute economic, social and development policies", a vague formula which leaves open all subsequent arrangements at formal and informal levels.

The harsh reality

The Constitutions are one thing, reality is something else. The institutional experiment has raised many doubts as to whether the new set-up is viable: as a political model, *i. e.* as a state for each of the member states and as a federal state for the whole of Ethiopia; as regards the link established between the individuals, their state and the federation. This includes the issue of ethnicity and democracy since, along with the federation, democracy is trying to take root.

An imported political model?

It is well admitted now that colonialism has introduced western political technologies in Africa. Democracy, federalism and even what is known as the *modern state* were imported political forms, a technology to which every country has now to adapt, sometimes painfully (Badie, Birnbaum 1983: 161 sq). The set-up of a *modern state* is already a challenge for many African states, now what about a federal state? Is it the right answer to Ethiopia's specific

problems? Should we conclude that the experiment is a serious mistake¹ because it doesn't emanate from the political culture of Ethiopia?

An imported state

According to some authors the state is not without foundations in Ethiopia, at least in the northern highlands: "codified state law (mainly relating to the Christian religious and monarchical tradition) has been well-developed since the Middle Ages" (Abbink 1997: 170). In southern Ethiopia, the political organisations "ranged from primitive communal societies to states with powerful kings and elaborate mechanisms for the exercise of authority" (Bahru Zewde 1991: 16).

Nevertheless we will consider "state" not in its diplomatic sense (any political society having relations with other countries) but as a specific political form defined by precise criteria, what is dubbed *modern state*². One of these criteria is that the traditional authority (king, chief, Emir) must be replaced by a non-personal authority backed by a bureaucracy. This condition alone is already enough to disqualify any of the previous forms of authority that existed in Ethiopia this from being considered as a state.

Under this definition, the *modern state* is considered to have been born in Europe in the Middle Ages. It supposedly spread from there throughout the world. In Ethiopia it appeared only with Menilek, a century ago, and is still largely to be built. Bertrand Badie in *L'État importé* shows how the grafting of western political forms of power can generate disorder. The imported state would upset the traditional logics of identity and mobilisation. The result is, at the top, hollow institutions and corruption and, at the bottom, identity crispations with, at times, violent clashes. Nevertheless Edward Shils considered that the generalisation of the western state was a fact, therefore the main problem for developing states was to organise a civil society compatible with the new political structures they were endowed with (Badie, Birnbaum 1983: 85). A civil society needs enough democracy to allow the various non-political components of the society to have a voice. Although there do exist numerous independent newspapers on sale in Addis Ababa in various languages including English, one cannot say that democracy is developed enough in Ethiopia to foster a civil society.

But this is hardly a problem due to the federal system. All developing countries encounter the same problems about the building of the state and democracy. There is nothing specific with Ethiopia. The federal system brings its own complications that have to be addressed separately.

Imported federalism

It is likely that federalism is also an imported model. The supposed tradition of federalism in Ethiopia is probably unfounded. Dr Alemayehu Areda, President of the Ethiopian Civil Service College³, asserts that the *Era of Princes* (1770-1855), when Ethiopia was divided among up to six princes, was "feudal federalism". The reason would be that they would all join in case of external danger. This federal structure would have been shaken apart later on when Tewodros tried to unify the country by force and when Haile Selassie destroyed "cultural federalism" with his action conducted by his integrative slogan: "one language, one state, one religion, one flag". In the same way, Jon Abbink writes that for most of its history, Ethiopia was a federation because "the power of the monarch was often superficial and remote, and regional autonomy substantial" (Abbink 1997: footnote 16).

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1. Vircoulon speaks of "the risks of federalism", questions the "viability of a federal Ethiopia", uses headings such as "Ethiopia threatened" or "the end of an epoch".
 2. There are several criteria to define a "modern state" *i. e.* a well-defined territory; a bureaucracy distinct from other social bodies; the state have, alone, the legitimate right to use violence; tradition is replaced by a legal-rational legitimacy; public law that distinguishes and protects what falls to the state and what falls to the rest of the society; citizenship with a direct link between citizens and the state; minimal interference from the religious institutions.
 3. The Ethiopian Civil Service College was opened in January 1995. The college offers degree and diploma programmes in law, business and economics and technology to civil servants from the member states.

Nonetheless, in both cases it seems not enough to declare that Ethiopia was a federation, at least the way we have defined a federation (II.B). Quite obviously, Ethiopia was closer to an empire¹ than a federation. And the *princes' era* points more to the warring lords of the Chinese empire, competing to dominate the centre, than to co-operating federated states. On the other hand it is true that the tendency was not centrifugal (Bahru Zewde). The point was not *auto-determination* and even less *secession* but the seizure of power in order to participate somehow to the thousand-year Ethiopian myth through the prestige of the empire.

More convincing would be that Ethiopian federalism is a sequel of the communist era. Federalism as it was put in practice in the USSR could have inspired the previously Marxist leaders of the TPLF and the EPLF (now turned to controlled liberalisation). There are indeed similarities between the former Soviet Union and the Ethiopian federal systems: both are based on ethnic states with judicial autonomy but doubled by the machine of the governmental party (Vircoulon 1995: 49). Likewise, we could say with Jon Abbink that the "principle of secession is a left-over from the socialist-communist thinking (...), and is an extreme form of the right to national self-determination" (Abbink 1997: 167; footnote 45). This is supported by the fact that as early as 1975, the TPLF proposed decentralisation as a solution for Ethiopia (Cayla 1997: 112).

Ethnic federalism

But the main objection to the Ethiopian experiment is not so much that federalism is not an indigenous form of power, but the fact that it rests on ethnicity. It is true that *ethnic federalism* was presented as the magic solution for all past problems. At last people would be free to practice their culture, at last they would have an influence on their social life and economic development, at any rate locally. The reality could not possibly be that good and commentators emphasised the many risks of ethnic federalism. Among the most serious risks (developed in further sections) one is the fact that ethnic groups may seriously demand their autonomy. Another is that ethnic groups, unheard of before, may spring to seize the chance of a political recognition.

On the other hand, other criticisms appear somewhat excessive. Some of them stem from what seems exaggerated expectations from the process. The reform was "too quick", "improvised" (Cayla), "drastic but incomplete", without a "clear direction" (Abbink). Knowing the situation in 1991, after almost 17 years of civil war, knowing the drastic change undertaken with a totally new institutional set-up, new political personnel, etc. what should we expect? Which heavy reform could claim to have been clearly planned and thoroughly thought²? Even purely administrative reforms are not easy even in developed countries, one only has to think of the difficulties of decentralisation in France which is still going on and has necessitated tough negotiations between politicians. The decision of decentralisation was clearly political. People expected a clear move to show the commitment of the new government to scrap the twin *anciens régimes*. And probably the euphoria of the victory gave birth to a state of grace where political calculation met generous ideals. And we must remember that although the Constitution was ratified in December 1994, already in 1991 proclamation n° 7/1991 launched decentralisation on ethnic bases.

Another criticism, precisely, is that the decision was chiefly political with no regards to economic rationalism. There again, it is assumed that an ambitious reform can be simultaneously optimal politically, economically, socially etc. Once again the choice was to resolve, at that very time, with respect to the history of the country during the past century, what appeared to be the main problems. The forced centralisation of the former regimes and the cultural and institutional domination of the Amharas. It doesn't mean however that the criticism is unfounded. There are important economic consequences of the federal cut up, not all of them

1. An empire is defined as a political system with a social hierarchy legitimized by tradition. It has universalist ambitions based on a strong cultural model. But the fact that it is more or less institutionalised, rather less in fact, gives it few institutional means to concretise its ambitions. Thus their internal and external instability with dynastic disputes and fluctuating borders.

2. In the case of France one can refer to 1946 or 1958.

are good. They were probably not foreseen and probably the framers of the new Constitution did not want to foresee them because that was not the priority at that moment.

Lastly it is often contended that the EPRDF had second thoughts while drawing up the Constitution (Vircoulon 1995: 44): Their aim was to establish a federal system with a view to having a better control on the territory in a different way from their predecessors¹. We can notice that the new carving is very close to the one made by the Italian colonial government during their occupation of the territory (1936-1941) with the clear aim to divide-and-rule². It must be acknowledged that these are real arguments and that several facts seem to support that approach. Nevertheless before examining them more precisely, we have to state two counter-arguments or nuances.

To begin with, it is not clear whether the objective of *divide-and-rule* through ethnic federalism was present right from the start. We would say again that at the outset it was presumably enthusiasm and good will that prevailed. Afterwards, though, once the EPRDF had exercised the central power for a while, it must have been difficult to resist to the temptation of Greater Ethiopia.

This is also evidenced by various facts that are contradictory to the centralisation machination. There is constantly an ambiguity in the analysis made about the post-communist period. On one side one is suspicious of the real determination of the central government to implement a real decentralisation. On the other side, one criticises all the measures taken that are factors of disintegration of the country. Thus decentralisation is ineffective and biased because the federal government still keeps its grip on the new regions through brother parties and financial dependency. Yet the linguistic ethnicisation of the administration caused the expulsions of civil servants, mostly Amharas, coming from the centre. The government fosters the creation of new ethnically-based parties with a view to *divide-and-rule*. Yet states are entitled to use their own language in education.

It seems therefore that the first move was to genuinely lay the foundations of an ethnic federal state, a political and bold move justified by the 1991 background. And, in a second move, the conviction became more ambivalent, the EPRDF faced the usual fate of the holders of power, namely how to keep power as long as possible on as much territory as possible.

We will conclude rather obviously that whether or not Ethiopia has adopted a western political model is of little importance today; at least as regards the federal state as a whole. Because the issue of political form is more critical at the local level.

Jon Abbink examines two traditional types of governance present in Ethiopia before the unification of the country. The most well-known is the *gadaa system* of the Oromos, an age-grading and generation-set system. But he points out that it could not "work in a stratified society with economically specialised groups such as in a modern society. Gadaa nowadays serves mainly as a symbol of Oromo political ethos". The second example of traditional Ethiopian systems of governance is that of the agro-pastoral societies like Mursi, Me'en and Surma in Southern Ethiopia. Nevertheless one can hardly say that these are solutions for modern

1. The word *kilil* which is used in the Constitution, and which corresponds to the word *state* in the English translation, has been chosen carefully by the legislator for its polysemia. *Kilil* is formed on the verb *källälä* which means "to separate", "to impede the sight". Therefore at least two possible nouns: "sanctuary", for wildlife, that was in fact in this sense that the word *kilil* was used during the imperial era to designate the Awash national park: *Hawash biherawi kilil*. It can also mean "limit", and it was used in that sense to separate fighting neighbours within and opposed to the *niklay gizat*, the general government which encompassed the whole territory from above. Furthermore, the word *kilil* draws the limits and says nothing of the content contrary to *midir* which designated the ethnic territory (Agäwmidir). The word *kilil* translated by "state" in the Constitution would find a better correspondance with "regio", *i. e.* "boundary-mark", "limit" or "domain". This gives a wide range of possible interpretations by legislators and politicians (D. MORIN, personal communication).

2. The Italian Ministry of Foreign Affairs declared to the general Baratieri, Chief of the troops in Adwa: "To divide Ethiopia into different states, none of them preponderant and all of them under our sway, would open to us a untroubled future compared to the situation we would have to deal with if Ethiopia was thoroughly united and dominated by a powerful emperor" in H.G. MARCUS, *The Life and Times of Menelik II. Ethiopia 1844-1913*, Oxford, 1975: 170.
The Italian East Africa (Africa Orientale Italiana) was divided into six regions: Eritrea (including Tigray); Amhara (from the centre to the border with the Sudan); Galla and Sidama (south-western and southern provinces); Somalia (including the Ogaden); Harar (in the center) and Addis-Ababa.

Ethiopia¹ as a whole as we said before. They can however be political structures adapted to the local level, and more reliable for the central government, because deep-rooted and representative, than the standardised administration coming from above. Unfortunately this is an option that seems not to have been studied by the central government. There are few studies of how such structures articulate with the modern structures put in place. Worse, the government has instituted parallel councils with no links whatsoever with the traditional assemblies that bypass the public debates and majority opinions of these assemblies.

In the same vein, Dr Alemayehu Areda points out that "in Ethiopia, people think in their traditional leadership", which proves for him that Ethiopia is federalist "in essence". In our sense, it is more a proof that the new federalist set-up will acquire its full significance when traditional authorities, where they exist, are fully recognised and integrated in the institutions, and when the articulation between the modern and the traditional institutions are clearly established and officialised. The discovery of that articulation could be the right answer to the issue of political importation because it would prove that importation does not mean necessarily an absence of innovation in the process of adapting the country to modernity. It would also be a decisive step in the quandary of handling minorities: the self-determination which is acknowledged, albeit theoretically, in the Constitution for each nation, nationality and people of Ethiopia has little ground if it is not implemented at the grass-root level.

Federalism is an attempt to solve ethnic claims at the local level but it is also supposed to keep the country united as a whole. As we have seen a federation is not a loose association of independent states (and the central government is more determined than ever to let it become so). Thus, theoretically, people should be allowed to exercise their traditional rights at the local level and, at the same time, keep the feeling of being Ethiopian, all this when the official doctrine is that *being Ethiopian* has never existed...

What about the will of the people to be "Ethiopians"?

The whole project of federalism aimed at favouring local autonomy and identity while preserving national unity. *National unity* is to be understood as the unity of *Greater Ethiopia* within the borders fixed from the end of the 19th century on. This is quite contradictory in these terms, since it opposes a large entity, the federation, to smaller ones with, as a feature many times emphasised, the right to self-determination and even to secede. The basis of those small entities is only their *ethnicity*, for the first time officially taken into account in Ethiopia. It is clearly difficult to codify matters deriving from tradition, culture and history in a juridical text; nevertheless attempts were made to do so in the Constitution of 1991. An until then non-existent characteristic became suddenly "the normative identity on the basis of which the new state prefers to deal with its citizens in many spheres of life, especially the political and economic" (Abbink 1997: 160). In other words, what could be seen as an administrative measure would determine the life of millions of people at least in their relation with the authorities.

But the Constitution cannot convey how the Ethiopians perceive their own ethnicity. The EPRDF, while working out the new Constitution, took for granted that every former "Ethiopian" actually belonged to an up-to-then frustrated ethnic group. Yet many studies allege that ethnicity is not a straightforward concept and that it must be handled cautiously. We should therefore study if the chosen ethnic approach will eventually lead more to the cropping up of local claimants or to the cohesion of a federal Ethiopia.

Another point is the fact that one can hardly imagine that a century of active centralisation has not left its mark, and maybe even a nationalist feeling. It would be rather contradictory, on the side of the commentators this time, to assert that ethnicity is only a part of a more complex identity, which could be somewhat nationalistic, and that conversely ethnicity is a strong enough characteristic which could result in the break up of Ethiopia. In this part of this

1. "These small-scale societies have a system of political decision-making through a reigning age, community elders and ritual leaders. Decisions are also achieved in structured public debates, aimed at majority opinions and common action" (Abbink: 162).

dissertation, we will study the concept of ethnicity and its consequences before attempting to ascertain if Ethiopia still exists...

Discussion on the notion of ethnicity

Ethnicity is a questionable concept. For many authors, it was invented by colonialists, maintained by ethnologists as a convenient means to explain a social and political reality and eventually manipulated by post-independence new nations to impose a centralised state and to forbid political pluralism¹. For all of them ethnicity implied a backward political form that could be utilised for administrative purposes, studied "with the nostalgia of the Neolithic" and fought against when building a Nation-State.

Yet contrary to the currently held opinion in the 1950s, Georges Balandier did not believe that ethnicity was a pre-colonial structure, an archaic political form linked to tribalism. He considered it as a way to resist state oppression. As a result he doubted whether a feeling of ethnicity could be replaced by a feeling of national solidarity. If the feeling of ethnicity persists, this would demonstrate the victory of the local over the state. In which case, this would paint a grim picture for the future of Ethiopia with its multitude of minorities.

Modern research revives this view but smoothes its functionalist approach: it is no longer a way to resist the state nor is it the only one, but more broadly it is a reservoir of political resources². In other words, it is one means among others to convey the political demands of small groups, possibly including even the right for self-determination. As C. Coulon puts it, it is not so much a resistance to the state as a request to have access to the state (Coulon 1997: 52).

Since all this implies that people have different means at their disposal, it also implies that we should not focus on *ethnicity* alone, and that the wider concept of *identity* is the question we should be addressing. People seldom think of themselves simply in terms of their ethnicity. Identity has the advantage of including ethnicity but also many other parameters such as kinship, economic, religious or sub-ethnic clan identification. Another point is that westerners are too used to thinking of identity as based on a single language. We think monolingualism "natural" and the mother tongue prominent, whereas bilingualism or even trilingualism can be as natural, the mother tongue being only one of the spoken languages. One should not therefore focus too much on the mother tongue to characterise a given identity.

Furthermore, Gascon points out that identity sometimes goes no further than geographical reference. As G. Sautter said: "Tout espace individualisé tend à donner naissance à une ethnie, tandis que chaque ethnie se confond au départ avec un espace" (quoted in Gascon 1995: 183), that is to say that a rugged country facilitates the fragmentation into small entities. He reports as well, in Ethiopia, a distinction between the tef culture and the ensete culture³ and describes them as "communautés de civilisation matérielle": in other words, the partaking of a common staple food, with all that it requires for its production, creates a common culture at the material level, leaving aside languages or other characteristics. Taking part in cash-crop production is also a factor of identification with other ethnic groups (Gascon 1995: 72, 184).

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1. "*La 'diversité tribale' leur sert d'argument pour refuser le pluralisme politique sous prétexte que celui-ci ne serait que l'expression de celle-là et par conséquent un obstacle à la construction nationale. La culture de l'État-Nation sert naturellement à légitimer le pouvoir personnel et les dictatures oligarchiques. Les brillants discours sur l'unité nationale sont partout accompagnés d'une politique, habilement donnée en spectacle, de 'dosage ethnique et régionalistes' qui permet au pouvoir de dissimuler sa nature en perpétuant les stéréotypes ethnocistes*" (AMSELLE, MBOKOLO: 9). Written in 1985, this quotation seems particularly well adapted to the Ethiopian situation.
 2. Ethnicity is an imprecise and polysemic notion. The definitions are varied. For C. Coulon, ethnicity is "*une représentation et un phénomène social produit par des acteurs et des situations historiques*" (Coulon: 38). For J. Abbink, it is "a cultural interpretation of descent and historical tradition by a group of people, as opposed to others, and expressed in a certain behavioural or cultural style" (Abbink: 99). The Constitution defines ethnicity in article 39.5 as "a group of people who have or share a large measure of a common culture or similar customs, mutual intelligibility of language, belief in a common or related identities, a common psychological make-up, and who inhabit an identifiable, predominantly contiguous territory".
 3. *Ensete* is a root-crop used as a staple food in the South. It looks like a banana tree but does not belong to the same family.

Each of the above mentioned factors combines with the others or plays a leading role in the way people act and react, which makes drawing rapid conclusions based on the single ethnic factor a hazardous business.

Ethnicity in Ethiopia

When the 1994 Constitution defined the Nations, Nationalities and Peoples of Ethiopia, it overlooked all these factors of identity. Ethnicity was supposed to become the main criterion of their identity, by the decision of the government, whereas many Ethiopians were not accustomed to thinking in these terms (Vircoulon 1995: 45).

The case of the regional state of Oromia is important because of its size, its position in the geography of Ethiopia, its key economic role. The Oromos are assumed to be the largest group. Yet they do not constitute a truly homogeneous group. They were nomads, they have now become peasants, although this is not the case for all of them. The majority of them are Muslims though some of them have been christianised and speak Amhara. Gascon gives a telling example of the switching between Somali and Oromo identity, which even occurred in particular circumstances such as the Somali-Ethiopian war of 1977-1978: "*Dans ces pèlerinages, les Oromo rencontrèrent des Somali et la conversion à l'islam a parfois signifié "somalisation" pour les Arsi et les Qottu. Pendant la guerre somalo-éthiopienne de 1977-1978, quand les Somaliens avancèrent, certains se proclamèrent Somali pour redevenir Oromo quand les Éthiopiens revinrent*" (Gascon 1995: 68).

Gascon sees three concentric rings of the Oromo population. Within the inside ring, the population was involved in Ethiopian history one or two centuries before the others. In the middle ring the Oromo contributed to the conquest of the others at the end of the 19th century. And finally, the third ring includes Oromos who were submitted even later, at the same time as the Afars and the Somalis¹. Divides appear again that blur the simplistic representation of a monolithic Oromo people.

As a result, the definition of the regional state of Oromia does not please everyone. The Wällo, for instance, were attached to Amhara State because they speak this language. But they are ethnically Oromo and Muslims (with strong Christian minorities) hence the complaints of Oromo nationalist movements (Gascon 1995: 173).

A second issue related to ethnicity in Ethiopia is the fact that the 1994 Constitution also failed to address the issue of non ethnic populations e.g. mixed couples and mixed origin parents, rural exodus and growing urban population (in Addis Ababa but also in Shashemene, Awasa or Jimma), and many internal migrations such as people who moved near to their working place, people who were forcibly moved during *villagisation*, etc.

So for a number of people, ethnicity hardly exists, it is vague or meaningless, or at any rate it cannot be considered the main reference of their identity. However one cannot but observe, were we to question its scientific reality, that ethnicity has real consequences in real life. Either because it is meaningful for a number of other people, or because the new set-up makes it possible to use ethnicity as a way to defend their particular interests. So if we follow what is referred to as Thomas's theorem - when people consider certain situations as real, they are real in their consequences - we should focus on the social, political and economic consequences entailed by ethnic identification.

1. The first ring includes the Yäjjus, Gudurus in Wällägga or the Tulamas in Shoa. In the second: the highland Oromo in West-Shoa, Wällägga, Käfa, Jimma and Ilu Babor. And in the third, the Arsis, highland Qottus and lowland Boranas.

The real consequences of virtual ethnicity

The first manifestation of ethnicity is that there is a very real resentment between various groups, with historical or economic roots, that dominates present Ethiopian political life. This resentment is evidenced by the existence of a large number of ethnic parties.

- Possible ethnic resentment: *aqäñña* and colonisation

How did ethnicity become the central demand of rebel groups? The *aqäñña* increased the size of Ethiopia three-fold and incorporated a number of people that had little to do with the "three-thousand-year Ethiopia". The policy of subsequent governments, particularly those of Haile Selassie and Mengistu, attempted to integrate these people in one way or another. For Haile Selassie, whether he was sincere or not, there was a single Ethiopian people. Whereas for Mengistu, geostrategy, communist ideology and prestige were combined together to impose a single rule on all the people. In both cases, it would be the basis for the newly incorporated people to feel strong resentment against the central power, and specifically against the Amharas who held most of the key positions.

The domination and the subsequent resentment were built on what constitutes in Ethiopia the key element of symbolic, political and economic power – land. Symbolic domination operated through land. The subjugated people had to grow the *tef* cereal and to use the plough (Gascon 1995: 78). Political domination was based on the status of the land tenure. And the installation of agricultural development programs and state farms initiated the land colonisation.

As we have already mentioned, the *aqäñña* (the conquest of the southern highlands) was considered more as a *reconquista* than as a colonial undertaking. Moreover, Gascon considers that colonisation implies a technical cleavage between those who dominate and those who are dominated. This was not the case during the *aqäñña*.

On the other hand, Gascon considers that "si l'*aqäñña* n'est pas coloniale, la Restauration l'est" (Gascon 1995: 97) *i. e.* when Haile Selassie reascended the throne in 1941, his response to the defections of 1935-36 was to increase centralisation through the creation of a competent, hierarchised and territorialised army and administration. Moreover after the departure of the Italians, the Amharas seized upon the technical facilities left by the invaders: Telephone and electricity network, new roads and cars, new administrative buildings and writing machines, etc. and used them to enforce their power.

Nevertheless, several aspects of *aqäñña* recall colonisation. Although the southern kingdoms were integrated according to the traditional system of allegiance, huge transfer of land occurred to the benefit of the victors. Land was distributed to the Lords of the North, to the Orthodox Church, the veterans, the administrative staff and to a few rulers of the South. The *balabbat* were those hereditary chiefs of the Southern people who were allowed to keep up to a third of the land.

Major changes also occurred within the economy. The land tenure system established in the South by the conqueror enabled them to collect the considerable wealth of the South. When Menilek settled in Addis Ababa in 1892, these riches were drained to the new capital city, initiating the progressive unification of the home market. It accelerated with the arrival of the railway at Dire Dawa, near coffee-producing Harar, and at Addis Ababa in 1917.

Over the 20th century, coffee plantations were the backbone of economic colonisation. The government granted the northerners the land seized from the southern landowners with the obligation to grow coffee. Through the National Coffee Board, coffee plantations extended to the west. With this came roads, technical advisors and social disorganisation. Immigrants came in because of the lack of workers, salaries went up. The crops were then appropriated by the government, which fed the growing discontent against the central government. The land issues were central to the concerns of the communist regime with the land reform and the *green revolution*, as we have said before. And this of course created even more resentment: The

northerners were outraged by the land reform, the southerners by the *green revolution*, the *villagisation* and by the settlement of thousands of northerners on their land.

In short, the long and short histories combine to generate resentment against the Amhara rulers, but also against any central ruler who make decisions that are not understandable at the grass-root level. What is new in the 20th century is the politicisation of identity. Maybe this is influenced by European history, and following the same process of nation-state building, ethnicity has entered Ethiopian minds as nationalism entered European minds throughout the 19th century. With the institutionalisation of internal borders and the recognition of the existence of nations, nationalities and peoples, what had constituted local unrest between competing groups inside indefinite limits, became defence of the national territory with western-like fixed boundaries. This is the case for the Somali-Oromo dispute over their common borders and the possession of Dire Dawa, the second biggest city of Ethiopia, at the limits of both territories, or rather on a territory that belonged alternatively or indistinctly to both (Vircoulon 1995: 48).

Besides the historical heritage of competing dynasties, new sources of discontent have thus appeared. There were for instance the Amharas, recent losers, embittered against all the others, but especially against the Tigreans that deprived them of the power. In the 19th century already, Tigreans and Amharas fought over the imperial throne, and recent events have been reviving an old rivalry. We are now seeing the creation of ethnic regional states, which generate multiple opportunities for cross-border disputes between ethnic groups. What was formerly discontent with the centre and the Amharas could well turn into general chaos if each group claims what they believe they are entitled to.

In conclusion, the immemorial struggle between rival groups has turned into an ethnic struggle when the modern state came into being during this century. This ethnicisation of the political scene is coming to a head with the constitution of political parties based on ethnicity representing particular interests.

- Ethnic parties and the domination of the EPRDF, two contrasting dangers for the federation

As Amselle puts it, ethnicity is a way for the dominating party to reject political pluralism¹. There are two contradictory consequences to this. The first one is that the central government may use ethnicity to divide the opposition into numerous parties, thinking that in that way it consolidates its power. This seems to be the case in Ethiopia. The second is that, conversely, these parties are the vehicles of particular, even secessionist, demands and are potential destabilisers for the central state. That is why there are countries where multipartism is openly disapproved of. President Museveni of Uganda has called for coalition systems in Africa and is wary about parties; to him they can only bear particular ethnic interests because of the precocity of African political societies.

Accordingly, the question of whether people have the will to remain Ethiopians boils down to the capacity of the Ethiopian state to integrate minorities, that is to make a smooth transition to democracy. That is if we consider democracy as a pluralist system adapted to a plural society. In that sense, democracy requires two founding types of consensus²: an agreement on the procedure, that is essentially an "agreement on the disagreement" where majority and minority are "rival-associates"; the will to live together. In that respect the main object of concern for a democracy is the existence of minorities.

However, it is maybe a western idea that African societies should have a quick transition from under-development to development, and from traditional mode of political regulation to

1. *"Abaisser, exclure et diviser, c'est bien l'essence de la politique des bantoustans (...) La 'diversité tribale' des États africains leur sert d'argument pour refuser le pluralisme politique sous prétexte que celui-ci ne serait que l'expression de celle-là et par conséquent un obstacle à la construction nationale (...) Les bruyants discours sur l'union nationale sont partout accompagnés d'une politique habilement donnée en spectacle de 'dosage ethnique et régionaliste' qui permet au pouvoir de dissimuler sa nature en perpétuant les stéréotypes ethnocistes"* (Amselle: 9).

2. Slobodan Milacic, "La démocratie malade du consensus", in *Rencontres de Châteauevallon, pour une utopie réaliste*, Arléa, 1995.

Western democracy. There is no easy democratic transition because the path to pluralism is a long one.

In Ethiopia, the new federal system based on ethnicity is an illustration of the contradiction between the proclaimed aim to foster local autonomy and the less advertised objective to keep control of the country and to keep it centralised as it was before the 1991 Constitution.

Minority parties have thrived after 1991. In 1995, thirty-two parties were official, eighteen of them represented the peoples of the south alone, this area is referred to as the *Ethiopian Balkans* (Gascon). Many other parties are not official and are often considered as terrorist groups by the government. As we will see below the party system does not make it possible for a few minority parties to participate in the elections. The most renowned is the Oromo Liberation Front. They were part of the governmental coalition in its early days. They quit the coalition a few days before the regional elections of June 1992 and entered armed rebellion. With other ethnic parties¹ they demand secession. For some commentators this is the proof that the country is non-democratic. What is not sure however is that these parties are really representative of what the population wants. If we do not know how far the central government wants to bar these parties from power, we do not know either how far these parties are ready to go through a genuine democratic procedure.

The fact that the new set-up has created the conditions for parties to be founded on ethnic bases will certainly not simplify the political issue. For the stability of the federation it is only a coalition with a representation of the various ethnic groups that can claim to hold the power. The EPRDF may be controlled by the Tigreans (the TPLF of Meles Zenawi), they have nevertheless succeeded in mustering representatives of other ethnic groups and in keeping them interested enough to continue to take part in government. In contrast to this, no opposition party has succeeded so far in joining the other parties to form a credible alternative coalition.

As a matter of fact, the reform of 1991 has so far failed to establish a credible party system that makes party rotation in government possible. The EPRDF dominates the political stage both at the federal and at the regional level through brother-parties. It is acknowledged that up to now it has made a genuine political stability possible, however the fact that no other coalition has been sufficiently well-organised to lay claim to the power nor to build the capacity to fully assume it is worrying. It leaves the door open to those opposition parties that are solely ethnically based. Added to that, the federation itself seems to hang on the very existence of the EPRDF.

Does Ethiopia exist?

The picture we are left with is therefore an all-powerful governmental coalition with no counter-weight other than ethnic parties, many of which are illegal. Ethiopia as a united country would exist only by the force of this coalition that prevents minority parties from reaching their goal - secession. As Yohannes Dawitt said, Ethiopia has never existed and will never ever do so because it is composed of dozens of ethnic groups. Indeed why should we prefer a united Ethiopia rather than a series of smaller and more homogenous countries? No European country wants to be forced into an all-powerful federation. Europeans generally argue that they have cultural specificities. Is this not still the dream of the nation-state?

Conversely, what makes the unity of a country? A variety of cultures can constitute a united country whereas a common culture does not necessarily make a united country, as can be seen with the case of Eritrea and Ethiopia. They both share similar languages and cultures

1. Such as the Islamic Front for the Liberation of Oromia, the Afar Revolutionary Democratic Unity Front, the Ogaden National Liberation Front, etc. Others do not demand secession but are actually led by minorities: the Coalition of Ethiopian Democratic Forces, the Ethiopian Unity Front (Amhara), the Medhin (Amhara), etc.

but chose to remain separate. In the case of Ethiopia several facts point to the existence of Ethiopia as an entity.

The remains of a centralised state

The policies of centralisation carried out during the empire, the Italian occupation and the Mengistu regime strengthened the state control on the territory. The Italians contributed to the centralisation in their policy of *divide-and-rule*. Resisting local elite were decimated by the Italian repression and collaborating local elite were discredited when the occupant was ousted. From Menilek on, a bureaucracy was implanted, which is more or less efficient but present on most of the territory. Gascon underlines the fact that collective farms were also a way to assure the presence of the central state among the nomadic herders or the trouble-making peasants. Collective farms were also a way to have a better control of the territories which were disputed with neighbouring states. In the same period a road system centred on the capital was built, Addis Ababa became the destination of all the export crops of southern Ethiopia previously directed towards Kenya or the Sudan. Addis Ababa is the symbol of power and it will be difficult to change this, all the palaces, international organisations, headquarters of the Unions, associations, etc. are there.

Partition is not the obvious choice

The most striking aspect of the new set-up is the right for every Nation, Nationality and People of Ethiopia to secede. The conditions for this are strict (II.B.2), but the right is there and the government wished to prove its reality by granting independence to Eritrea just as if it had always been legally part of Ethiopia while the Eritreans always contested this fact during their thirty-year civil war. As a matter of fact it was a clever way of presenting something that was in reality a *fait accompli*.

It is not only strict conditions that make it difficult to secede. Actually, every state knows that applying for secession would be risky for its own integrity. The fifty-one NNPs recognised by the Constitution are entitled to statehood and to secession. But every regional state is multi-ethnic. The introduction of ethnicity has blurred the common references of the Ethiopians. People that did not know they belonged to an ethnic group discovered their new identity. New ethnic groups, never heard of before, have appeared and are claiming recognition and even secession (Vircoulon 1995: 45, 48). For a state to claim secession for itself would probably start a chain reaction, even within its own borders.

Oromia is often presented as the most secession-prone state. The weight of the South has increased over time because cash crops have made it richer than any other state, because the population has increased much more than in the North, the biggest towns and cities in Ethiopia are in Oromia. While the former central powers forbade missionaries to go in the north, where the symbol lies, they sent them to the South. As a result people were educated by missionaries in Amharic and now they are able to occupy all the administrative and technical positions in their state (Gascon 1995: 105).

However as we said before, we should not forget about the diversity of the Oromo people. And we could even say that the majority of Oromo people have no interest in independence. The decision to keep their capital city in Addis Ababa is maybe a sign. It is a cosmopolitan city that no ethnic group could convincingly claim for itself. Having their capital in the capital city of the Federal Union means being near the central power and being ready to take the hot seat when possible. They will be quick to argue that they are the major ethnic group to legitimise their dominant role in the Federation. Conversely the EPRDF probably sees the fact of being in a position to establish close links with the elite of the biggest Ethiopian State as a golden opportunity. The EPRDF has every interest to bind its destiny to the vast number and land of the Oromos in order to keep Ethiopia as one bloc.

Ethiopian nationalism

Besides the demonstrations against federalism that took place in December 1994 (Cayla 1997: 113), the recent events tend to show that there is a genuine nationalist feeling among the "toiling masses". The new Ethio-Eritrean war that started in May 1998 has attracted manifestations of support against Eritrea from all over Ethiopia. Peripheral regions such as the Afar, the Somali and the Gambela states have sent volunteers even though they were the least integrated so far. In the private weekly newspaper *The Sun*, one could read: "The national anthem which was booed during the last seven years in the national stadium of Addis Ababa to protest against the Meles Zenawi government, is now sung loud and clear in an unprecedented national union" (quoted in *Marchés tropicaux*, 18/9/98).

But economic reasons remain even more decisive in the need and the common interest to stay together.

In 1991, rebel groups, mostly Tigreans and Eritreans, seized power and had the ambition to start a new era in Ethiopian history. They framed new Constitutions for the federal states and the member states mainly characterised by decentralisation based on ethnicity. Today two of the problems entailed by this new set-up are the adequacy of the federal form of state to the Ethiopian reality and the relevance and the consequences of ethnic choice as the basis for the political system.

The federal experiment is only eight years old. It is even less if we consider that the Constitution, ratified in 1994, was only enforced in August 1995. In the short term, the stage is fully occupied by the current war between Ethiopia and Eritrea. The war may have already claimed as many as 50,000 dead from both sides. To these have to be added the wounded that will join the many beggars in the streets of Addis Ababa. Contrary to the expectancies of the president of Eritrea, Issaias Afwerki, Meles Zenawi's popularity among Ethiopian populations has increased so far. Ethiopia should suffer less, economically speaking, from this war than its adversary. It is less dependent economically from Eritrea than the reverse. The port of Assab on the Red Sea, which was the main outlet for Ethiopian exportations, has been swiftly replaced by that of Djibouti (although it was not without organisational problems). Ethiopia provided Eritrea with food. The major economic problem will be bound to defence spending that will divert much-needed money from the basic needs. Whereas they had been cut from \$1.31 billion in 1991 to \$124 million in 1996, they have rocketed last year with the purchase of arms, including fighter aircraft, from states of the former Soviet Union.

For the middle term, one should focus on the effectiveness of decentralisation. Many considered as a necessity that decision and implementation were decentralised to lower levels. An efficient centralised bureaucracy needs decades, even centuries (France, Great-Britain), and enough economic means to be established. That was not the case in Ethiopia and the result was, as in many countries in the same situation, the caricature of a bureaucracy.

The level of decision that was decentralised was not addressed in this report. Not surprisingly, independentist rebel groups want all decision-making powers while the EPRDF brother-parties are happy with what they have been granted. To address this issue would imply to analyse the fiscal policies and the transfers between the federal level and the regional state level. It would also involve analysing where the real responsibilities of both levels actually lie. It is currently mentioned that the federal state gives the broad lines of economic development and the lower level proposes and implements their projects within these broad lines. A mechanism that would deserve a careful look if we want to understand what are the real powers of the states and how they manage to negotiate and weigh on the federal level.

It is not clear whether decentralisation has induced a better efficiency of the administration, especially for the least developed states (Afar, Somali, Benishangul), which have

to establish their own civil service with little means and no tradition for this. This, with the discrepancy between the new carving of the internal borders and the older ones, gave rise to several economic absurdities: lack of the minimal necessities of the bureaucratic life (office requirements), disturbance brought by the newly recognised regional language (forms, school books have to be translated with no means at all), the discrepancies between the old administrative limits and the new ones (a city formerly used as a training and administrative centre for an area is now attributed to a specific state and leaves the bordering states with no resources – case of Mettu).

Nonetheless, several people met in Addis-Ababa and executives from the Oromia State or the SNNP State met in July 1998 emphasised how deep and general the relief was in the seven years of peace compared with the previous decades. They pointed out that at least they had now minimum freedom, which is a lot compared to the past. It is however not known how people feel at the grass-root level.

Few conclusions for the long term can be drawn from such a short period of time since 1991. Perhaps we can just point out the weakness of the political system that gives the impression that the existence of the federation depends on the very existence of the coalition that created it. Another hypothesis, linked to the long history, is related to the borders. External borders were fixed at the end of the 19th century by Menilek. Today, maybe, it is the internal borders that have been fixed after centuries of fluctuation. The federal system puts an end to centuries of internal remodelling. This territorial issue settled at last makes it possible for Ethiopia to concentrate on its economic development.

Appendices

Proclamation n°1/1995 (Federal Negarit Gazeta, August 21, 1995, Addis-Ababa)

A Proclamation to pronounce the coming into effect the Constitution of the Federal Democratic Republic of Ethiopia

Excerpts:

CHAPTER THREE DEMOCRATIC RIGHTS

Article 39

Rights of nations, Nationalities and Peoples

1. Every Nation, Nationality and People in Ethiopia has an unconditional right to self-determination, including the right to secession.
2. Every Nation, Nationality and People in Ethiopia has the right to speak, to write and to develop its own language; to express, to develop and to promote its culture; and to preserve its history.
3. 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 and the equitable representation in state and Federal governments.
4. The right to self-determination, including secession, of every Nation, Nationality and People shall come into effect:
 - (a) When a demand for secession has been approved by a two-thirds majority of the members of the Legislative Council of the Nation, Nationality or People concerned;
 - (b) When the federal government has organised a referendum which must take place within three years from the time it received the concerned council's decision for secession;
 - (c) When the demand for secession is supported by a majority vote in the referendum;
 - (d) When the federal government will have transferred its powers to the Council of the Nation, Nationality or People who has voted to secede; and
 - (e) When the division of assets is effected in a manner prescribed by law.
5. A "Nation, Nationality and People" for the purpose of this Constitution, is a group of people who have or share a large measure of a common culture or similar customs, mutual intelligibility of language, belief in a common or related identities, a common psychological make-up, and who inhabit an identifiable, predominantly contiguous territory.

CHAPTER FOUR STATE STRUCTURE STATE STRUCTURE

Article 45

Form of Government

The Federal Democratic Republic of Ethiopia shall have a parliamentary form of government.

Article 46

States of the Federation

1. The Federal Democratic Republic shall comprise of States.
2. States shall be delimited on the basis of the settlement . patterns, language, identity and consent of the people concerned.

Article 47

Member States of the Federal Democratic Republic

1. Member States of the Federal Democratic Republic of Ethiopia are the following:
 - 1) The State of Tigray
 - 2) The State of Afar
 - 3) The State of Amhara
 - 4) The State of Oromia
 - 5) The State of Somalia
 - 6) The State of Benshangul/Gumuz
 - 7) The State of the Southern Nations, Nationalities and Peoples
 - 8) The State of the Gambela Peoples
 - 9) The State of the Harari People
2. Nations, Nationalities and Peoples within the States enumerated in sub-Article 1 of this article have the right to establish, at any time, their own States.
3. The right of any Nation, Nationality or People to form its own state is exercisable under the following procedures:
 - (a) When the demand for statehood has been approved by a two-thirds majority of the members of the Council of the Nation, Nationality or People concerned, and the demand is presented in writing to the State Council;
 - (b) When the Council that received the demand has organized a referendum within one year to be held in the Nation, Nationality or People that made the demand;
 - (c) When the demand for statehood is supported by a majority vote in the referendum;
 - (d) When the State Council will have transferred its powers to the Nation, Nationality or People that made the demand; and
 - (e) When the new State created by the referendum without any need for application, directly becomes a member of the Federal Democratic Republic of Ethiopia.
4. Member States of the Federal Democratic Republic of Ethiopia shall have equal rights and powers.

Article 48

State Border Changes

1. All State border disputes shall be settled by agreement of the concerned States. Where the concerned States fail to reach agreement, the House of the Federation shall decide such disputes on the basis of settlement, patterns and the wishes of the peoples concerned.
2. The House of Federation shall, within a period of two years, render a final decision on a dispute submitted to it pursuant to sub-Article 1 of this Article.

CHAPTER FIVE
THE STRUCTURE AND DIVISION OF POWERS

Article 50

Structure of the Organs of State

1. The Federal democratic Republic of Ethiopia comprises the Federal Government and the State members.
2. The Federal Government and the States shall have legislative, executive and judicial powers.
3. The House of Peoples' Representatives is the highest authority of the Federal Government. The House is responsible to the People. The State Council is the highest organ of State authority. It is responsible to the People of the State.
4. State government shall be established at State and other administrative levels that they find necessary. Adequate power shall be granted to the lowest units of government to enable the People to participate directly in the administration of such units.
5. The State Council has the power of legislation on matters falling under Jurisdiction. Consistent with the provisions of this Constitution, the Council has power to draft, adopt and amend the state constitution.
6. The State administration constitutes the highest organ of executive power.
7. State judicial power is vested in its courts.
8. Federal and State powers are defined by this Constitution. The States shall respect the powers of the Federal Government. The Federal Government shall likewise respect the powers of the States.
9. The Federal Government may, when necessary, delegate to the States powers and functions granted to it by Article 51 of this Constitution.

Article 51

Powers and Functions of the Federal Government

1. It shall protect and defend the Constitution.
2. It shall formulate and implement the country's policies, strategies and plans in respect of overall economic, social and development matters.
3. It shall establish and implement national standards and basic policy criteria for public health, education, science and technology as well as for the protection and preservation of cultural and historical legacies.
4. It shall, formulate and execute the country's financial, monetary and foreign investment policies and strategies.
5. It shall enact laws for the utilization and conservation of land and other natural resources, historical sites and objects.
6. It shall establish and administer national defence and public security forces as well as a federal police force.
7. It shall administer the National Bank, print and borrow money, mint coins, regulate foreign exchange and money in circulation; it shall determine by law the conditions and terms under which States can borrow money from internal sources.
8. It shall formulate and implement foreign policy; it shall negotiate and ratify international agreements.
9. It shall be responsible for the development, administration and regulation of air, rail, waterways and sea transport and major roads linking two or more States, as well as for postal and telecommunication services.

10. It shall levy taxes and collect duties on revenue sources reserved to the Federal Government; it shall draw up, approve and administer the Federal Government's budget.
11. It shall determine and administer the utilization of the waters or rivers and lakes linking two or more States or crossing the boundaries of the national territorial jurisdiction.
12. It shall regulate inter-State and foreign commerce.
13. It shall administer and expand all federally funded institutions that provide services to two or more States.
14. It shall deploy, at the request of a state administration, Federal defence forces to arrest a deteriorating security situation within the requesting State when its authorities are unable to control it.
15. It shall enact, in order to give practical effect to political rights provided for in this Constitution, all necessary laws governing political parties and elections.
16. It has the power to declare and to lift national state of emergency and states of emergencies limited to certain parts of the country.
17. It shall determine matters relating to nationality.
18. It shall determine and administer all matters relating to immigration, the granting of passports, entry into and exit from the country, refugees and asylum.
19. It shall patent inventions and protect copyrights.
20. It shall establish uniform standard of measurement and calendar.
21. It shall enact laws regulating the possession and bearing of arms.

Article 52

Powers and Functions of States

1. All powers not given expressly to the Federal Government alone, or concurrently to the Federal Government and the States are reserved to the States.
2. Consistent with sub-Article 1 of this Article, States shall have the following powers and functions:
 - (a) To establish a State administration that best advances self-government, a democratic order based on the rule of law; to protect and defend the Federal Constitution;
 - (b) To enact and execute the State constitution and other laws;
 - (c) To formulate and execute economic, social and development policies, strategies and plans of the State;
 - (d) To administer land and other natural resources in accordance with Federal laws;
 - (e) To levy and collect taxes and duties on revenue sources reserved to the States and to draw up and administer the State budget;
 - (f) To enact and enforce laws on the State civil service and their condition of work in the implementation of this responsibility it shall ensure that educational; training and experience requirements for any job, title or position approximate national standard;
 - (g) to establish and administer a state police force, and to maintain public order and peace within the State.

CHAPTER SIX THE FEDERAL HOUSES

Article 53

The Federal Houses

There shall be two Federal Houses: The House of Peoplesí Representatives and the House of the Federation.

PART ONE

THE HOUSE OF PEOPLES' REPRESENTATIVES

Article 54

Members of the House of Peoples' Representatives

1. Members of the House of Peoplesí Representatives shall be elected by the People for a term of five years on the basis of universal suffrage and by direct, free and fair elections held by secret ballot.
2. Members of the House shall be elected from candidates in each electoral districts by a plurality of the votes cast. Provisions shall be made by law for special representation for minority Nationalities and Peoples...
3. Members of the House, on the basis of population and special representation of minority Nationalities and Peoples, shall not exceed 550; of these, minority Nationalities and Peoples shall have at least 20 seats. Particulars shall be determined by law.
4. Members of the House are representatives of the Ethiopian People as a whole. They are governed by:
 - (a) The Constitution;
 - (b) The will of the people; and
 - (c) Their Conscience.
5. No member of the House may be prosecuted on account of any vote he casts or opinion he expresses in the House, nor shall any administrative action be taken against any member on such grounds.
6. No member of the House may be arrested or prosecuted without the permission of the House except in the case of flagrante delicto.
7. A member of the House may, in accordance with law, lose his mandate of representation upon loss of confidence by the electorate.

Article 55

Powers and Functions of the House of Peoples' Representatives

1. The House of Peoplesí Representatives shall have the power of legislation in all matters assigned by this Constitution to Federal jurisdiction.
2. Consistent with the provision of sub-Article I of this Article, the House of Peoplesí Representatives shall enact specific laws on the following matters:
 - (a) Utilization of land and other natural resources, of rivers and lakes crossing the boundaries of the national territorial jurisdiction or linking two or more States;
 - (b) Inter-State commerce and foreign trade;
 - (c) Air, rail, water and sea transport, major roads linking two or more States, postal and telecommunication services;
 - (d) Enforcement of the political rights established by the Constitution and electoral laws and procedures
 - (e) Nationality, immigration, passport, exit from and into the country, the rights of refugees and of asylum;
 - (f) Uniform standards of measurement and calendar;

- (g) Patents and copyrights;
 - (h) The possession-and bearing of arms.
3. It shall enact a labour code.
 4. It shall enact a commercial code.
 5. It shall enact a penal code. The States may, however, enact penal laws on matters that are not specifically covered by Federal penal legislation.
 6. It shall enact civil laws which the House of the Federation deems necessary to establish and sustain one economic community.
 7. It shall determine the organization of national defence, public security, and a national police force. If the conduct of these forces infringes upon human rights and the nation's security, it shall carry out investigations and take necessary measures.
 8. In conformity with Article 93 of the Constitution it shall declare a state of emergency; it shall consider and resolve on a decree of a state of emergency declared by the executive.
 9. On the basis of a draft law submitted to it by the Council of Ministers it shall proclaim a state of war.
 10. It shall approve general policies and strategies of economic, social and development, and fiscal and monetary policy of the country. It shall enact laws on matters relating to the local currency, the administration of the National Bank, and foreign exchange.
 11. It shall levy taxes and duties on revenue sources reserved to the Federal Government, it shall ratify the Federal budget.
 12. It shall ratify international agreements concluded by the Executive.
 13. It shall approve the appointment of Federal judges, members of the Council of Ministers commissioners, the Auditor General, and of other officials whose appointment is required by law to be approved by it.
 14. It shall establish a Human Rights Commission and determine by law its powers and functions: '
 15. It shall establish the institution of the Ombudsman, and select and appoint its members. It shall determine by law the powers and functions of the institution.
 16. It shall, on its own initiative, request a joint session of the House of the Federation and of the House of Peoples' Representatives to take appropriate measures when State authorities are unable to arrest violations of human rights within their jurisdiction. It shall, on the basis of the joint decision of the House, give directives to the concerned State authorities.
 17. It has the power to call and to question the Prime Minister and other Federal officials and to investigate the Executive's conduct and discharge of its responsibilities.
 18. It shall, at the request of one-third of its members, discuss any matter pertaining to the powers of the executive. It has, in such cases, the power to take decisions or measures it deems necessary.
 19. It shall elect the Speaker and Deputy Speaker of the House. It shall establish standing and ad hoc committees as it deems necessary to accomplish its work.

PART TWO
THE HOUSE OF THE FEDERATION

Article 61

Members of the House of the Federation

1. The House of the Federation is composed of representatives of Nations, Nationalities and Peoples.
2. Each Nation, Nationality and People shall be represented in the House of the Federation by at least one member. Each Nation or Nationality shall be represented by one additional representative for each one million of its population.

3. Members of the House of the Federation shall be elected by the State Councils. The State Councils may themselves elect representatives to the House of the Federation, or they may hold elections to have the representatives elected by the people directly.

Article 62

Powers and Functions of the House of the Federation

1. The House has the power to interpret the Constitution.
2. It shall organize the Council of Constitutional Inquiry.
3. It shall, in accordance with the Constitution, decide on issues relating to the rights of Nations, Nationalities and Peoples to self-determination, including the right to secession.
4. It shall promote the equality of the Peoples of Ethiopia enshrined in the Constitution and promote and consolidate their unity based on their mutual consent.
5. It shall exercise the powers concurrently entrusted to it and to the House of Peoples' Representatives.
6. It shall strive to find solutions to disputes or misunderstandings that may arise between States.
7. It shall determine the division of revenues derived from joint Federal and State tax sources and the subsidies that the Federal Government may provide to the States.
8. It shall determine civil matters which require the enactment of laws by the House of Peoples' Representatives.
9. It shall order Federal intervention if any State, in violation of this Constitution, endangers the constitutional order.
10. It shall establish permanent and ad hoc committees.
11. It shall elect the Speaker and the Deputy Speaker of the House, and it shall adopt rules of procedure and internal administration.

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