

Ethnic Federalism in a Dominant Party State: The Ethiopian Experience 1991-2000

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List of abbreviations

AAPO	All-Amhara Peoples Organisation
ANDM	Amhara National Democratic Movement
APDO	Afar People's Democratic Organisation
BGPDUF	Benishangul-Gumuz People's Democratic United Front
CAFPDE	Coalition of Alternative Forces for Peace and Democracy in Ethiopia
EDP	Ethiopian Democratic Party
EDUP	Ethiopian Democratic Union Party
EPRDF	Ethiopian People's Revolutionary Democratic Front
EPRP	Ethiopian People's Revolutionary Party
GPDF	Gambella People's Democratic Front
HF	The House of the Federation
HNL	Harari National League
HPR	House of Peoples' Representatives
OLF	Oromo Liberation Front
ONC	Oromo National Congress
OPDO	Oromo People's Democratic Organisation
SEPDC	Southern Ethiopian People's Democratic Coalition
SEPDF	Southern Ethiopian People's Democratic Front
SNNPRS	Southern Nations, Nationalities and Peoples' Regional State
TGE	Transitional Government of Ethiopia
TPLF	Tigray People's Liberation Front
WPE	Workers Party of Ethiopia

Figure 1.1 Overview map of Ethiopia



Source: Perry Castaneda Library Map Collection
(www.lib.utexas.edu/maps/ethiopia.html)

Chapter 1: Introduction

Federalism the Ethiopian way

Federalism was introduced in Ethiopia in 1991 when the Ethiopian People's Revolutionary Democratic Front (EPRDF) came to power and launched the idea of "self-determination for the nationalities", up to and including secession, devolving political, administrative and economic power to ethnically defined regional states. The 1994 constitution assured that both the federal and the regional governments have their own legislative, judicial and executive power and the right to levy taxes and allocate budgets. The federal government with a bicameral parliament and a constitutional president was assigned the responsibility of national defence, foreign relations, and the setting of national standards for major policies. Regional governments, governed by the state president/chief executive and the state council and the woreda (district) councils, was empowered to establish its own administration and formulate and execute economic, social and political strategies and plans. The most comprehensive rights of the regions, however, were probably the powers to adopt their own constitution, and if certain conditions were fulfilled, to secede from the federation.

The federalisation of Ethiopia was introduced after a long period of attempted centralisation in the country and was received with both hope and scepticism from the international community and political groupings within the country. Certain Western academics considered "ethnic federalism" as innovative, "giving room for thinking differently about ethnicity in the political evolution in Africa" (Chabal and Daloz 1999: 58), while others saw it as a recipe for state disintegration (Ottaway 1994). But during ten years of federalisation, the Ethiopian state has neither disintegrated nor eradicated conflicts between ethnic groups in the country. Instead, the most prevalent political development during this period is the consolidation of a centralised party rule along with the formalisation of a federal system, a development which implies an apparent paradox. According to fundamental federal theory (Duchacek 1987: 330; Elazar 1987: 178), centralised party rule and genuine federalism are incompatible because the presence of an all-powerful party inevitably centralises power and undermines regional autonomy.

This thesis aims at analysing the functioning and implementation of a federal political system within a dominant party system. Through the study of the legal and institutional devolution that is taking place in the country, elements of federalism and federation *de jure* will be identified. Furthermore, the relationship between formal structures and actual implementation (federation *de facto*) is explored in a federal – regional context.

Answers will be sought to the following research questions:

1. In what ways does the Ethiopian federal model *de jure* correspond or conflict with the central principles of federalism and the dominant practices of established federal systems?

2. What are the *de facto* relations between the federal and regional levels of government in Ethiopia, and what determines the nature of these relations?

A history of struggles between central and regional forces

A central issue in Ethiopian politics past and present is the struggle between regional and central forces. During the imperial era, the struggle was expressed through continuous disputes between the central king or Emperor and the regional lords and princes (Bahru Zewde¹ 1991). When the Marxist military junta came to power in 1974, the ethnically based movements replaced the lords and princes as regional forces. When the EPRDF took power in 1991, the ethnic liberation movements conquered the centre and regional forces apparently defeated the central elite. This account, however, shows that the EPRDF's conquest of the centre did not necessarily imply a real victory for the regional forces, but the appearance of a new central elite made up of previous regional forces (Teshale Tibebe 1995). This scenario constitutes the context in which the implementation of a federal system is carried out in Ethiopia today.

Ethiopia as historical exception

Although many outside observers today see Ethiopia as a country of famine, war, autocratic rule and internal strife, the Horn of Africa state has long been regarded as a land of legend and exceptionality. Ethiopia is considered to be an anomaly on the African continent with its early adoption of Christianity, imperial rule, written language and plough agriculture. The fact that it was the only country in Africa that remained independent during the colonial era adds to the image of Ethiopia as unique. The Pan-Africanist movement considered Ethiopia to be “the shrine enclosing the last sacred spark of African freedom, the impregnable rock of black resistance against white invasion, a living symbol, an incarnation of African independence” (Teshale Tibebe 1995: xv). Among scholars of Ethiopian history, however, there are controversies on the nature of the Ethiopian state and the role of the state building elite in the Abyssinian² highlands of the country. The main discussion among students of the Ethiopian past is whether the country is an ancient, unified entity created through incorporation and assimilation or a relatively young state made by conquest and internal colonisation.

The first kingdom in the Abyssinian highlands was established in the 1st century A.D. and was located in Axum, Tigray. Christianity was adopted as early as in the 4th century, but declined when the Muslims took control of the

¹ When I refer to Ethiopian authors, I use both first and second names. Ethiopian second names are not family names, as in the European tradition, but the first name of the person's father. By only referring to the second name, as I do with non-Ethiopian authors, misunderstandings could occur, and one is led to believe that it is the father of the person one is talking about, and not the author himself.

² Abyssinia is the ancient name of the homelands of the Amhara and the Tigre in the northern and central highlands of Ethiopia. The Amhara and Tigrinya speaking highlanders also called themselves Habesha (Donham and James 1988: 23) The Amhara was the dominant part of the Abyssinian complex, so I therefore use the names Amhara and Abyssinian indiscriminately through the text.

Red Sea trade in the 7th century. The building of the modern Ethiopian state, as we know it today, did not begin until the mid-19th century, after the instability and rivalling of the Zemana Mesafent³ (Era of the Princes) had ended. When Emperor Tewodros II came to power in 1855, he managed to limit the power of the regional princes and established a national army with modern arms. He ruled by the support of Tigrean princes but did not completely succeed in pacifying the regional forces and at his death in 1868, a new struggle about succession started. The rule of the succeeding Tigrean Emperor Yohannes was characterised by “controlled regionalism” (Bahru Zewde 1991: 44) but also failure to establish unquestioned central authority. The process of state building did not spur off again until the reign of Menelik II (1889-1913). Menelik expanded his rule from the central highland regions to the south and east of the country and established the borders of Ethiopia that we find today, a country including more than eighty different ethnic groups. He defeated powerful traditional kingdoms, some of them had been not been under the rule of the central highlanders before, such as the Oromo, the Wolaita, the Sidama, the Gurage and the Kafa.

Should this expansion process be called “unification” or “colonisation”? The so-called colonial paradigm within Ethiopian history, represented by the nationalist and radical left, claims that Ethiopia includes many independent nations that were conquered and occupied by various Abyssinian kingdoms (Holcomb and Ibssa 1990). Ethiopia as a state is seen as an artificial invention in line with the European colonies in Africa, where the northerners acted as European colonial settlers, with the aim of exploiting the human and material resources of the new-won territories. The so-called Ethiopianist paradigm, however, claims that the expansion to the periphery during the 19th century was primarily a process of inclusion and assimilation rather than of colonisation. The expansion to the periphery was not a result of an Abyssinian desire to exploit and subjugate, but primarily an outcome of internal power struggles between Menelik and competing forces (Messay Kebede 1999: 42).

The expansion to the peripheries entailed a spread of the northern system of peasant-lord relationships to the newly incorporated areas. A fixed annual tribute was introduced and the power to administrate and collect taxes was given to soldiers from the north (*neftenya*) who had a prominent role in the conquest or local traditional elites (*balabat*). In some areas, primarily in the lowlands, the Emperor expropriated land and the peasants who previously owned soil there had to buy it back from the state (Donham and James, 1988:38-39). The introduction of these systems supports the colonial paradigm’s thesis that the Abyssinian expansion included exploitation and subjugation of southern peoples. The arrival of the Abyssinians led to violent conflicts in many areas and the newcomers applied brutal methods to pacify those who showed resistance (Marcus 1995: 67). The local elite had to become “amharised” to be accepted as administrators, which implied that they had to adopt the Amhara language, religion and culture. According to the Ethiopianist

³ Zemana Mesafent (1769-1855) was a period of violent struggles among princes from Gojjam, Tigray, Wollo etc. who were fighting for the control of Gondar, the imperial centre (Bahru Zewde 1999:11)

paradigm, the “amharisation” was a sign of inclusiveness. This interpretation, however, ignores the fact that the Amhara rulers had a derogatory attitude to the southerners, and saw them as primitive pagans without a culture of their own (Marcus 1995).

Haile Selassie was crowned Emperor in 1930, but had been *de facto* in power since 1916. He continued Menelik’s attempts to bureaucratise the state by establishing a ministerial system and a professional army and replacing some of the hereditary nobility with centrally appointed officials as regional administrators. He also initiated the establishment of a modern cash crop economy and the expansion of the educational system. A major problem during Haile Selassie’s reign was that the modernisation measures did not to solve the most fundamental problems in society (Halliday and Molyneux 1981: 70). The Emperor still relied on alliances with the land-owning class despite the creation of a large bureaucracy. The power of the agricultural aristocracy blocked the reforms of land ownership and prevented a complete transition to a modern economy. Haile Selassie still relied on personal alliances and was not capable of handling the new social movements that grew out of the modernisation process. The Emperor’s response to these problems was a further centralisation of the state and increasingly autocratic style of governance. First peasant rebellions, later ethnically based liberation fronts started campaigns in several parts of the country, in the newly annexed province of Eritrea (1961), in Tigray, in the Oromo areas, in Sidama and in the Somali region of Ogaden. When the agrarian crisis culminated in a large-scale famine in the north of the country in the early 1970s, the Emperor was unable and unwilling to respond properly.

The 1974 coup: Marxist autocracy replacing monarchical absolutism as the centralising ideology

“Opposition and repression mutually reinforced each other until they attained their logical conclusion in the revolution of 1974” .

This is how an Ethiopian historian ends his book about the building of the Ethiopian modern state up to 1974. Although the events in 1974 are most commonly described as a revolution, implying fundamental changes to the society, the continuities from the imperial regime to the new military regime became more apparent as the years went by after the coup.

The downfall of Haile Selassie was characterised as a “creeping coup” which started with demonstrations and strikes among civilians and mutinies in the armed forces and ended with the deposition of the Emperor and his regime and the establishment of a military government (Halliday and Molyneux 1981: 84). The main actors in the civilian rebellions were students and employees in the modern sectors in alliance with other parts of the urban work force. Many of the students who played a major role had returned from North-America and Europe, where they had been in exile during the reign of Haile Selassie, and were organised in the All-Ethiopian Socialist Movement (MEISON) and Ethiopian People’s Revolutionary Party (EPRP). Both organisations viewed the problems in Ethiopia as a result of class conflicts and not as an outcome of struggles between ethnic groups. Although parts of the military tried to topple

the Emperor in an attempted coup in 1960, some sort of common front within the military against the imperial rule was not achieved until 1974, when a committee from all the different army units, called the *Derg* in Amharic, was formed. The Derg ordered the imperial government to resign, arrested the members of the old regime and nationalised the Emperor's assets. Their initial programme, *Ityopia Tikdem* ("Ethiopia First" in Amharic), was nationalistic more than revolutionary (Clapham 1988: 40). It promised loyalty to the throne, but nevertheless, the Emperor was nevertheless deposed and the Provisional Military Administration (PMAC) consisting exclusively of members from the Derg was created. Their next programme had a more radical tone, pursuing a Marxist ideology, and during the following years they implemented a range of radical policies. The most comprehensive was probably the land reform, which made all land in the country the property of the Ethiopian people and prohibited all kinds of tenancy, including properties in urban areas (Pausewang 1990:45).

Mengistu Haile Mariam emerged as the undisputed leader of the Derg after internal conflicts within the PMAC were eradicated. From 1976, a period of violence occurred, where EPRP assassinations of members of MEISON and supporters of the PMAC were followed by the Red Terror Campaign, where the Derg and its supporters haunted EPRP members, imprisoning 30,000 and killing several thousand of them⁴ (Holliday and Molyneux 1981:123). MEISON, still in alliance with the military, hoped that their co-operation would lead to the creation of a Marxist mass party. But their dominance within the mass organisations became too strong for Mengistu, and from 1977 MEISON was violently suppressed. Many of the MEISON members became victims of the Red Terror that they had helped to unleash. The Derg created a so-called mass party of their own, the Workers Party of Ethiopia (WPE), in 1984.

The change that took place after Mengistu had consolidated his power should be described as a transformation rather than a revolution⁵ (Harbeson 1988: 94). The regime break brought important changes to Ethiopian society, particularly connected to the land reforms during the two years after the coup, and might be classified as revolutionary. But after 1976, when Mengistu appeared as the unchallenged leader, the continuities from the imperial era became more prevailing. As Haile Selassie had done, Mengistu saw his regime as synonymous with the Ethiopian state and continued the pattern of extreme centralisation and denial of regional opposition forces. He replaced the monarchical absolutism with military Marxism as the ideology for building the nation and concentrating the power in his hands. During the Derg regime, ethnically based resistance movements definitely replaced the role of the

⁴ After the fall of the Mengistu regime, former Ethiopian government officials and others involved in the Red Terror Campaign, more than 5000 altogether, were charged with genocide and crimes against humanity in the so-called "Derg-trials". 3000 of these have fled the country and were tried *in absentia*, including Mengistu Haile Mariam, who is sheltered by Robert Mugabe in Zimbabwe. The trials started in 1994 and are expected to be finalised in 2004 (Aadland and Rognlien 1996).

⁵ "What is unique to a social revolution is that basic changes in social structures and political structure occur together in a mutually reinforcing manner" (Skocpol, Theda 1979).

regional lords as centrifugal forces. Despite the Derg's appeals to Marxism and a non-ethnic policy, the ethnically based opposition defined Mengistu's government as an Amhara suppresser. The resistance movements represented by the Eritrean People's Liberation Front (EPLF), Tigray People's Liberation Front (TPLF), and Oromo Liberation Front (OLF) were those who finally brought down the military junta and established a civilian government in 1991.

The coming of the EPRDF and the transitional period

"Alas, how true it is that the more things change, the more they tend to remain the same" (Teshale Tibebe 1995: 180)

By 1991, Ethiopia was back to its Menelikan borders. Eritrea became a *de facto* independent state, the Abyssinians were yet again in power – through the descendants of the Tigrayan Emperor Yohannes, and they were fighting to keep Ogaden and Oromia within its borders. The national-question-comes-first-wing of the student movement had won over those who claimed that class and economy were the crucial issues to understand Ethiopia (Teshale Tibebe 1995:170), and "self-determination for the nationalities", implying federalisation along ethnic lines, was introduced.

Tigray, a part of the Abyssinian ruler complex since 1888, but a junior partner to the Amhara, was economically neglected during the Haile Selassie and Derg regimes. The Tigray People's Liberation Front (TPLF) was officially established in 1975. Their manifesto from 1976 called for an independent republic of Tigray, but this was later modified to cultural and political autonomy for the region within a united Ethiopia. There were competing factions within the movement, disagreeing on whether the front should be exclusively Tigrayan with nationalist aims, or an ideologically based nationwide organisation. In 1985, Meles Zenawi and his Marxist-Leninist League of Tigray emerged as the winner in the internal struggles. From then on, the TPLF had the aim of building a multi-ethnic Marxist-Leninist party against the Derg, but only nationally based movements were allowed to be included (Young 1997: 139).

The TPLF operated as a guerrilla movement in alliance with the local peasantry. It conducted successful hit and run operations and in 1989 it had liberated the whole of Tigray region. A broader based movement, the Ethiopian People's Revolutionary Democratic Front (EPRDF) was created by the TPLF the same year and provided it with allies when it proceeded to Addis Ababa to topple Mengistu. Initially, the EPRDF included the Ethiopian People's Democratic Movement, an Amhara based organisation which later changed its name to the Amhara National Democratic Movement (ANDM), and Oromo People's Democratic Organisation (OPDO), created by the TPLF in 1990 and largely based on former soldiers of the Derg captured by the TPLF (Young 1997: 166). Apart from being the creator of the new front, the TPLF dominated its armed forces by providing two thirds of the soldiers (de Waal 1994: 30). When EPRDF arrived in Addis Ababa it met no resistance. The Mengistu regime had lost crucial external support when the Soviet Union was dissolved, and before the EPRDF arrived Mengistu had fled to Zimbabwe, aided by the United States. Negotiations hosted by the United States and the United

Kingdom started in London and the Americans blessed a new Ethiopian government led by the TPLF/EPRDF and an independent Eritrea controlled by the EPLF.

The National Conference on Peace and Reconciliation in July 1991 was meant to lay the foundations for a transitional period after the regime change. It included selected individuals and twenty-seven political organisations. A precondition for the organisations to be allowed to take part was that they were ethnically based. Some of them were created for the occasion and hence, small ethnic movements with urban elite as leaders mushroomed (Vaughan 1994: 45). Individuals or movements which had been affiliated with Mengistu's WPE or organisations with a violent strategy and a non-ethnic base (like the EPRP) were excluded. The Transitional charter, which worked as an interim constitution, adopted EPRDF/TPLF's ideas largely unmodified, although the OLF played an important part in the shaping of the document (Leenco Lata 1999). The charter assured the right to self-determination for nations, nationalities and peoples, the independence of Eritrea and the aim of establishing elected regional and local administrations based on ethnic lines. The TPLF-leader Meles Zenawi became President of the Transitional Government of Ethiopia (TGE) and out of eighty-seven members of the Council of Representatives thirty-two belonged to the EPRDF. All this leads to the conclusion of one foreign observer, that "[a]lthough the 1991 conference may not have resulted in a one party government its convention reflects to a large degree a one party dynamic" (Vaughan 1994: 60).

Despite the TPLF/EPRDF's dominance, the TGE had initially a relatively broad base. Even the Oromo Liberation Front (OLF), which was antagonistic towards the new "Abyssinian rulers" was a part of the TGE, with ministers in the cabinet and 12 members in the Council of Representatives. The OLF had been founded in 1974 to fight for an independent Oromia and the rights of the Oromo people. The strategic co-operation between the OLF and the TPLF ended in 1986, when the TPLF was trying to get the OLF under its wings. The relationship between the two movements deteriorated in 1990 when the TPLF created its own Oromo satellite, the OPDO. The animosity escalated into armed fights in the south-east of the country started in August 1991, which also included Somali and Afar factions in 1992. In the wake of the fights twenty thousand Oromo were imprisoned, suspected of being OLF members (de Waal 1994: 27).

The first elections in the transitional period were conducted in 1992, to fulfil the aims of empowering ethnic and national groups by decentralising authority, federalising governmental structures and providing local government (*woreda* and *kebele*) with a popular mandate (Tronvoll 2000: 22). The three major groups contending for power were the All Amhara People's Organisation (AAPO), the OLF and the EPRDF. Essentially, the AAPO represented the urban Amhara in Addis Ababa and other larger towns and works for regaining the Amhara's lost positions, for the unity of Ethiopia and against Eritrean independence and ethnic federalism. During the pre-election campaign, the major parts of the opposition withdrew claiming that it could not participate on free and equal terms because of harassment and intimidation from the EPRDF. The OLF also withdrew from the TGE. The EPRDF won 96.6 per cent

of the vote⁶ and achieved its goal of gaining a mandate to consolidate its rule “in the name of peace and stability” (Abbink 2000: 161). At the end of 1993, however, the governing coalition was further narrowed. The EPRDF threw out the Southern Ethiopian Peoples’ Democratic Coalition (SEPDC) from the government because they had been part of a joint opposition statement condemning the TPLF/EPRDF’s policy of creating puppet parties among the ethnic groups in the country.

During the election for the constitutional assembly in 1994, the opposition maintained its boycott, claiming it was better not to participate at all than to win a few seats here and there in an unfair competition. Several international observers described the electoral process as unfair because the EPRDF dominance prevented the free expression of choice (Pausewang 1994). The new constitution, the main document for legalising and formalising the federal system, was ratified by a Constitutional Assembly totally controlled by the ruling party in December 1994, and came into effect in August 1995.

The consolidation of a dominant party system

The regional and federal elections in 1995 marked the end of the transitional period in Ethiopia. It was intended to last only two and a half years, but the process of drafting and ratifying the constitution extended the period with a year. As the major parts of the opposition continued its boycott, there was no competition in the elections. Thus, it was not possible to assess the EPRDF’s real support in the population despite its sweeping victories. International observers repeated their conclusions from the previous elections, stating they were neither free nor fair (Tronvoll and Aadland 1995).

The next elections for the federal and regional assemblies were conducted in 2000. For the first time since the emergence of the EPRDF, none of the legal and registered opposition parties boycotted the elections. Thus, this election could actually be seen as the first seriously contested election in Ethiopia’s long history. Nevertheless, severe violations of the election law and intimidation and harassment of the opposition were reported, particularly in those areas where competition was present (Pausewang and Tronvoll 2000). The local elections conducted in the following year confirmed these negative tendencies, and the opposition parties withdrew from the process after the first election round. They claimed that they could not participate when the whole apparatus organising the elections was fraudulent and clearly in favour of the ruling party (Pausewang and Aalen 2001)

The political parties in Ethiopia are generally too poor in resources to organise a significant constituency. They have no firm roots in the past because of the systematic repression of political parties during previous regimes and the absence of a civic tradition. Additionally, the EPRDF’s emphasis on ethnic political organisation prevents viable trans-ethnic parties to emerge. The majority of the opposition parties today have an ethnic base: the OLF and its

⁶ This high number of votes for the EPRDF has been the trend in all the elections from the first in 1992 up to the local elections in 2001. It is believed that the number does not reflect the real opinion of the voters, but should rather be seen as an expression of the ruling party’s control of and pressure on the electorate (Pausewang and Tronvoll 2000).

competitor the Oromo National Congress, the AAPO, and the SEPDC, consisting of several small ethnically based parties in the south. But the Council of Alternative Forces for Peace and Democracy in Ethiopia (CAFPDE) was the only non-ethnic party until the elections in 2000. But CAPFDE has a southern domination and the same leader as the Southern Coalition, Dr Beyene Petros. A new non-ethnic party, the Ethiopian Democratic Party (EDP), was founded just before the 2000 elections. Despite its short period of existence, the EDP was remarkably successful in gaining support in the capital Addis Ababa. Nevertheless, common factors for all the opposition parties are that none of them has any influence on the political process and that they are all victims of government threats and harassment, especially in rural areas.

Since the establishment of the EPRDF in 1989, new parties have been included in the coalition. The Southern Ethiopian People's Democratic Front (SEPDF), consisting of several ERPDF-affiliated parties in the south of the country, was created and included in the EPRDF in 1994. In other regions, the EPRDF has assisted the establishment of several political parties which are not members of the coalition, but closely affiliated and supervised by the ruling party. They should therefore not be considered as opposition parties. Among them are the parties in power in Afar, Benishangul-Gumuz, Somali and Gambella regions.

Through the years, the leaders of the TPLF/EPRDF have continuously expressed the view that they are the only legitimate rulers because they were the ones who ousted the Derg: "We [the EPRDF] fought for 20 years, and it is not fair that any party born yesterday should compete with us. We will fight to keep the power"⁷. What emerges from this is a strong dominant party system, like the ones we find in Kenya and Zimbabwe. Regular elections are conducted, but these are often fraudulent and include severe intimidation of the political opposition.

The establishment of a federal system along ethnic lines can be seen as a part of EPRDF's strategy to consolidate its dominant party rule. A common interpretation of why the EPRDF introduced ethnic federalism is that it was a way of institutionalising the principle of "divide and rule" and ensuring the ruling party's position (Abbink 1997; Mohammed Hassen 1999). The TPLF was politically weak when it came to power because it represented less than ten per cent of the population. A way of securing its position was to transform the country into ethnically defined regional states and create ethnically defined parties under its control (Ottaway 1994). This thesis will look into these claims by exploring whether the ruling party intervenes in the regional states or allows the regional governments to implement the constitutional right to regional autonomy.

The structure of the analysis

Chapter 2 in this study includes an examination of different theoretical perspectives on federalism and federal systems. It incorporates both a brief exploration of federal theory in general and some more specific aspects that are

⁷ Stated by a higher EPRDF representative in the independent newspaper Eletawi Addis (Daily Addis) in the pre-election campaign 2001.

particularly relevant for the Ethiopian federal system. The general aspects provide definitions on basic concepts which are helpful in answering the first of my research questions: in what way does the Ethiopian federal model *de jure* correspond or conflict with the central principles of federalism and dominant practices of established federal systems? The more specific aspects include theories on the functioning of federal systems, and are useful in the answering of my second research question: what are the *de facto* relations between the federal and regional levels of government in Ethiopia and what determines the nature of these relations?

Chapter 3 deals with the methodological considerations and data collection. The different sources of evidence like interviews, documents and literature are examined. The aim of this chapter is to ensure the validity and reliability of the analysis by describing how the data were collected and interpreted.

Chapter 4 explores Ethiopian federalism, the so-called normative base for the federation in Ethiopia. Under which circumstances were the federal system introduced? The chapter will firstly consider the justifications for introducing federalism as a principle of state construction, the so-called normative base for the Ethiopian federation. Secondly, it will examine the process of launching federalism in Ethiopia. Should the process be described as inclusive or exclusive, as a bargain or an imposition? Thirdly, it will present the opposition parties views of the federal project.

The institutional arrangements and the Ethiopian federation *de jure* are the subjects of analysis in chapter 5. With the basic definitions of federal theory as a point of departure, the Ethiopian constitutions and various government proclamations will be examined. The aim with this chapter is to understand how the formal federal structures are intended to work and whether these correspond or conflict with federal theory and the practices of other federal systems.

Chapter 6 is the final and major part of this analysis and deals with the actual functioning of the federal system. It starts with an examination of the various regional states' socio-economic, ethnic and political situations, and their relationship to the federal government. Thereafter, I shall pay attention to the fiscal relationship between the regional and federal governments. Finally, I will discuss the role played by the political parties in determining federal-regional relations. Does the organisation of the political parties in Ethiopia enhance or weaken the federal division of power? In order to demonstrate the importance of the party structures in federal-regional relations, the last section of the chapter includes an analysis of central-regional party dynamics in two selected regions, Tigray and SNNPRS.

Chapter 7 is the concluding chapter. It will sum up the findings of the analysis and reflect on the implications of the overall conclusion that I have made for the previous chapters. Finally, I will describe some important political events that took place after my data collection was over, which might have great impacts on the functioning of the Ethiopian federal system in the future.

Chapter 2: Theoretical approaches

This study may be described as a theoretically interpretative study (Andersen 1997). Although it is empirically founded, established theory and generalisations are used to throw light on the empirical case selected for analysis. During my work, the processes of theoretical and empirical exploration have taken place simultaneously. It started off with a preliminary enquiry into the Ethiopian federal system through secondary sources and an initial investigation of federal theoretical perspectives. After data collections in Ethiopia and a deeper understanding of the functioning of the Ethiopian federal system, federal theory and practices were explored once again, with the aim of finding specific perspectives that could provide tools for analysing the data collected. Thus, there is no one-way relationship between theory and the empirical case in my study, and the theoretical and empirical findings have mutually nourished each other towards a better understanding of the political system in Ethiopia. In this chapter, then, there will first be a brief exploration of federal theory in general, followed by some specific aspects that are of particular relevance for the study of the Ethiopian federal system will be looked deeper into. The theoretical considerations will finally wind up in a model for analysing the Ethiopian federal system.

Federalism and federation

In federal studies, it has become common to distinguish between federation and federalism as two separate concepts, each describing different aspects of federal theory. Federalism is defined as a value concept including ideological and philosophical perspectives promoting the federal solution, while federation is an empirical reality, a specific type of institutional arrangement (Burgess 1993a: 4; King 1982: 76; Watts 1998:119). There are, however, different views on what a federal system is and what criteria should be used to distinguish federations from other political systems. Preston King has therefore tried to make a minimalist definition, including the core characteristics of a federal political system:

Basically we propose that any federation should be regarded as an institutional arrangement, taking form of a sovereign state, and distinguished from other such states solely on the fact that its central government incorporates regional units into its decision procedures on some constitutionally entrenched basis. (King 1982:77)

Thus, the essence of a federation is that the territorially based regional units, called states, provinces, regions, *Länder*, republics, or cantons, are represented at the central level of government, and that this representation is constitutionally guaranteed. This implies that the central government cannot change the rights and responsibilities of the constituent units without changing the constitution, and that constitutional amendments require consensus from

all or the majority of the units. Following this, federalism as a normative concept would focus on promoting the view that territorially based regional units should be represented in the national legislature (King 1982: 75).

Federalism – a normative concept

Federalism as an ideology is not what we consider as an ideology in its traditional sense, like socialism or liberalism, which provides answers to questions of human existence and aims of life, but more as a “programmatic orientation” (Smith 1995a: 4). It could be a prescriptive guide for action recommending and promoting the support for federation (Burgess 1993a: 8). Generally, federalism is considered to advocate the values of “unity in diversity” or “shared rule and self-rule” (Elazar 1987: 12) giving regional interests some authority of their own, inside the frame of a wider unity. Federalism is therefore often connected to the idea of diffused power structures. But as King (1982) has shown, there is no necessary link between federalism and decentralisation. There is however a long tradition of centralist federalism, where federalists have argued for unification and integration of independent power centres into larger unions (King 1982: 22). If independent power centres are integrated into the same political framework, there would be fewer instruments for waging independent wars, and finally this would contribute to a more stable and peaceful world. This was the central idea of the first thinkers behind the European Union. In addition to the peace argument, integration into larger unions has been promoted to achieve the benefits of large-scale economies and to become both economically and militarily stronger against external powers.

What King defines as decentralist federalism has had little practical impact on the organisation of political systems (King 1982:22). Advocates for this type of federalism, like the Russian anarchists Bakunin and Kropotkin, put forward a universal demand for unlimited decentralisation and the abolition of strong central governments. A more pragmatic version of decentralist federalism, however, was used when the German federal system was introduced in 1949. After World War II, the Allies wanted to create a less powerful centre in post-nazi-Germany, saw federalism as the solution their problem. Similar developments have taken place in Spain from the 1980s (the system of autonomous communities) and Britain in the 1990s (devolution of power to the national parliaments and assemblies).

The most common way of defending the federal solution is to point to what Prodhoun has called “the doctrine of balance” (quoted in Smith 1995a: 5). The solution sought is a compromise between integration and diversification, decentralisation and centralisation. The political system should be based on a pact or a covenant, where each unit freely and voluntarily surrenders some degree of autonomy to the central government in exchange for some compensating advantage. Elazar (1987: 5) defines federalism as “a political remedy for political diseases”, designed to prevent tyranny without preventing governance.

Riker (1964: 13) pointed out that there is no causal relationship between federalism and freedom. He describes the linkage between federalism and the

guarantee for freedom as an “ideological fallacy”, and argues that writers of federal constitutions have been more concerned with practical considerations of expanding government rather than the ideological considerations of guarding freedoms. This argument implies that federalism first of all reflects values and interests of political leaders who seek to benefit from state building and institutional reconstruction, rather than moral and philosophical virtues. To understand the normative base for promoting federations, it is therefore necessary to identify the distinct political uses of federalism (Burgess 1993b: 104). Who benefits from federalism and what interests are being defended or promoted? What does each federalism seek to achieve? To answer these questions, it is necessary to analyse the cultural and institutional settings of each federal constitution and to understand the interests of the political elite.

Federalism as a tool for expanding power or maintaining unity

The American Federalist Papers present federalism as a way of preventing liberal democracy from degenerating into tyranny (Burgess 1993b:32). Federalism allows a more sophisticated type of representation, both nation-wide and territorially based, and this provides some separation of power and thereby prevents the concentration of power in few hands. On the one hand, if political leaders of the independent state governments have factious interests, they are not able to spread their interests to other states. On the other hand, the existence of strong independent state governments provides the bulwark for individual liberties against any possible encroachment by the federal government. Federalism is here promoted as a way of checking power and could therefore be understood as a part of the general principle of checks and balances in the American political system (Burgess 1993b:32).

Why are political elites willing to accept the federal bargain of checks and balances? Riker claims that the desire to expand territorial control or the fear of external military threat are always present when federalism is chosen as the basis for building a political system (1964:13). The politicians who offer the federal bargain have the desire to expand their territory and politicians who accept the bargain are willing to give up some independence for the sake of union in order to be protected from external enemies. Riker argues that the American Constitution, which established the United States as a federal system, had clear military motivations. The original thirteen colonies realised that in order to expand the new country and centralise its power it was more efficient to bargain than to conquer. The other states felt threatened by the centralising powers and were willing to accept the bargain because they did not have the capacity or the will to face military confrontations. Military considerations were also present in the establishment of the modern Swiss federation, when the liberal nationalist cantons wanted to expand their power and incorporated the conservative Sonderbund cantons after a military confrontation had ended (Riker 1964:35).

Riker’s thesis of federalism as a response to the desire for expansion and military threat might give an explanation on why federal systems have been chosen in situations where previously independent states sought together in a wider union. In situations where originally unitary states have restructured to

become federations, other explanations are needed. When unitary states choose federalism as the normative base for political reconstruction, the threat of disintegration and the need to maintain unity are often the major arguments. Conflict management or accommodation of differences are perceived as essential to prevent dissolution of the state, and here federalism offers a solution.

Although federalism in its initial form (the American and Swiss models) was not designed to regulate conflicts based on ethnicity or other identity differences, it is today conceived as one of the better devices to mute conflicts among groups and between the central state and sub-national communities. Horowitz (1997), McGarry and O'Leary (1995), Coakley (2000), Hechter (2000) and Ghai (2000) are among those who argue for federalism as an appropriate method to accommodate difference in multicultural states. Horowitz classifies federalism as one of the structural techniques in conflict regulation. Together with electoral reform, federalism is the device to change the institutional format in which conflicts occur, "altering the structure of incentives for political actors without making any promises about ethnic outcomes" (1997:121). The aim is to make it pay to co-operate across ethnic boundaries. His prime example for this is Nigeria, where the change of federal structures through altering the number and ethnic composition of the federal units from the 1st to the 2nd republic has subdued conflicts among ethnic groups. Hechter (2000:142-145) claims that to the degree that federalism increases self-government, the demand for secession is correspondingly reduced. Federalism is seen as a stabilising measure, because it meets the claims for autonomy by concession instead of repression.

O'Leary and McGarry (1995:34) remind us, however, that federalism has not solved conflicts in multiethnic states because minorities are still outnumbered on the federal level. Examples from Nigeria, India and Canada show that federalism has not solved conflicts based on differences, but has only managed and regulated them. Kymlicka (1998) argues that federalism does not prevent secession, but is rather a stepping stone for groups who are opting for independence. Along with Trudeau (cited in Burgess 1993b:18), he argues that the presence of regional autonomy in federal states increases the desire for more autonomy, and this leads to instability and increased nationalism. Examples from Canada and Spain, where boundaries are drawn along ethnic or national lines, show that federalism has not eliminated the claims for secession. In Spain, the federal system is asymmetrical: the historic nationalities have gained more autonomy than the other regions. One of the implications of an asymmetrical federal system is that the more autonomy a state gains, the less influence it will have on central level. When this is the case, it will be less tempting for a region to remain within the wider framework, and more attractive to secede. Kymlicka concludes that "the more successful a multinational federal system is in accommodating national minorities, the more it will strengthen the sense that these minorities are separate peoples with inherent rights to self-government, whose participation in the larger political country is conditional and revocable" (1998: 140).

The institutional features of federations

Although most writers on federal theory could agree on King's minimalist definition of federations, there are many different views on whether other criteria than territorial representation with constitutional entrenchment should be included when distinguishing federal states from others. Duchacek, in his book from 1987, operates with a whole checklist of what federations are, with the so-called ten yardsticks of federalism (Duchacek 1987: 207). They include details on specific arrangements for sharing the powers and duties between the central and regional governments, what areas that should be the responsibility of the different levels of government, and the structure of courts. According to his definition of federal systems, the right to secession cannot be a part of a federal constitution because it undermines citizens' loyalty to the central level of governance. The problem with Duchacek's yardsticks is that he excludes systems that fulfil the criteria of King's definition, because they have chosen other institutional or practical solutions. As we shall see, the category of federations include a great variety of political systems, and the constitutionally entrenched regional representations can take various institutional forms. Duchacek's yardsticks must therefore be considered as a loose guide to what is common in federal systems, rather than a definition of what federal systems are.

Once again we can turn to King's minimalist definition of federations. As King has expressed it, the content of his definition means in practice that:

1. The basis of its representation is territorial.
2. This territorial representation has at least two tiers (local and regional governments).
3. At a minimum the regional units are electorally and perhaps otherwise incorporated into the decision making procedures at the national centre.
4. The basis of such regional representation at the centre cannot be easily altered, as by resort to the bare majoritarian procedure which serves normal purposes. (King 1982:143).

Particularly the two last points of King's elaboration, how regional units are incorporated into the central government and the procedures for altering regional representation, are important for how federal systems are organised in practice. Most, but not all, federal states organise regional representation in a bicameral system, while the procedures for altering regional representation are strictly submitted to the rule of law. Within these frames, however, there are various institutional solutions.

Regional representation on central level

Although bicameralism is "the natural ally of federalism" (Sharman 1987: 96), regional entrenchment is not necessarily done through a bicameral system, but could also be arranged in a unicameral way. This has happened in the federal systems of Pakistan and Yugoslavia. As King has pointed out, it is not the actual institutional arrangement which is important, but the fact that regional interests are represented and have a real say in central decision making. Nevertheless, most federations have chosen a bicameral system as the most suitable in combining regional and central representation. The first or lower

chamber would normally fill the function of representing the interests of the federation as a whole and serve as a power base for the central government. The second or upper chamber serves as representative institutions for the constituent units of the federation.

Second chambers would serve different purposes, according to what kind of federalism and federal tradition the federal system is based on (Sharman 1987:85). In the United States, where federalism is basically a tool for separating and checking power, the Senate (or second chamber) is used for checking the power of the national government as such, by the states in general. In federal systems with a parliamentary tradition or where federalism is used to maintain unity, the second chamber is in place to ensure that all legal action of the national government need the consult of the residents of smaller regions as it does for more populous regions. In the various federal systems, the representatives in the second chambers have different ways of being appointed and are therefore representing different kinds of regional interests. They could be delegates from the state executives as in Germany, elected by the state legislatures as in Switzerland or directly elected by the people, as in the modern American federation (Sharman 1987:84).

There is a dilemma connected to the representation of regional units on the central level in federal states (King 1993). Should priority be given to equal representation of regions as such or equal representation of its citizens? When each state has an equal number of representatives in the second chamber, it means that small states have the same vote as larger and more populous states. As a consequence of this, the individual vote of each citizen in the various states is given unequal weight and it might seem unfair that smaller states should have more representatives per citizen than the larger ones. When federations have decided to give regions the number of representatives according to a number of citizens in each state, it means that smaller states have much fewer votes in the second chambers than the more populous ones. Smaller states might then feel powerless and secluded. In the United States, priority is given to equal representation of states, and thus the less populated state of Alaska has as many representatives as the much more populous New York. In Germany, Canada and Switzerland there is unequal representation of the constituent units, giving more votes to the larger than the smaller states. A completely proportionate representation is still hard to achieve, so a compromise is sought to correct the most apparent imbalances. In Canada, for example, the large province of Québec has six times as many representatives as the tiny Prince Edward Island, but still the vote of each citizen in Prince Edward Island is given 17 per cent more weight than in Québec (King 1993:100).

Representation and the rule of law

As mentioned in the fourth point of King's elaboration of his definition, there have to be specific procedures for how regional representation can be altered. In federations, regional autonomy and regional representation is constitutionally guaranteed, which means that the central government has no judicial right to abolish, amend or redefine territorial units and the constitution cannot be changed without an extraordinary majority of the constituent units. When the rule of law is so much emphasised, the way in which the constitution

is interpreted is of great importance and those who interpret it should be completely independent from political forces. Most federations rely therefore on the courts to play the primary adjudicating role in interpreting the constitution and adapting it to changing circumstances. One exception is the Swiss federation, where the legislative referendum has the major adjudicating role in defining the limits of federal jurisdiction (Watts 1998:126).

Constitutionalism and democracy

Federalism means according to the previous elaboration, a fully constitutional government where citizens and regions are truly represented on the central level of government. This implies that the government has to be subjected to the law and committed to the principle of constitutionalism⁸, but does it necessarily mean the Western, liberal democratic sense of emphasis on the law? Burgess (1993a:6) argues that federations, in order to be genuine, cannot be a result of force and coercion from above or sustained by the threat of military power. King (1982) concludes in the same vein by stating that only those governments that are subordinated to the law, and thereby practice democracy, are judged as federations. The Soviet and Yugoslav federations should therefore not be considered as genuine, because the unity of their ethno-regional parts was maintained from above through coercion.

Other writers of federal theory have a more moderate view upon the relationship between democracy and federations. Riker claims, as previously mentioned, that the link between federalism and freedom and democracy is an ideological fallacy. An implication of this argument is that one should not take for granted the democratic credentials of Western liberal federations. Although there is rule of law, representation of citizens and regions at the central level is not necessarily efficient and true. Smith points out that it is important to acknowledge that federal projects might take a variety of forms which cannot be simply equated with late modern democracies: "To ignore this diversity is to limit our understanding of federations and to impoverish comparative analysis, let alone to ignore the fact that multi-ethnic policies whose democratic credentials are suspect may be capable of moving on to experiment with more democratic forms" (Smith 1995a: 8). When exploring the literature written on federal systems, it is apparent that it is biased towards Western, liberal democracies. The essential part of the literature is on Canada, Australia, United States and more recently the European Union, Spain and the emerging structures in the British Isles (de Villiers 1994; Burgess and Gagnon 1993). Less attention has been paid to the federal systems in the non-Western world, like those of Nigeria, India, South Africa and Ethiopia, although some of them have been the basis for case studies in comparative volumes on federal systems (Ghai 2000; Smith 1995). Federations are not stable and constant, but change according to the shifting social, political and economic conditions of each country. It is therefore of great importance to include a variety of states in federal studies. A federation that initially has good democratic credentials

⁸ The term constitutionalism refers to the idea of limiting the powers of government. These limits are in some sense self-imposed and are aiming at making the rulers accountable to the law and preventing arbitrary actions (Elster and Slagstad 1988: 2-3).

might develop more coercive sides, and a federation which has been through autocratic periods might progress in a democratic direction. The Nigerian federation is an example of this, which started off with a democratic government but was soon overtaken by military rule, and after the fall of the 2nd republic democratically elected government was reinstalled. This underlines also the importance of not only looking at the legalistic and institutional aspects of federations, but the actual implementation of the systems, and how they are affected by the particular political, economic and social conditions of the respective countries.

What determines the functioning of federal systems?

An understanding of the operation of federal systems requires an analysis of more than formal governmental structures. As Watts (1994:13) has pointed out, it requires an analysis of the interaction of societies, structures and processes. The functioning of the formal and institutional framework and the character of intergovernmental relations is dependent on the underlying political, social and economic structures and the roles played by *inter alia* interest groups, individual leaders, informal elites and political parties.

Livingston (1956) claims that federalism is a function not of constitutions but of societies. He judges a state as federal not by its federal government and its legal structures, but by the way social, political and economic interests were organised. His socio-cultural theory of federalism implies that a society is federal in the sense that its major linguistic, cultural, ethnic, economic or other interests are territorially grouped, but the diversities are not so great that there is no room for political integration. A federal government is then the device by which federal qualities of a society are articulated and protected. King (1982: 126-127) criticises Livingston by arguing that his socio-cultural theory does not make us more able to distinguish federal states from non-federal states. A society with a “federal character” does not necessarily choose a federal governmental system, but could choose other forms of proportional representation. Nevertheless, Livingston’s theory adds more reality to the study of federalism by paying attention to the underlying social realities, and modifies the heavy emphasis being given to constitutional change (Tarlton 1965: 866).

Symmetry and asymmetry

Tarlton (1965) bases his study on the same assumptions as Livingston, that federations are products of society. But he looks more into how social, economic and political conditions are affecting the relationship between the federal government and its constituent units. He points to a fact that had been largely ignored by earlier studies, that federal systems may be more or less federated throughout its parts, and that the “federalness” and commitment to federalism is disparate among the various regions in a federal system (Mullins and Saunders 1994: 42-43). In an ideal symmetrical federal model, the constituent units have equal size of territory and population and the same economic features, cultures, social groupings and political institutions. They

share interests and concerns with the centre and with the system as a whole, and thus, all the regional states have a strong commitment to federal unity and have all the same relationship to the central authority (Tarlton 1964: 868). In an asymmetrical federal model, the federation is composed of regional units which correspond to the differences in interest, character and make-up that exist within the whole society. The diversity in the larger society finds political expression through the regional governments, possessing varying degrees of autonomy and power. In an asymmetrical system, it would therefore be difficult to discern interests that could be clearly considered to be mutual or national in scope, and the various regions all have different types of relationships and commitments to the central authority and the system as a whole (Tarlton 1964: 869).

All federal systems have elements of both symmetry and asymmetry. Tarlton suggests that the higher degree of symmetry a federal system has, the more likely it is that the federation will be viable and suitable. The more a system is asymmetrical, the more unlikely is it that the federation will develop harmoniously. When diversity dominates, the potential for secession is higher, and this necessitates increased central control and authority to make the system work. In current studies of federations, the question of constitutional asymmetry is frequently discussed as a way of ensuring unity in multi-national states (Saunders and Mullins 1994). Constitutional asymmetry means that the constitution has defined that regional units have different relationships to the federal level in the state and different degrees of autonomy from the central authority. If we follow Tarlton's argument, constitutional asymmetry will enhance the degree of diversity in the federation and thereby decrease the chances of a harmonious relationship between regions and federal government. This contradicts the assumptions made of those who claim that constitutional asymmetry will enhance stability and decrease conflict, because minorities are given protection against domination. According to Tarlton's theory, federalism in general, and constitutionally asymmetric federalism in particular, might not be as good an instrument for accommodating differences as has been claimed by others. For federalism to be viable, the common interests must outweigh the potentially divisive regional interests.

Fiscal issues

Tarlton's asymmetry theory focuses on the fact that there is always a tension between the formal network and the experience and behaviour of the players within the network (Saunders and Mullins 1994: 44). In federal systems, this tension is present between the legal and institutional framework and the actual relationship between regional units, the central authority and the system as a whole, which is determined by underlying social, economic and political variations. The regional states are able and willing to implement the constitutional provisions of regional autonomy and representation on federal level according to their political, economic and social situation. A key in determining the actual implementation of constitutional rights is the fiscal relationship between the regions and the centre and among the regions. Fiscal issues are essential parts of intergovernmental relations, and reflect the

interplay between structures (the provisions in the federal constitution), processes (the actual fiscal policies that are implemented), and society (the economic realities of the federation).

According to Watts (1994:129) the allocations of fiscal resources to each level of government within the federation is important for two reasons. Firstly, these resources enable or constrain the governments in exercising their constitutionally assigned legal and executive responsibilities. Secondly, taxing power and expenditures are in themselves important instruments for regulating the economy. In most federations, the constitution defines the expenditure responsibilities and revenue sources of each level of government, but it has become apparent that it is difficult to create a federal constitution where the allocation of autonomous revenue resources match precisely the expenditure responsibilities. Imbalances are therefore created, and there is a need to rely on financial transfers to correct these. Some imbalances are vertical, between the higher and lower levels of government, while others are horizontal between the various constituent units. In most federations, vertical imbalances are corrected by sharing of specific tax earnings and conditional or unconditional grants to improve the capacity of the lower units, while the horizontal imbalances are corrected by general equalising transfers and grants in aid to even out the regional disparities. When taxes are shared between the central and the regional levels of government, some proportion of the amount collected in the jurisdiction of the regional government is returned to that regional government. This amount could be used directly in the region, and the fiscal planning of the regional government is improved with certainty. This finally enhances the constituent units' economic independence and autonomy from the centre (Bahl and Linn 1994: 8). The disadvantage of this kind of policy is that poorer regions with a meagre local tax base will loose and the horizontal imbalances will increase. This again will lead to what Tarlton warns of, increased asymmetry in the federal system. The policy of minimising horizontal imbalances through equalising grants from the centre, however, might undermine the incentives for regional revenue mobilisation and thereby increase the regional governments' reliance on central transfers. This might, in the end, undermine the constituent units' autonomy. But if we follow Tarlton's theory, correction of horizontal imbalances through equalisation will lead to a more sustainable federation in the long run, because it will lead to more symmetry among the units. Although the correction of vertical imbalances will increase the regional governments' autonomy in the short run, the following asymmetry between the constituent units will in the long run lead to more control and coercion from the centre because the disparities between the units make unity more fragile and hard to maintain.

Political parties

The structure of party systems and the role played by political parties are other important determinants of the operation of federal systems. The way political parties are organised might reinforce or corrode the federal division of power. Riker claimed that the structure of the party system should be regarded as the main variable in intervening between the background social conditions and the

specific nature of federations. Whether the party organisations are centralised or decentralised have crucial effects on the relationship between central and regional level. “The federal relationship is centralised according to the degree to which the parties organised to operate the central government control the parties organised to operate the constituent governments. This amounts to the assertion that the proximate cause of variations in the degree of centralisation (or peripheralisation) in the constitutional structure of a federalism is the variation in degree of party centralisation” (Riker 1964:129). Although the degree of centralisation and decentralisation of political parties and its effects on central-regional relations do not tell us anything about whether a state is federal or distinguish federations from other kinds of states (King 1982: 124-126), they might help us to identify causes of why the federal systems of the world work so differently from one another.

Constitutional and institutional guarantees are meant to prevent political leaders at the central level of the federation from breaking the rules or changing the federal bargain unilaterally. Riker argues that these guarantees were ineffectual when the political leaders at the centre also control the party on the constituent level, because then there will be no opposition against the change. Thus, the degree of unity between the constituent and central governments is closely linked to changes in the federal relationship (Riker 1964:130). He showed how the structures of the party systems affect the operation of various federal systems. In the United States, the political parties have a highly decentralised organisation and there is a lack of unity on the national level of the organisation. Despite the fact that the Democrats and the Republicans control both the regional and central level of government, decentralisation of the two parties is sufficient to prevent the national leaders (e.g. the president) from controlling the lower level of the organisation either by organisational or ideological devices. In Canada, the federal government is controlled by nationally based parties, while the regional governments are controlled by provincial parties without any national base. Elections to the two levels are held on two different dates. These circumstances maintain the Canadian federal system as relatively peripheralised. The Soviet Union is an example of how the structure of the only legal party made the federal state as centralised as dictatorships in fully unitary states. The Communist party was highly centralised and hierarchical, and its position as the unchallenged authority made the federal system extremely centralised and the autonomy of the regional states only a paper provision.

More recent studies of federal systems in one-party states illustrate how important the organisation of the political party is for the operation of a federation. Smith (1995b) shows how the communist party employed totalitarian techniques in order to ensure the continuing imposition of centralised communist party rule over the nationality-based union republics. This was done through retaining the control of appointments, promotions and dismissals of local party cadres and state officials in the ethno-regions, and appointing Russians to certain regional key positions. This made them able to ensure the loyalty of the local party leadership and further reinforce the centralised control and the expedition of the centre’s policies. Popovski’s study shows similar traits in the Yugoslav federation: “Despite being referred to as

federal, the new [Yugoslav] state was organised according to the communist party model in which centralisation was to be the main principle ruling the country. The country was ruled by the Politburo of the Central Committee of the Communist Party of Yugoslavia ” (Popovski 1995: 187). When the Soviet Union and Yugoslavia collapsed at the end of the Cold War, regional leaders had played the ethnic card and mobilised against central control by the communist party.

Federal theory in the analysis of the Ethiopian federal system

What relevance does the discussion on the theoretical approaches above have for the analysis of the Ethiopian federal system? How can the theoretical approaches be used to guide the exploration of federalism and federation in Ethiopia? First of all, the discussion has provided a clarification of the central concepts of federalism and federation. A federation, which is a specific institutional arrangement, is based on a normative foundation, federalism. But as Riker and Burgess have demonstrated, the political use of federalism is not necessarily guided by ideological considerations, but rather by pragmatic decisions to expand territory or maintain unity. Following Riker's arguments, I should examine the circumstances under which the federal bargain was offered. Why did the ruling coalition decide to offer the federal bargain, and why did those who were offered the bargain decide to accept it? These points underline the need to go beyond political rhetoric and manifests to understand why federalism is introduced in a state. When Ethiopian federalism is analysed, I need to include not only the country's political leadership's justification for the introduction of federalism, but also the historical and political settings and the opposition forces' views on it. In this way, the underlying power relations that are essential in the determination of Ethiopia's state reconstruction could be revealed.

The elaboration on what a federation is, the institutional arrangement of a federal state, is helpful in my analysis of the Ethiopian federal system *de jure*. My first research question is, as mentioned in the introductory chapter, to determine how the Ethiopian federal model corresponds or conflicts with the central principles of federalism and the dominant practices of federal systems. Following King's minimalist definition of federations, I shall be able to determine whether the Ethiopian state should be defined as a federal state or not. Furthermore, the discussion on the institutional features of federations will be a guide for exploring the formal institutional framework of the Ethiopian system. How is regional representation in the central government arranged? How have the Ethiopians decided to solve the dilemma of equality of representation for citizens versus regions in the second chamber? What are the rules for altering the constitutionally guaranteed rules of representation?

The points made by Livingston, Tarlton and Riker demonstrate that the understanding of federal systems is incomplete with a focus exclusively on legal and institutional features. Intervening social, economic and political variables are essential in determining the functioning of a federation. These theoretical considerations will be important in my attempts to answer the second of my research questions: What are the *de facto* relations between the federal and regional levels of government in Ethiopia and what determines the nature of these relations? Tarlton, through his theory on symmetry and asymmetry, points out that the degree of commitment to the federation and autonomy from the centre varies greatly among the constituent units in a federal system. His theory will be the basis for my exploration of the various federal units in Ethiopia, their economic, social and political situation and how this affects their relationship to the federal centre and the federation as a whole. The fiscal

relations between regional and federal level will be specifically addressed. What solution does the Ethiopian government seek in order to strike a balance between equalising horizontal imbalances and enhancing regional autonomy when fiscal relations are determined?

Riker claims that the organisational structures of political parties are the single most important factor in determining the character of federal systems. Decentralised party systems will create decentralised federations, and centralised party systems will make federations centralised. Riker's theory is hard to test through empirical studies because he does not provide any methods or variables for measuring the degree of centralisation and decentralisation of party and federal structures. Nevertheless, his conclusions are useful because they point out that institutional and legal frameworks are not implemented in a political vacuum, but are determined in the interplay with other political structures, and in most cases the political party system is the most important of these. In the analysis of the Ethiopian federation, Riker's assumptions will be used to guide the analysis of the role played by the ruling EPRDF. An essential part of this analysis is to reveal the relationship between the central EPRDF party and the regional affiliated parties. Does the EPRDF in Addis Ababa control the affairs of its regional member and allied parties or do the regional parties have a power base of their own?

As previously mentioned, the majority of the literature written on federalism and federations are based on experiences from Western political systems. Does this imply that federal theory is less relevant for political systems outside the Western world, for example for federations in Africa, Asia or Latin America? Do we need additional theoretical perspectives to analyse the federal systems in the developing world? I would argue that the basic principles of federalism and federations would essentially have the same content independent of where the federal systems are found. But there might be different characters of political structures that are determining the functioning of the federal systems in the Western and in the developing world. Authors like Bratton and van de Walle (1997) and Chabal and Daloz (1999) point to the facts that states in Africa have a different history of state building from the states of Europe and North America. The colonisation of Africa and the following development of neo-patrimonial systems necessitate a special attention on informal and uninstitutionalised political structures in analyses of African systems. A neo-patrimonial system implies that patrimonial customs and patterns co-exist with rational-legal institutions. Parallel and unofficial structures may well hold more power and authority than the formal administration (Bratton and van de Walle 1997:62). Chabal and Daloz talk about the "informalisation" of African politics and formulate their paradigm in this way: "[...] we would argue that all African states share a generalised system of patrimonialism and an acute degree of apparent disorder, as evidenced by a high level of governmental and administrative inefficiency, a lack of institutionalisation, a general disregard for the rules of the formal political and economic sectors, and a universal resort to personal (ized) and vertical solutions to societal problems" (1999: xix).

Do these arguments have any relevance for the study of the Ethiopian federal model? Ethiopia is an exception on the African continent by the fact that it has not been colonised by a foreign power, and has had a bureaucratised political

system since the beginning of the 20th century. Chabal and Daloz (1999: xxi) admit that parts of their analysis do not apply equally well to Ethiopia as to other African countries. Nevertheless, their analysis points to the fact that Ethiopia, like other African states, has a less institutionalised political system than we find in the West. I should therefore be aware of the political structures outside the formal institutions in the Ethiopian federation. It would be necessary to have a wide approach in the analysis of the functioning of the system and not only relying on predetermined variables that the federal theory might provide.

Chapter 3: Methodological considerations and data collection

As Yin (1994 :13) points out, case studies are good tools for investigating a “contemporary phenomenon within its real life context, especially when the boundaries between the phenomenon and the context are not clearly evident”. The analysis of the Ethiopian federation includes a range of variables whose effects are difficult to isolate. My study must take into consideration various contextual issues, and thus, the case study strategy is the best method to arrive at meaningful conclusions. By choosing such a strategy, I will use multiple sources of evidence and benefit from the prior development of theories to guide the analysis of the data collected.

A common objection to the case study as a research strategy is that it provides insufficient precision, and that there is a general lack of objective and rigorous methods for testing hypotheses (Yin 1994:9, Andersen 1997:5). The aim of case studies, however, is not to acquire statistical generalisation and measure effects, but to obtain analytical understanding, where “previously developed theory is used as a template to compare the empirical results of the case study” (Yin 1994:13). If the results of the case study fit the existing theory, it may be used to strengthen the theory, but if they are contradicting, the findings of the case study are not strong enough to refute the existing theory. They can, however, help refining the theory so that it achieves better explanatory power for later analyses.

A way of assessing the findings of my studies is to evaluate to what extent my descriptions of the Ethiopian context correspond with the observations of others. Yin (1994:34) calls the correspondence with observation “construct validity”. To achieve this, three methods could be used: multiple sources of evidence (triangulation), having the key informants review drafts of the study, and increasing reliability. When divergent sources, in this case interviews, documents and literature, converge around a particular conclusion, one may have greater trust in the conclusion. I will use review by informants by inviting a number of people with knowledge of the subject to comment on early drafts of the study. Reliability means that the operations of this study can be repeated, by me or by others, and produce the same results. Therefore, the procedures for collecting and analysing the data need to be transparent, by making the reader aware of how and under what circumstances the information was gathered. I have tried to ensure this by referring to the sources in the text, and the transcripts of my interviews are accessible. I will, however, elaborate further on the circumstances under which my data were collected.

Sources of “evidence”

The analysis of the Ethiopian federal system relies on three different kinds of sources: qualitative interviews, documents and academic literature. Most of the literature and parts of the documents were collected in Norway (University of Bergen Library and Chr. Michelsen Institute Library) and Sweden (Nordic Africa Institute in Uppsala). Nearly all the interviews and the majority of the

documents were collected in Ethiopia, primarily in the period from May to September 2000. My first direct exposure to politics in Ethiopia, however, started right before the major data collection period. During the first three weeks of my first stay in Ethiopia (2.-21. May 2000) I was an observer from the Norwegian Institute of Human Rights for the regional and national elections in Tigray (Aalen 2000a). This gave me background knowledge on the political situation in the country, introduced me to the skills of data collection through interviews and gave me many useful contacts both in Tigray and Addis Ababa. During the major collection period, I spent about one and a half month in Addis Ababa, one month in Tigray, primarily in the regional capital Mekelle, and one month in Southern Nations, Nationalities and People's Regional State, SNNPRS, basically in the regional capital Awassa. After this period, more information was gathered during a month's stay in Addis Ababa in November 2000 as a participant at the 14th International Conference on Ethiopian Studies (Aalen 2000b) and during a second month's stay as an observer for the Norwegian Institute of Human Rights during the local elections in Addis Ababa in February-March 2001 (Pausewang and Aalen 2001). These new visits gave me opportunities to fill in gaps in the data already collected, to maintain contacts and to be updated on recent developments.

In the following, each category of sources for the study of the Ethiopian federation will be described. I have tried to make explicit the way the data was presented to me as a researcher and how it was collected and interpreted. In this way, I hope to enhance what Yin (1994) called "construct validity" and avoid biased conclusions.

Interviews

The interviews include talks with seventy-one people in the federal capital Addis Ababa, in Tigray and the SNNPRS, each lasting on average about an hour. The total number of interviews might sound large, but the information value of each interview varies greatly. Some of the interviewees provided substantial and essential information, while others were either unwilling or unable to give useful information. The interviewees were not used as respondents, giving direct information about themselves, but as informants, providing information and opinion about pre-determined issues: the Ethiopian federal system and federal-regional relations. Informants, however, may have an interest in manipulating the reality and present it as it best serves their interests. When different informants give contradictory versions of events or processes, I am forced to interpret what is the most likely to have happened. In such situations, it is particularly important to be aware of my own impact on the interpretation. Although I have tried to make all sides heard, it is nevertheless impossible to be an objective observer. Where such instances occur, I have tried to make my own viewpoint known.

The interviews could be characterised as "open-ended" (Yin 1994: 84), where the informants were asked about both opinions and facts. Although no fixed sets of questions were presented, the interviews were "focused" and semi-structured in a sense that they centred on pre-determined issues defined in an

interview guide.⁹ The actual formulation of the questions was adopted to suit each particular interview. As I obtained more knowledge of the functioning of the Ethiopian federation during my stay, I added more questions on specific issues, like for instance the informal and uninstitutionalised aspects of the political system.

The interviews are crucial sources for the understanding of the *de facto* functioning of the federal system and are crucial in comprehending the informal political structures and politics that take place outside the institutional frames, particularly linked to the party system. The interviews will be used both directly and indirectly in the analysis. I have no intention of presenting the interview material as a whole, but will let the structure of the analysis determine where the material will be referred to, directly as quotes, or indirectly as references. But there are situations where the interview material will “talk for itself” and will be cited directly and in whole, as for instance when different political parties give their views on the Ethiopian federalism, the normative base for the federal system.

I rely on hand-written notes, despite the fact that the use of tape recorder would give more accurate information. This is time saving, but most important of all, to make notes does not make the informant as suspicious and uncomfortable as the use of a tape recorder might do. All names are kept confidential due to the sensitivity of the matters discussed, except those of people in public positions who have expressed that they are not afraid of exposing themselves.

Selection of interviewees

The material collected through interviews is not intended to represent the opinion of any particular group in Ethiopia, much less the Ethiopian people at large. The interviewees were selected to ensure variety of opinion, but not statistical representation, as my aim is to understand and not to measure opinions on the Ethiopian federalisation process. As the list of informants will show, I have deliberately chosen people known to have different opinions about, knowledge of and interest in the issue. Apart from the fact that different opinions might throw light on different aspects of the federalisation process, the exploration of different opinions is a way of cross-checking the information gathered. Before I started the actual data collection, I had already defined which groups of people that I wanted to obtain information from. A detailed list of informants inside each group, however, was adopted during the collection process. As I achieved more knowledge of the Ethiopian political system and its actors, I added more people within the pre-determined groups.

The interviewees can be categorised in four predetermined groups:

1. Government officials at the federal (Addis Ababa) and regional level (Tigray and the SNNPRS), including both appointed and elected officials, i.e. bureaucrats and politicians in power. All of the elected officials belong to the ruling or its regional affiliate parties, and most of the bureaucrats, despite their alleged neutrality, are loyal to the incumbent government.

⁹ See Appendix 2.

2. Politicians and representatives of the opposition parties in Addis Ababa, Tigray and the SNNPRS. Most of them were interviewed in the capital, since the opposition parties generally are few and weak in the regional areas.
3. Academics working on issues related to the federalisation of Ethiopia, both Ethiopians and foreigners.
4. Representatives of non-governmental organisations, media and ordinary citizens particularly interested in the process of federalisation in Ethiopia.

The first of the groups, the governmental officials, is the most numerous. It includes thirty-one people altogether. The majority of them are in political positions, as representatives of the ruling party in the two regions.

Table 3.1 Overview of governmental officials interviewed (group 1)

	Bureaucrats	Politically Elected	Total
Federal level	3	5	8
Tigray region	5	8	13
SNNPRS	8	4	12
Total	14	17	31

In the planning and in the first period of my data collection, I was more concerned with the first group of interviewees than the other groups. With experience from Western political systems (particularly the Norwegian system), one of my assumptions was that the people in power, having formal positions, could provide crucial information about the functioning of the federal system. They are dealing with the daily operation and should be expected to know where the shoe pinches. During the process, it became more evident to me that although these people provided essential information, they were generally not willing to expose conditions that harmed the image of the ruling party and the incumbent government, and were less inclined to give information on informal structures that are essential to the *de facto* functioning of the federal system. In many cases, the government officials confirmed the existence of extra-governmental mechanisms, such as the presence of central party cadres in the regional administration, but did not admit the importance of these in the operation of the Ethiopian federation. In these cases, I had to rely on other sources, such as literature written by academics and information provided by other groups of interviewees, and based on this, make my own interpretations.

Generally, there were no major problems in making contacts and arranging interviews with governmental officials. The majority of those whom I approached were willing to share their views. My experience shows, however, that higher officials were harder to get hold of than those at lower levels. Some of them did not bother to reply to my requests, while others delegated the task to deputies or other lower officials. Examples of people whom I did not succeed to interview were the regional presidents of Tigray (Gebru Asrat) and SNNPRS (Abate Kisho) and the head of Regional Affairs Department at the Prime Minister's Office (Bitew Belay). The reason behind this might be ascribed to the

fact that I, as a junior researcher, was not considered important enough to occupy their time. There might be other reasons too, but I see no advantage in speculating on this. Nevertheless, I do not suspect that the information provided by these higher officials would have changed the outcome of my research in any fundamental way. Although their views might have given my reports more weight and credibility, it is more or less predetermined what conclusions they would make, as all of them are closely connected to the ruling party, which has a strong inner discipline. The party leadership's view is well represented through interviews with other top-level party and government functionaries, such as the Speaker of the House of the People's Representatives, Dawit Yohannes.

Of all the opposition parties I contacted (group two) none declined to make appointments for interviews, and almost all of them arranged talks with their leaders or representatives of the party leadership for me. I consider the easy access to party leaders as a result of the opposition parties' desire to exploit a chance to make their opinion known. Otherwise they have very few channels to make their voices heard, since they have no formal positions and the major part of the media is controlled by the ruling party and inaccessible to them.

I included the political parties that are legal and registered at the National Electoral Board on my list. They are represented with seven interviews altogether, five conducted in Addis Ababa, one in Tigray and one in SNNPRS. The parties are all nationally based, despite the fact that some of them have an ethnic foundation. They include the All Amhara People's Organisation (AAPO), the Council of Alternative Forces for Peace and Democracy in Ethiopia/ Southern Ethiopia Peoples' Democratic Coalition (CAFPDE/SEPDC), the Ethiopian Democratic Party (EDP), the Ethiopian Democratic Union Party (EDUP), and the Oromo National Congress (ONC). Other political parties, such as those operating from exile or illegally, were not included, basically because they are hard to trace. I tried to get hold of representatives from the Oromo Liberation Front (OLF), which was a legal party participating in the transitional government until 1992, but my efforts did not succeed. Members of the OLF still living in Ethiopia are persecuted by the government and many of them live underground. The leadership is exiled in neighbouring countries or overseas.

The third group of interviewees includes seven academics. Most of the them are Ethiopians working at Addis Ababa University, while some are foreign academics who are experts on Ethiopian affairs, working either in NGO's in Ethiopia or at foreign universities. During my stay in Ethiopia, I was formally affiliated to the Department of Political Science and International Relations (DPSIR) at Addis Ababa University. Through the department, I obtained a permit to do research in the country, and was given office space and an academic contact person. Many of the academics who provided me with useful information about the federalisation process in Ethiopia worked at the DPSIR. Although the majority of the academics are standing outside the political game in Ethiopia, many of them were cautious of what kind of information they would give. The governing party is following the development at the university closely. In 1993, for instance, more than forty academics were expelled from

the university after alleged conspiratory activities¹⁰. A clear exception from the purported political neutrality of the academics I interviewed is Merera Gudina, one of the assistant professors at the DPSIR. He is the chairman of Oromo National Congress, is very active in current political affairs, and is known to the public as one of the few outspoken. Although his points are academically valid, the information he has provided is first of all interpreted as that of a politician. I therefore categorise him among the opposition politicians, and not among the academics.

The interviewees in fourth group, including eleven representatives from NGOs, five journalists and ten so-called ordinary citizens, were selected because they might be expected to take a position between the anti-EPRDF stance of the opposition and EPRDF-loyal bureaucrats and politicians, and might therefore give new insights to the issues. Almost all in this group were approached in the regions, where working with interpreters facilitated conversations with non-English speaking people.

Table 3.2 Overview of representatives from NGOs, journalists and “ordinary” citizens interviewed (group 4)

	NGOs	Journalists	“Ordinary” citizens	Total
Federal level	2	-	-	2
Tigray region	5	2	5	12
SNNPRS	4	3	5	12
Total	11	5	10	26

It appeared that many of the NGO representatives were close to the ruling party because of the strong ties between civil society and the government. In the regions, the NGOs are mainly relief or community organisations and religious communities, including Muslims, Orthodox Christians and Protestants. Despite the fact that the non-religious NGOs like the Women’s Association are formally independent of the state and the ruling party, they are often former parts of the ruling party organisation and do still have strong links to the EPRDF and the affiliate parties. Additionally, the government has defined relatively strict rules for how NGOs can operate and follow their activities closely. Traditionally, the protestant church has, particularly in the south of the country, been a base for the opposition against the government, while the Orthodox Church has been a known supporter of the regime (Tolo 1998). According to my experience during the interviews, however, none of the Christian communities were eager to talk politics, and as the Muslims, they claimed that politics were outside their domain. Nevertheless, the way they selected the questions they were willing to answer was in itself interesting information.

All interviewees from the media, including five journalists, were interviewed in the regions. Both in SNNPRS and Tigray, there is no regionally based free press. Thus, the journalists interviewed are all employed in the government

¹⁰ See Africa Confidential 1994 Vol. 35, No. 2.

owned media, either regional newspapers or national news agencies. The so-called ordinary citizens include people who were more or less randomly contacted, and basically include teachers, shopkeepers and farmers whom I met on different occasions. Their degree of outspokenness varied greatly according to region. In Tigray, where the TPLF is tightly controlling all aspects of society, people were generally very cautious, while in SNNPRS, where the political landscape is more diversified than in Tigray, people were more open, but still cautious.

Understanding the social and cultural context

Knowledge about the cultural context is important in order to avoid misinterpretations of the informants and the information gathered and to prevent unintended consequences of the research. Tronvoll (1998) emphasises the challenges of doing political research in Ethiopia. If the informant expresses the “wrong” political opinions, s/he can end up as a victim of torture and imprisonment, and in the most extreme cases disappearances and deaths. Thus, the researchers have to be extremely cautious not to expose the informants in a politically negative manner. Discretion, impartiality and awareness of the complex political landscape are therefore preconditions for carrying out political research in Ethiopia.

Ethiopians generally do often search for a hidden agenda and political implications in the questions addressed to them. Some explain this with the so-called Ethiopian culture, where silence and scepticism are seen as valued qualities (Levine 1974). Most probably it is not the Ethiopian culture *per se* that makes people suspicious, but the tradition of repression, intelligence and intervention by secret police and party cadres. Generally, Ethiopians feel that political issues should be avoided because they are seen as dangerous. A commonly cited Amhara proverb is “keep politics and electricity at a distance” (Tronvoll and Pausewang, 2000:153). Politics, as electricity, can harm you if you get too close to it. To make people talk openly about political issues was to a large extent a learning-by-doing-process. Although the problem of scepticism was impossible to avoid, I learnt that approaching the issues indirectly was a useful method. During the interviews, I often started with general and uncontroversial facts, and then proceeded to the sensitive issues at the end. In one sense, I experienced that being a young, foreign and female student was a disadvantage because I am the opposite of what Ethiopians traditionally see as an authority figure. In a few cases, the interviewees, particularly men in higher offices, treated me with less respect than what was favourable in order to obtain the information I needed. But most of the time I experienced that being young, female and a foreigner was an asset. I might be considered as less threatening than male researchers because men are the ones who are traditionally associated with the state and the government, and who deal with “dangerous” politics in Ethiopia.

As a foreigner studying an unfamiliar context, it is important to be aware of the fact that concepts, formulations, and terms could be understood differently in different cultural contexts. In Ethiopia, the Amharic word *mengist* means both “government” and “law” (Pausewang 1973 :69), which implies that there

is no distinction between the abstract rule of law and the authority taking care of it, the law is what the government decides. Unless special clarifications are made, it is difficult to ask questions about confrontation of the government actions with the law. This is particularly important to be aware of in my study of Ethiopian federalism, because one of the aims is to explore the relationship between the *de jure* federal model (the law) and its *de facto* implementation (the actual government of the country).

The use of interpreter

Another factor that makes it more challenging to do research in an unfamiliar country is the language barrier. Ethiopia is a country with more than eighty languages, which makes the use of interpreters a necessity. Since I did my research in two regions in addition to the capital Addis Ababa, I needed different interpreters who knew the regional languages there. I used one interpreter for the research in Tigray. In SNNPRS, I had two interpreters, basically because one of them did not have the time to work with me throughout the whole stay there. The interviews in Addis Ababa were conducted without interpretation, because all of the interviewees there spoke English.

To work with an interpreter makes the information from the interviewees second-hand, and the interpreter's own values and judgements might affect the result of the study. S/he might try to hide facts to support his/her own positions or because s/he believes they are irrelevant for the study. In the interview situation, the interpreter will be an important third person, and the way s/he acts towards the interviewee and how the interviewee looks upon the interpreter will have impacts on the quality and the quantity of the information. Choosing the right interpreter is therefore crucial for the outcome of the research.

When I looked for interpreters, I relied on advice from staff at the DPSIR at Addis Ababa University and from a Norwegian researcher with substantial field experience in Tigray. Good knowledge of the relevant regional languages and English, field experience and no political affiliation were the basic criteria for making the choice. All the three interpreters I ended up with took no part in any organised political activities and were not members of any political party. All had good language skills and varying degrees of field experience. The one in Tigray was an academic employed at the Mekelle University College. Due to the tight political control of Tigrayan society by the TPLF, he was careful to play an unobtrusive and prudent role in the talks with representatives from the ruling party. As a resident and employee in Mekelle, he had a vested interest to take care of. In this sense, it might have been preferable to use a Tigrayan speaking interpreter who was based outside Tigray. But then again, I might not have been able to benefit from the good knowledge of current affairs and make use of the updated contact network that the Mekelle-based interpreter had.

The interpreters whom I engaged for the research in SNNPRS were both based in Addis Ababa, as students at Addis Ababa University. One of them was also working as a teacher and had previously been engaged in data collection work for the University. The other did not have other field experience than from data collection for his own studies in political science. Both of them were

fluent in Amharic, the language spoken in the regional capital Awassa, and in two other regional languages (Kambatinya and Sidaminya) spoken in some of the zones in SNNPRS. The facts that both of them were based outside the region and that the EPRDF and its affiliates are not the sole political actor in the region, made the interpreters less afraid of going into controversial and sensitive issues. Nevertheless, there were situations where the interpreters tried to avoid difficult situations without my consent. One, rather amusing example is when I asked one of the higher representatives of the local EPRDF party about the informal structures of party evaluation, called *gimgimma*. The party cadre was apparently surprised to get such a question and burst out in Amharic: "Oh, she's a dangerous woman!" The interpreter translated this to me as "That was a good question!" and continued. He did not tell me the real meaning until after the interview had ended.

One of the advantages of the use of interpretation was that it gave me some flexibility during the interviews, it gave me time to think and write while the informant was talking. My interpreters also provided me with research assistance, giving me contextualised information about the local culture and the sensitivity of certain topics.

Documents

The documents include statistics, public reports and legal codes. Documentary sources are, as literature and interviews, products of social and political settings. They should not be accepted as literal records of happenings that have taken place or neutral measurements of quantifiable conditions. Yin (1994:81) suggests that the most important use of documents in case studies is to corroborate and augment evidence from other sources. If the documentary sources do not corroborate other sources, the researcher has a specific reason to inquire further into the case. Documents should therefore not be seen as findings in themselves, but should be used to find clues for further investigation. Below, I shall be examining the value of the statistics and public reports that are used in my study. The legal codes are also examined as sources of evidence. But they are normative rather than descriptive documents, and are therefore not subjected to the same kind of scrutiny as the other documents.

Statistics and public reports

These sources are basically used as background information, providing numbers and figures about federal-regional relations and regional affairs. The statistics include for example figures on selected socio-economic variables in the various regions, regional and federal budget allocations, financial utilisation, federal-regional transfers, the manpower situation and the ethnic composition of the regions. Statistics are often seen as reliable and unbiased sources of information, particularly in a Western context, because they are meant to records of relatively neutral phenomena and are based on allegedly objective sources and measurements. But statistics are also social products, often made to serve certain purposes. Most of the statistics collected for my thesis are government produced, and might have been made deliberately to strengthen the government's image. Even statistics such as the popular census, which is

considered to build on objective numbers, should be critically examined. In Ethiopia, the previous regimes tended to manipulate the population figures of ethnic groups and the ethnic composition of regions to serve political interests. This might also be the case during the current regime, particularly with the federalisation along ethnic boundaries in mind. I observed several times that informants, particularly those from minority ethnic groups, contested and raised doubts about the accuracy of the census. Although I cannot verify the validity of their points, they indicate that the popular census does not have as much credibility as it should.

The public reports include plans, evaluations and assessment studies compiled by governmental bodies and the World Bank, concerning the federalisation process. Government-produced reports are obviously political products and will be analysed and interpreted with that in mind. The reports made by the World Bank are probably to a lesser extent results of political considerations than the government produced ones. Still, the World Bank has co-operated with governmental bodies in the collection of data, and their objectivity should therefore not be taken for granted. Some of the reports are published only in Amharic, but were translated into English by my interpreters.

During the analysis of the statistics and reports, I did not experience that the findings directly contradicted the findings from the other kinds of sources. But I experienced that the documents did not include many of the essential aspects that came through in the interviews and the literature. An important reason for this is probably that these aspects are primarily found outside the formal sphere and are therefore not perceived as matters relevant for public statistics and reports, or are of a politically sensitive nature.

Legal documents

The legal documents are the foundation for the study of the *de jure* federal system of Ethiopia. Here lie the prescriptions for how federal-regional relations should be organised and what institutional arrangements and constitutional guarantees the federal system implies. The legal documents will tell whether the federal system of Ethiopia has a sufficient constitutional guarantee for regional representation to be defined as a federation. The examination of the *de jure* framework is also a pre-condition for judging the implementation and functioning of the federal system, and is the basis for revealing whether there is a discrepancy between federalism as a normative principle and the actual practices of the federation.

The major document is the Constitution of the Federal Democratic Republic of Ethiopia of 1994, which is the supreme law of the country. Essential are also the regional constitutions of Tigray and SNNPRS, specifying the regional arrangements of federalism in the two regions. The legal documents from the transitional period will also be explored. Although the constitutions are the most crucial documents, the Transitional charter of 1991 and various government proclamations from that period might give information that are left out or might clarify points that are ambiguous in the constitutions. All the legal documents are published in the governmental *Negarit Gazeta* both in English and Amharic.

Literature

The exploration of academic literature on the subject has helped to ensure that rival interpretations of the Ethiopian federalisation process are considered and to identify key issues that should be included in the study. When possible, the readings have been supplemented by interviews of academics who have written or are currently working on the issues connected to the federalisation process in Ethiopia. This has helped to clarify the issues further and ensure that all relevant evidence is considered. When the conclusions of others converge with my conclusions, it is also a good way of enhancing the “construct validity” of my analytical generalisations.

The majority of the literature written on the Ethiopian federal system is based on how the Ethiopian federal system is defined on paper, on its legal and formal framework. The absence of deeper studies of the implementation and functioning of federation could be explained by the fact that the federal system in Ethiopia is relatively new with a short period of operation. Parts of the literature centre around the discussion of how viable a federal system based on ethnicity is, and why such a system was introduced in the country. This literature is useful in my discussion on Ethiopian *federalism*, the normative base for the federation and the political use of the federal “ideology”. Ottaway (1994; 1995), Mohammed Hassen (1999), Vestal (1999) and Walle Egedayehu (1997) are among those who see ethnic federalism and the Ethiopian federal model as a recipe for state integration. They view federalism as a political tool for the ruling TPLF to stay in power by a policy of “divide and rule”. Kidane Mengisteab (1997), Henze (1998) and Cohen (1995) have a more positive approach to the reorganisation of the Ethiopian state and see ethnic federalism as an interesting experiment or an innovative way of accommodating ethnic differences. In many ways, the American authors Henze and Vestal stand as extremes in their views on the Ethiopian political system and the ruling EPRDF. Henze, who has been involved in research on Ethiopia from the Haile Selassie era, has been criticised for being too sympathetic to the current government and for closing his eyes to the human rights violations and undemocratic practices of the EPRDF¹¹. Vestal is on the other side hostile to the current regime, and has been associated to the nationalist Greater Ethiopia-diaspora in the US. This group is found on the extreme right, defending the unity of Ethiopia, including Eritrea.

Studies with a purer legalistic perspective, like those of Brietzke (1995), Mattei (1995) and Aberra Jembere (1997), are helpful in providing information about the legal and institutional arrangements of the Ethiopian federation, the so-called *de jure* model.

A few studies on the functioning of the federal system have appeared in the second half of the 1990s. A common denominator for these studies is that they are concerned with practical more than political aspects of federalisation and the following decentralisation of administration and government. De Jong (1999) looks at the effects of devolution of power on the fight against poverty. Meheret Ayenew (2000) and Tegegne Gebre Egziabher (1998) explore the

¹¹ See and interesting discussion on EPRDF’s democratic credentials between Paul Henze, Richard Joseph and John Harbeson in *Journal of Democracy* 1998, Vol. 9, No. 4.

constraints in decentralising the country, basically the inefficient empowerment of lower levels of government because of lack of manpower and financial resources.

The studies of John Young (1996; 1998, 1999, 2000) are among the few publications which consider the political aspects of the Ethiopian federalisation process in depth. He describes the asymmetry in the process in different parts of the country and includes both formal and informal arrangements that are crucial for the operation of the system. Through his previous studies of the TPLF organisation and history (Young 1997), Young has a good network of contacts in the ruling party, which has provided him with valuable information. Although he is considered to be a TPLF-friendly researcher, he has given many new insights into the federalisation process. Paul (2000), in his evaluation of the new constitutional orders in Ethiopia and Eritrea, touches upon the importance of a centralised party organisation in the functioning of the Ethiopian federation. Although his study is less comprehensive than those of Young, he gives a good summary of factors determining the operation of the federation and the political context of it.

When it comes to regional matters and conditions particular for Tigray region and SNNPRS, the literature is meagre. Apart from studies conducted by Aklilu Abraham on the federalisation process in Sidama and Wolaita zones in SNNPRS (2000), I have found no studies dealing with the political sides of federalisation in the two selected regional states. As background literature, I have relied on for example Young's "Peasant Revolution in Ethiopia" (1997) on Tigray and various anthropological studies from SNNPRS (Abbink 1991). Essentially, the data of current regional affairs in Tigray and SNNPRS has been collected through interviews and documents.

Chapter 4: Ethiopian federalism: Ideological justifications and political use

The purpose with this chapter is to determine when and under which circumstances the “federal bargain” was offered in Ethiopia. Firstly, the justifications for introducing federalism as a principle for state reconstruction, the so-called ideological or normative base, will be considered. Secondly, the possible pragmatic considerations and political uses of federalism by the Ethiopian political forces will be explored. How does the introduction of federalism reflect the interests of the political leaders to benefit from state building and institutional reconstruction?

The conclusions made to this chapter will provide important clues on what expectations both the ruling party, the opposition and the Ethiopian people at large have to the outcome of the so-called federal bargain and the working of the federal system. Both the ideological justification and the way federalism is used by the political leaders to support their interest have great impact on whether or not the federal system is perceived as legitimate.

The ideological foundation: the right to national self-determination

The Tigray People’s Liberation Front (TPLF), as the leading force of the Ethiopian Peoples’ Revolutionary Democratic Front (EPRDF), was the political force that initiated the reconstruction of the Ethiopian state along federal lines. It should therefore be considered as the major architect behind Ethiopian federalism, offering “the federal bargain”. The ideological background for Ethiopian federalism is undoubtedly connected to the TPLF’s support for the principle of national self-determination. But as we shall see below, the meaning and implications of this principle remained unclear through the entire period of struggle against the Derg, and did not get a concrete content before the drafting of the transitional charter in 1991 and the new constitution in 1994.

The unanswered question: secession or autonomy for Tigray?

From the establishment of the TPLF in the mid-1970s, the movement argued for the principle of “self-determination for the nationalities”. The support for this principle was partly influenced by the ideas of the Ethiopian student movement of the 1960s and partly by Tigrayan nationalism. Both the students and the Tigrayan nationalists saw the Amhara domination as the major reason behind the problems in Ethiopian society. The radical, multiethnic student movement, based at Addis Ababa University, was inspired by the Leninist approach to the question of the nationalities. In solving what they saw as the fundamental problem of society, the class conflict, ethnic groups should be given various degrees of autonomy while a strong multiethnic communist party should stay in power. Tigrayan students were initially part of the student movement, but the urge to organise on the basis of nationality and to address

the national question as the primary cause became stronger. Soon, Tigrayan students started the recruitment for an exclusively Tigrayan organisation working for national self-determination for Tigray region (Young 1997:80).

After the TPLF was founded in 1975, it remained unclear whether national self-determination for Tigray meant secession and independence or only regional autonomy within an Ethiopian framework. Despite the fact that the TPLF's 1976 manifesto stated the aim of establishing an independent republic of Tigray (Young 1997:99), the party later made clear that they did not consider secession as the only option. "Being part of a multi-national Ethiopia based on equality, where there are no oppressor or oppressed nations; where the right of every nation without distinction is constitutionally and in practice safeguarded, where democracy and social justice prevail, and where the fundamental human rights of the people are not violated, is also acceptable to the people of Tigray" (from TPLF's submission to the United Nations General Assembly, regarding the Tigray people's struggle for self-determination, 1982, quoted in Vaughan 1994:9). But during the struggle against the Derg, the TPLF never abandoned the idea of secession completely. It stated that if the oppression and exploitation of the Tigrayan people continued, it would mean the creation of an independent Tigray (Young 1997:100). Neither did the movement specify how national self-determination should be constitutionally, institutionally and practically entrenched. Self-determination "could result in anything from autonomy, federation, confederation, up to and including independence" (TPLF, *People's Voice*, April 1981, quoted in Markakis 1987: 254.)

The TPLF's establishment of the multiethnic EPRDF in 1989 might be interpreted as a sign of an increasing commitment to a united Ethiopia. By including other ethnic groups into a common front against Mengistu, it would seem that the movement had abandoned the idea of an independent Tigrayan republic and that the front went for a unified solution. A consideration of the way in which the EPRDF was created, however, might question the TPLF's intentions behind the formation of a common front. The organisations that became members of the EPRDF were to a large extent created by the TPLF itself and did not initially have any popular base. The Oromo People's Democratic Organisation (OPDO), as we know, consisted of former Derg soldiers who were captured by the TPLF during the final days of the war. According to Young (1997: 166), "the TPLF's dependence on creating its own allies" was due to the movement's fear of not being able to defeat the Derg on its own, or to be outnumbered by other organisations, such as the OLF. The formation of the EPRDF could thus be seen as an instrumental move to ensure a defeat of the Derg on terms defined by the TPLF, and not primarily as a sign of dedication to a unified Ethiopia.

"Offering the federal bargain"

During the transitional conference in July 1991, "the federal bargain" (Riker 1965) was offered for the first time. A model akin to a federation¹² was offered

¹² The model offered at the transitional conference was not strictly federal, in a sense that the regional autonomy and representation at the central level had no constitutional guarantees.

as a solution to the problems of state reconstruction in Ethiopia. The right to self-determination for the nationalities was the cornerstone of the transitional charter. Every “nation, nationality and people” obtained the right to promote its own culture, history and language and administer its own affairs in addition to participating in the central government. The right to independence was also affirmed, if nations, nationalities and peoples were convinced that the above rights were denied they had the chance to seek secession (Transitional Period Charter of Ethiopia, Negarit Gazeta No.1 1991, Article 2). By including both decentralisation and the right to secession, the TPLF showed commitment to a unified Ethiopia at the same time as they left the possibility of exit open. When the Ethiopian constitution was ratified at the end of 1994, it was the second time “the federal bargain” was on the legal agenda in Ethiopia. The principles declared in the transitional charter were confirmed in a final organic law.

Decentralist federalism – a functionalist argument

The new government, in the words of the transitional president Meles Zenawi, justified the adoption of the principles of the transitional charter in this way:

From a purely legal point of view, what we were trying to do was to stop the war, and start the process of peaceful competition, peaceful expression of political opinion, and so forth. The key cause of the war all over the country was the issue of nationalities. Any solution that did not address them did not address the issue of peace and war. [...] People were fighting for the right to use their language, to use their culture, to administer themselves. So without guaranteeing these rights it was not possible to stop the war, or prevent another one coming up.

The other dimension is that of democratisation of society. When you open up, how are people going to express themselves? People were already expressing themselves even at the early stage before the conference in terms of nationalities. There were so many nationality-based organisations. That is representation of a certain sentiment.” (Meles Zenawi, quoted in Vaughan 1994: 56)

According to this statement, the EPRDF argues for the introduction of a federal system as a way of maintaining unity and averting the disintegration of the country. Federalism is not seen as an end in itself, but serves the function of creating a viable Ethiopian state and facilitating the development of democracy. The argument is that if the different nationalities did not obtain any kind of autonomy, Ethiopia would soon erupt into war again. This is a kind of decentralist or balanced federalism (King 1982:22) which is based on the assumptions that people express their political aspirations along ethnic lines, and that the abolition of a strong central government and the empowerment of lower ethnically defined units will ensure stability. The fact that a large part of the movements that fought against the previous regime were ethnically based

Constitutionally guaranteed representation is the criterion for a system to be called federal, according to King’s definition of a federation (King 1982: 77)

and that so many different nationality-based organisations participated in the transitional conference in July 1991 might seem to support Meles Zenawi's assumption that people express their political aspirations along ethnic lines. But as Vaughan (1994:57) has pointed out, the non-ethnic movements that had fought against the Derg were largely excluded from the conference and the organisations that actually participated were actively encouraged to organise on a nationality basis. Many of the nationality-based organisations did not have any popular base or prehistory before the conference was initiated.

A federal pact?

A crucial aspect of decentralist and balanced federalist ideologies is that the federal bargain should be based on a covenant or a pact, where the various political forces in the country voluntarily agree to make arrangements for power sharing and devolution of power (Elazar 1987). In the Ethiopian context, does the transitional charter and the arrangements made during the transitional conference reflect such a pact? As studies of the conference have shown, there were minimal discussions on the issues around the principle of national self-determination and devolution of power along ethnic lines (Vaughan 1994:51, Young 1997:194). It is known that the OLF and the EPRDF had talks before the conference started, sorting out the major principles of the charter together (Leencho Lata 1999: xviii). The two organisations had a common interest in securing the principle of national self-determination in a "pre-conference consensus" (Vaughan 1994:35), and the EPRDF needed a strategic ally in defending the charter against other organisations. The fact that Eritrea got its *de facto* independence from Ethiopia after the London talks in May 1991 was also seen as a way of cementing the principle of national self-determination before it was discussed at the conference in July. The outcome of the transitional conference, the transitional charter, is therefore more a result of an agenda predetermined by the EPRDF and partly by the OLF, rather than a pact between all the organisations that participated in the conference.

In 1993, the TGE established a Constitutional Commission to prepare a draft for submission to a specially elected Constitutional Assembly. President Meles Zenawi urged the broadest possible participation in this project "in order to promote civic education, experience democracy and exercise self-determination". Despite various attempts from the government to invite public discussion, there was little meaningful public participatory debate, particularly on the issues of ethnic self-determination (Paul 2000:286). The Constitutional Commission invited international experts to comment on the different aspects of the constitutional draft, and this resulted in an international symposium held in Addis Ababa in May 1993. Later, the TGE published a booklet called "Discussions on Basic Constitutional Concepts" as a part of a nation wide civic education programme (TGE: Constitutional Commission 1993). Critics of this booklet claimed that it did not present general ideas on constitutionalism and democracy, but was rather an expression of "the ERPDF's ethnic ethic" and a "strong civic lesson in the primacy of the ethnic groups in the proposed constitution" (Vestal 1996:23). As a part of the civic education programme, there were open meetings in the *kebele*, the urban dwellers' associations and the

rural peasants' associations, which are the lowest units in the Ethiopian administrative system. The exact number of people participating in these meetings is controversial, some claiming that only five per cent of the population took part (Abbink 1995:155), while others argue that "no more than 30 percent of the citizenry participated throughout the nation" (Vestal 1996:24). But the results of the discussions did not have any substantial impact on the final draft of the constitution. The EPRDF's attempts to consult the people in the drafting process might have been a way of making the constitutional process look more participatory and the Commission more accountable, but in the end, they were not very successful in reaching this aim. Opposition parties withdrew from the process and the elections to the Constitutional Assembly. Thus, the EPRDF controlled the Constitutional Commission, the elections and the final ratification in the assembly.

It is apparent that the process behind the new constitution was even less inclusive and participatory than the process behind the transitional charter. Although the transitional conference was marked by a "one-party dynamic" (Vaughan 1994:60), at least several political parties, organisations and individuals participated, and the fiercest competitor of the EPRDF, the OLF, was an important part in the process. In the constitutional process, the EPRDF totally dominated the scene. It is therefore impossible to conclude that the final confirmation of the federal solution through the constitution was based on a pact or covenant between contending political forces. The lack of broader participation and the dominance of the EPRDF in the constitutional process have a negative impact on the chances for a peaceful and constructive co-existence between the contending political forces in Ethiopia in the time after the transitional period. This was apparent during the last peace talks between the government and the OLF that were held in Bonn, Germany, in 1999. Although the OLF has changed its mind many times on the issues of unity and secession, it still refused to renounce armed struggle, and rejected at the same time the present Ethiopian constitution. Lencho Bati, the Washington-based OLF spokesman, said the constitution was unacceptable, because the OLF had not participated in the drafting of it (Irin News 30 August 2001).

Hostile or hesitant: the opposition's view on EPRDF's federal project

The currently registered opposition parties in Ethiopia are all negative to the EPRDF's federal project – federalisation along ethnic lines finally formalised through the Ethiopian constitution of 1994. Some parties prefer a unitary government, while other parties go for federalism, but on other terms than those defined by the EPRDF.

Parties favouring the restoration of the unitary state

The All Amhara People's Organisation (AAPO) and the Ethiopian Democratic Union Party (EDUP) are hostile to federalism in general, independently of how it is introduced and implemented, and favour a unitary government. There are

particularly against article 39 of the constitution, which allows national groups to secede:

“EDUP strongly opposes the “right of nations, nationalities and peoples to self-determination including secession”. EDUP advocates that Ethiopia should be a unitary state with a strong central government and that the various nationalities should have representation at the centre. ” (Interview, EDUP’s Guish Gebre Selassie, Mekelle May 2000)

“The All Amhara People’s Organisation does not accept the 1995 Ethiopian Constitution as a whole, and particularly not Article 39, sub-article 1.[...] A weakness of the constitution, as legal and political experts have commented on, is that a country must not include in its constitution an article that instigates people to secede. Ethiopia is a nation of one people of different ethnic groups. [The fact that] people [belong to] different ethnicities does not mean that they are different countries. [...] So AAPO’s view on Article 39 is that it disintegrates the Ethiopian state into different mini states and one people into many people.” (AAPO’s written response to questions that I submitted to the vice-chairman Ali Idris, Addis Ababa May 2000)

In order to understand these statements, it is important to take into account that the AAPO and particularly the EDUP are supported by representatives of the former Amhara elite and the old nobility. Both parties stress the idea of Ethiopian unity and see Ethiopia as one nation, despite its various ethnic groups. But despite the AAPO’s stress on “Ethiopianness”, people tend to see the party as advocates of the Amhara group, and not of Ethiopians in general. It is to be expected that these parties would be hostile to any kind of political reconstruction, particularly a reconstruction which attempts to dismantle the centralised state government, which has been the power base of these groups for centuries. But this does not imply that the EDUP and the AAPO’s critique of the EPRDF’s federal project should be disqualified. It indicates rather that it is less likely to get constructive criticism from these parties. Since a large part of the parties’ electorate have vested interest in maintaining the state as it was before the regime change, they would defend the restoration of the centralised state rather than suggest reform.

“Federalism, but not ethnically based”

The other major opposition parties, like the Oromo National Congress (ONC), Council of Alternative Forces for Peace and Democracy/Southern Ethiopia People’s Democratic Coalition (CAFPDE/SEPDC) and the Ethiopian Democratic Party (EDP), favour a federal solution. But they are against federalisation along ethnic lines and the way EPRDF has introduced and implemented its federal policies. Political reconstruction is their aim, but they are not willing to follow EPRDF’s recipe:

“We are not against a federal system, that is a good system of governance for Ethiopia. The problem is the manner EPRDF is approaching it. We do not agree with what AAPO says, that the federal system is the main problem of the country. A unitary system is not a solution – we struggle to dismantle the centralised system. Regional autonomy is best expressed through a federal system.

Our difference with the ruling party is on the criteria they use for defining the regions. Ethnicity and linguistics is not applicable for the major parts of Ethiopia, maybe only for Tigray, Afar and Somali. Even for these regions, the population is not homogenous. In Oromiya, the majority of the urban population has a mixed origin. There is a widespread population movement in parts of the country and in the Amhara region there is a large area with Oromo. In the Southern region there are around 45 different ethnic groups. To make a region for each of these is not economically viable. In all regions the urban areas have a large group of Amhara. They cannot simply be discounted. The thoughts behind this model must be a reflection of only Tigrayan wishes.” (Interview Beyene Pertros, Chairman of CAFPDE/SEPDC, Addis Ababa June 2000)

The CAFPDE/SEPDC’s main argument against ethnic federalism is essentially that this system is not a viable solution in a multiethnic Ethiopia because of the heterogeneity of the population and the large number of ethnic groups. It seems therefore that the arguments are more functionalistically and practically than ideologically founded. The EDP follows the same argument, but does also try to outline an alternative federal model:

Federalism is a good way of sharing power, it gives the people opportunities to govern themselves and it could help to speed up the developmental and administrative efforts.

Our argument is that ethnic federalism is not viable in a country with more than 80 different ethnic groups – how could that many viable regions be created? According to our programme – federalism should be based on geography, historical and cultural ties, language and management and developmental opportunities. If there are conflicts between regions, these should be resolved by referendum among the respective peoples. This is an important point. Solutions should not be imposed from above like it is done today.” (Interview Lidetu Ayalew, Secretary General EDP, Addis Ababa June 2000)

It remains unclear, however, what their alternative model of federalism is based on. Lidetu Ayalew attempts to define the EDP’s federal model by mentioning a range of different criteria for regional states to be established. Except the stress on management and developmental opportunities, which are relatively vague concepts, the other criteria are very similar to those of the EPRDF: language, geography, and historical and cultural ties. If the two parties want to be seen as

a real alternative to the EPRDF and its federal policies, they need to develop their alternative federalism further and express their political visions clearer. The two parties' failure to define a clear alternative might be seen as an illustration of what many observers see as a typical trait in the current political debate in Ethiopia: the opposition is basically focusing on the disadvantages of the EPRDF policies instead of proposing new solutions.

"Ethnic federalism is only serving the interests of the TPLF"

Despite the opposition's different views on federalism generally, both the anti-federal and the pro-federal parties share the opinion that the current Ethiopian federal system is designed to serve the interests of the ruling coalition in general and the TPLF in particular. Article 39 of the Constitution, which asserts the right of nations, nationalities and peoples to self-determination, up to and including secession, is also rejected by the opposition currently active in conventional Ethiopian politics.¹³ Due to the fact that the TPLF never clarified whether they wanted independence or regional autonomy for Tigray before the transition, the opposition parties have little trust in the TPLF's commitment to the building of a unified Ethiopia. The AAPO's statement illustrates the opposition's lack of trust in the ruling coalition:

"EPRDF is a nominal party. The power and all the go-ahead orders are in the hands of the Tigray People's Liberation Front. It is the TPLF that rules the country. According to the manifesto of TPLF, the party's aim is to free Tigray region and its people from the colonial rule of Ethiopia. Keeping this in mind, the so-called EPRDF's motivation for introducing a system of ethnic federalism is not for the sake of Ethiopia and Ethiopians, but for the well-being of the TPLF-group. The system is to disintegrate Ethiopia into pieces, abolishing the long existing unity of the people and retarding the development and growth of Ethiopia. On the other hand, it was to build Tigray to a greater, prosperous and wealthy nation and the Tigray people to a first class people in every aspect in the Horn of Africa." (AAPO's written response to questions that I submitted to the vice-chairman Ali Idris, Addis Ababa May 2000)

The opposition generally disregards the ideological and democratic commitment of the ruling party, and claims that the current federal system was introduced only for pragmatic reasons. They share the view that the policy of ethnic federalisation is a political tool for the TPLF to stay in power. As a party representing a minority of the Ethiopian population, the TPLF needed an instrument to ensure that it maintained the control of the country. The EDP has expressed this view in the following way:

¹³ This does not include the OLF, which is an illegal political party in Ethiopia today. This party supports the principle of national self-determination, but rejects the legitimacy of the EPRDF government and the new constitution.

When they [the EPRDF] came to power, the Derg and the Amhara were the declared enemies. They declared the right to self-determination in order to achieve popular support in the regions. This is a sort of divide and rule, a method of a minority governing a majority. In a democracy, this is impossible. Article 39 of the Constitution does not benefit the people, but was created to serve certain political aims.” (Interview Lidetu Ayalew, Secretary General EDP, Addis Ababa June 2000)

Several of the opposition parties stress that there is a discrepancy between the federal provisions written in the transitional charter and the new constitution and the practice of the EPRDF government. They state that although the provisions might have been a basis for empowering the regions, the practice of the EPRDF work against this. Although the majority of the opposition parties opposes the EPRDF’s federal model *per se*, there are some exceptions. Merera Gudina’s argument, for example, does not discredit what is “on paper” – the Ethiopian constitution and the federal model. His critique is basically of the fact that the EPRDF is not following what is has written on the paper:

“This new system satisfied neither the historically marginalised nor the historically privileged. All it has done is to create a new elite and new authoritarianism. [...] On paper there is a federal system, but in practice the system is still very centralised. This is done through the PDO system, People’s Democratic Organisations, EPRDF affiliates in all regions of the country. The decision making is done through the principle of democratic centralism, controlled and decided upon by the politbureau of the TPLF. It is in the latter group that the decisions are taken. The adoption of both the so-called democracy and the federal system is done to serve the hegemonic interests of the Tigrayan elite.” (Interview Merera Gudina, Chairman ONC, Addis Ababa May 2000)

The opposition’s critique of the EPRDF’s federal project shows a general lack of trust in the party in power. This lack of trust indicates that all kinds of political reforms, not only ethnic federalism, would have been met by hostility from the opposition parties. This hostility has to be understood as a result of the experience of ethnic antagonism during the previous regimes, but also by the way the current regime has handled the opposition. As we have seen above, the EPRDF has excluded the opposition from taking part in the “federal bargain” and the federal system has become exclusively “the EPRDF’s federal project” instead of inclusively “Ethiopia’s federal project”.

EPRDF federalism: ideologically founded but pragmatically used

As Riker (1964) points out, all writers of federal constitutions have a desire to make benefit from the political reorganisation that follows rather than enhancing freedom and democracy. When considering the Ethiopian opposition parties’ critique of the EPRDF’s federal project, it is rather apparent that the ruling coalition cannot escape the accusation of being pragmatically rather

than ideologically and democratically minded when introducing a federal system along ethnic lines. Despite a clear ideological and normative connection to the idea of national self-determination, the process of institutionalising the principle through the drafting of the federal constitution has severely lacked transparency. This has made the Ethiopian opposition as well as researchers observing the process sceptical to the EPRDF's intentions of introducing a federal system and has made many of them conclude that the ruling party lacks commitment to ideas other than that of staying in power.

Divide and rule?

One of the harshest critics of the current Ethiopian government, Marina Ottaway (1999:19), claims that the TPLF's only priority after the fall of the old regime was to stay in power and keep the control of other opposition forces that they had gained through military struggles. After many years of war between the Derg-controlled central state and ethnic liberation movements, ethnicity had become a political power that could not be removed or ignored. Thus, a TPLF-controlled centralised unitary state without ethnic concessions would have caused the same ethnic revolts that had put down the previous regimes. In order to stay in power they needed to reorganise the state. Federalism and ethnic division of the country served this purpose. Poluha (1998: 39) claims that by introducing ethnically based federalism, the opposition that the EPRDF feared (including the OLF) was disarmed and neutralised because the issues it had worked for, like ethnic regionalisation, were apparently resolved. By taking over the ethnic agenda, the EPRDF has been able to keep other key issues out of the political limelight. Young, who basically supports the idea of ethnic federalism, also admits that ethnic federalism is the best means for the TPLF to retain a leading position in an Ethiopian state where the Tigrayans constitute a minority (1996a:532).

The only way to democratise and avert disintegration?

The EPRDF itself does in a way acknowledge that there were pragmatic considerations behind the introduction of ethnic federalism, but tries to present its intentions as more noble than those mentioned above. Meles Zenawi claimed that all they were trying to do was to stop the war, and to prevent a new one erupting. He also tried to legitimise the introduction of ethnic federalism by claiming that it was the only way of democratically restructuring the country, enhancing the political participation of the Ethiopian population and giving ethno-regional rights to the previously oppressed peoples or nationalities. The argument is based on the assumption that democracy can only be established through ethnicity, through regionally defined ethnic rights.

The EPRDF's argument for ethnic federalism as a way of averting disintegration is supported by several researchers. Kidane Mengisteab claims that ethnic federalism was "a bold effort to avert the country's total disintegration and the permanent state of conflict that a total disintegration would entail" (1992:12), and was "essential to stop the bloodshed and mend ethnic relations" (1999:126). Young argues that decentralisation along ethnic

lines was the only approach that could ensure the survival and unity of the Ethiopian state into the 21st century (1996a: 532). It has also been pointed out that ethnic federalism was a response to the legacy of the ethnic domination and marginalisation in the history of the Ethiopian state and the need for a state reconstruction that delegitimised the old leadership elites (Abbink 1995:151). Federalism is then not only a way of maintaining unity, but also a means to overcome the Amhara hegemony and provide a structure in which the EPRDF could govern. The TPLF attempted to achieve legitimacy by the promotion of a convincing alternative to a centralised state with its records of past failures and war (Young 1997:202).

Conclusion: a federal project lacking legitimacy

The TPLF's initial justification for introducing a federal system was the commitment to the principle of national self-determination. Although vaguely defined, this commitment was not merely a result of pragmatic considerations, but definitely an outcome of ideological influences from both the Marxist-Leninist inspired student movement and Tigrayan nationalism of the 1960s and '70s. It is therefore fair to say that Ethiopian federalism has a clear normative base. Federalism was chosen because it was a way of fulfilling an ideological aspiration: granting national groups the right to determine their own affairs within their own territory. After the transition, the TPLF justified the introduction of federalism by other, slightly more pragmatic and functionalist arguments. Empowering national groups through federalism was not only an end in itself, but essentially a means to maintain the unity of the country. One part of the political opposition against the EPRDF (the AAPO and the EDUP) has rejected this whole idea, claiming that ethnic federalism would lead to a split-up of the Ethiopian state. But the opposition's critique of the EPRDF's federal project is not only based on disagreements about the actual ideas that federalism is based on. All opposition parties, including both anti- and pro-federal parties, reject the current federal arrangements and the way they are implemented because they claim that it is only serving the party in power.

The ruling party has failed in the attempt to achieve legitimacy for its federal solution much because of the way in which the so-called federal bargain was offered. The lack of transparency and participation in the process has fed the argument that the EPRDF's federalism is a way of ensuring TPLF hegemony. Firstly, the TPLF before the transition never clarified whether it wanted an independent Tigrayan republic or regional autonomy for Tigray within Ethiopia. This has made the opposition suspicious of the TPLF's commitment to a unified Ethiopia, despite the fact that the front later has expressed its dedication to averting the disintegration of the country. Secondly, the process of introducing federalism in Ethiopia is more of a federal imposition than a federal bargain. When Riker (1964) describes why political elites accept a federal bargain, he claims that there is always an element of pressure on those who are offered the bargain. But some kind of trade-off had to be present, for example the promise of peace and stability. In Ethiopia, however, the EPRDF never really asked the opposition whether they wanted federalism or not. The military superiority of the TPLF and the control that they imposed during the

transitional period made the opposition unable, both physically and politically, to reject the so-called federal bargain. According to Young (1996a: 532), the TPLF was convinced that their success in the battlefield during the struggle against the Derg confirmed the superiority of their political convictions. They were therefore basically unwilling to modify their ideas through bargaining. Although the transitional conference and the transitional charter had an element of bargaining, EPRDF's principle of national self-determination was adopted unmodified. The legitimacy the EPRDF might have gained in the transitional conference was eventually lost in the process of drafting the new constitution. As Mohammed Hassen has expressed it, the new constitution was "produced single handed by one organisation and its partners. It lost legitimacy even before it was ratified" (1999:253).

Chapter 5: The legal and institutional arrangements of the Ethiopian federation

This chapter will explore the Ethiopian federation through its legal and institutional arrangements, basically defined in the transitional charter of 1991, various transitional government proclamations and the federal constitution. The aim is to reveal whether these formal structures are in line with the fundamental federal principles mentioned in chapter two on theoretical approaches to federations. As an introduction, the chapter will start off with a brief account of the constitutional history of Ethiopia, in order to place the post-1991 legal arrangements in a historical context.

King's definition of a federation will be the point of departure for the analysis of the various legal documents that outline the Ethiopian federal arrangements. Let us quickly wind back and see that he defined a federation "as an institutional arrangement, taking form of a sovereign state, and distinguished from other such states solely on the fact that its central government incorporates regional units into its decision procedures on some constitutionally entrenched basis" (King 1982:77). Firstly, I will investigate on which basis the territorial units of the Ethiopian federation were established. Secondly, I will go into how these units are represented at the central level, with a particular focus on the organisation of the legislature (bicameralism). Thirdly, I will consider whether or not the regional units have a constitutional guarantee for their representation at the central level. Do the Ethiopian legal arrangements include a commitment to constitutionalism, which limits the government to such an extent that the federal structures cannot be altered without the consent of the regional units? The chapter will wind up by discussing the peculiarities and ambiguities of the Ethiopian federal arrangements with reference to federal theory and other federal practices.

A brief account of Ethiopian constitutional history

The term constitutionalism refers to the idea of limiting the powers of government. These limits are in some sense self-imposed and are aiming at making the rulers accountable to the law and preventing arbitrary actions (Elster and Slagstad 1988: 2-3). Most countries abide by this principle through a commitment to a written constitution or well-established unwritten customs. Ethiopia got its first written constitution under the rule of Haile Selassie in 1931. The country has constitutionally significant documents which are dated before 1931 such as various law codes and administrative and protocol directives, but these did not impose any fundamental restrictions on the Emperor, who was seen as above the law and the source of all governmental powers (Fasil Nahum 1997: 17). The principle of imperial sovereignty and the Emperor's ability to impose his will on the subjects, however, was in practice restricted by the power of local and regional nobility. As the imperial rule became increasingly consolidated, the Emperor tried to minimise the regions'

control over him. The constitutions under Haile Selassie were therefore not as much means to limit the power of the ruler, but more a way of securing the sovereignty of imperial rule (Aberra Jembere 1994: 67). The Derg's constitution of 1987 followed this pattern. It provided for the establishment of a system of symbolic and cultural regional autonomy, but gave still room for centralisation of power, sustaining a strictly unitary form of administration and arbitrary rule (Clapham 1988: 204). Essentially, the pre-1991 constitutions in Ethiopia were not efficient in making the rulers abide by the principle of constitutionalism.

The constitutions under Haile Selassie – means of centralisation

Haile Selassie's constitution of 1931 aimed at institutionalising and consolidating imperial power as well as entrenching the principle of unitary government at the expense of the regional lords' autonomy. Clapham (1969) claims that the two pillars of the 1931 constitution were centralisation and modernisation: it provided the formal basis for a process of centralisation that was necessary for both national unity and effective modernisation. As a sign of modernisation, the constitution made the establishment of a bicameral parliament possible, delegating some of the tasks that had previously been left to the imperial prerogative. The members of the chamber of deputies in the parliament (the first/lower chamber) were appointed by regional nobility while the members of the senate (the second/upper chamber) were assigned by the Emperor. But otherwise the constitutional guarantees were meagre, and the Emperor was even now perceived as above the law (Clapham 1969: 35). He gained the entire executive power over both central and regional government and the constitutional provisions did not prevent him from practically controlling both the legislature and the judiciary.

A revision of the 1931 constitution took place in 1955. The 1955 constitution secured a limited set of human rights, provided for the establishment of an independent judiciary and a more democratically elected legislature. Nevertheless, substantial constitutional restrictions on the imperial power were still lacking, and the Emperor was allowed to rule by emergency decree and was the one who appointed members of the senate, judges and ministers, civil and military officers and regional and local administrators (Aberra Jembere 1994: 72). Thus, the 1955 constitution did not limit the power of the Emperor in any fundamental way, but rather maintained and enhanced the central control over regional forces that Haile Selassie had institutionalised through the 1931 constitution.

The Derg constitution of 1987 – civilising military Marxism?

In the period from 1974 to 1987 Ethiopia was ruled without a constitution. The Derg administered the country by prerogatives and proclamations until a new constitution was ratified in 1987. This document was supposed to ensure the hand-over of power from a military government (Provisional Military Administrative Council, PMAC) to the Workers Party of Ethiopia (WPE) and a new set of Marxist-Leninist institutions.

The process of drafting a new constitution started in 1983, with the establishment of the Institute for the Study of the Ethiopian Nationalities. This institute should be providing the Ethiopian government with more knowledge about the country's national groups and projecting the process of constitutional drafting. It did obtain some information about the nationalities, but this was of little practical use in the drafting process. A preliminary draft was presented in 1984, but this was later amended by higher authorities. The Constitutional Commission established in 1986 was serving to give the impression that the drafting had a nation-wide participation, but it was otherwise nothing more than a "rubber stamp body" and was totally dominated by Mengistu's WPE (Clapham 1988:92).

Although the new constitution did not lead to any fundamental change in the way Ethiopia was ruled, the document provided for some administrative rearrangements. During Haile Selassie, there was a uniform hierarchy of administrative units. The country was divided into 14 regions (*kifle hager*), and these were subdivided into 102 provinces (*awraja*) and at the lowest level, 600 districts (*woreda*). All the regional leaders were appointed by the centre. With the Derg's new constitution, five out of thirty administrative regions, including Eritrea, Dire Dawa, Tigray, Assab and Ogaden, gained the status as autonomous (Ofcansky and Berry 1991: 223). But the powers enjoyed by these regions were strictly delegated and did not have any constitutional guarantees. Despite the stress on "the realisation of autonomy", the constitution stated unequivocally that Ethiopia "is a unitary state in which all the nationalities live in equality" (Harbeson 1988: 190). Although the regional administrators that were appointed originated from the regions themselves, the new administration as a whole remained centralised due to the fact that the bureaucracy in the regions was still centrally assigned. The regional parliaments were subordinated to the national parliament (*shengo*) (Clapham 1988: 204). The 1987 constitution formally ended the military rule, but the power of the WPE, which operated according to the Leninist principle of "democratic centralism", remained unchallenged by the constitutional provisions (Harbeson 1988:191). The transfer of power from military to civilian rule was therefore "cosmetic", because the people on the top remained largely in the same positions and maintained the same amount of power after the constitutional change (Clapham 1998: 92). Formally, some of the regions obtained autonomy, but the national groups became gradually more suppressed and less empowered than before.

Entrenching a federal system

The federal system in Ethiopia was formally established when the new constitution of 1994 came into force in August 1995. But the process of devolution of political power had already started some years before as a result of the provisions of the transitional period charter from 1991 and proclamations from the central government in the transitional period.

As mentioned in chapter 4, the rights defined in the transitional period do not have any constitutional guarantees attached to them. Hence, the government was in principle free to federalise and then recentralise as it

pleased, because there were no provisions that prevented the charter and the proclamations to be unilaterally changed. It is the constitution of 1994 that formally entrenches the federal system in Ethiopia. Here, the regional representation and the division of powers and duties between the regional and central governments are set and cannot be unilaterally altered without breaking the constitution. The transitional charter of 1991 and various government proclamations are nevertheless important documents in the analysis of the Ethiopian federal model de jure, because they lay the foundation for the constitutional entrenchment and might as well clarify points that are ambiguous in the constitution.

The delimitation of regional units and the establishment of regional self-government

The transitional charter does not include any detailed provisions on how to practically devolve political power. The only concrete stipulation is article 13, where the government is obliged to draft a law establishing local and regional councils and to arrange an election for these councils within three months after the establishment of the transitional government. The charter lacks also any definition of the units that would be granted the right to self-determination. In other words, it is not clear which nations, nationalities and peoples that would be granted their own administration. This was sorted out when the structures of each regional unit were formally established by proclamation 7 of 1992 (7/92). Twelve regional units, here called national/regional self-governments, were listed and defined on the basis of ethnic identities.¹⁴ Two additional units were the “city state” of Addis Ababa, where the administration was responsible to the central government and not to its regional government, and the multiethnic city of Dire Dawa in the Somali region, which was directly administered by the central government. Only five of the ethnically defined states are relatively homogenous and have an ethnic majority (Tigray, Amhara, Afar, Somali, and Oromiya). The four regions in the south are very heterogenous with more than 45 ethnic groups altogether, while Gambella and Benishangul-Gumuz have no clear majority group. The population in Harari is ethnically mixed, and the non-indigenous Amhara and the Oromo constitute the majority. No official demarcation of the regional boundaries took place in connection with the designation of the regional units¹⁵.

Proclamation 7/92 defines the structures of the regional self-governments and the division of power between the central transitional government and the self-governments in a relatively detailed manner (chapter 2). These structures are in many ways similar and as detailed as those which were later outlined in the constitution. It also includes a provisions on the administration below the regional level, by stating that “the basic unit of hierarchy of every National/Regional Transitional Self-Government shall be the woreda;..”

¹⁴ “Nation” or “Nationality” means a people living in the same geographical area and having a common language and a common psychological make up of identity” (Procl. 7/92, Art.7)

¹⁵ Up to now (year 2001), no official map of Federal Ethiopia is published and several conflicts over boundaries have occurred (Tronvoll, Kjetil 2000: 23).

(Art.5,1). The woreda administration should in every aspect be a subordinate organ of the regional government, but has the power to “prepare, determine and implement within its own areas concerning social services and economic development.” (Art.40,1). In heterogenous areas, all ethnic groups are supposed to have their own woreda or zone structure, or where this is not possible, guaranteed representation in the elected woreda councils. The regional governments should decide the structures below the woreda, which in most cases are called kebele. Proclamation 41 of 1993 (41/93), gives a further elaboration on the powers and duties of the central and regional executive organs of the transitional government: the role of central ministries and commissions and regional bureaus.

Despite the fact that proclamations 7/92 and 41/93 give a fairly detailed sketch of federal-regional structures and sub-regional arrangements, the fiscal issues, which are essential in determining the regions’ abilities to carry out their duties and responsibilities, are left out. But another proclamation, defining the sharing of revenues between the central government and the national/regional self-governments, tries to fill this gap (proclamation 33/92). It defines both regional and central revenue sources (chapter 5-6). The revenues granted for the central government are much larger than those for the regions, which gives a clear vertical imbalance. A correction of this imbalance is attempted by opening up for subsidies from central to regional level (chapter 7). Many financial issues are left unclarified in this proclamation, such as the rules that will determine the joint revenue sources. Despite this, the constitution (Art.95) largely repeats what is stated in proclamation 33/92, and there are no additional fundamental clarifications on the financial ambiguities there (Cohen 1995:172). After the transitional period ended, however, new types of subsidies and grants have been introduced and determined by the House of the Federation in order to correct both horizontal and vertical imbalances. But these new developments have no constitutional entrenchment and are more a result of political than legal considerations. The financial arrangements would therefore be a part of my analysis of the de facto functioning of the Ethiopian federation (chapter 6 of this study), and not a part of the de jure arrangements in this chapter.

Setting the principles of national self-determination and federation in the constitution of 1994

The constitution of 1994 clearly states that Ethiopia is intended to be a federal state. Article 1 defines the nomenclature of the state: “This constitution establishes a federal and democratic state structure”. The sovereign power is not given to the Ethiopian people at large or to the federal member states, but “resides with the nations, nationalities and peoples of Ethiopia” (Art.8,1). Article 39, which actually is to be found in the chapter on fundamental human rights, gives a further elaboration on what this sovereignty is about. It largely repeats from the transitional charter’s article two, and asserts that “[e]very nation, nationality and people has an unconditional right to self-determination, up to and including the right to secession”. The definition of nations, nationalities and peoples is essentially the same as in proclamation 7/92: “[...]”

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 an identifiable, predominantly contiguous territory.” Of the criteria mentioned, it is only language and territory which are relatively easy to determine and distinguish, and it is therefore reasonable to claim that the Ethiopian federal units first and foremost are defined on a linguistic and territorial basis (Abbink 1997: 166). The other traits, such as common psychological make-up and identities, are hard to agree on and would probably be more unstable and changeable than language and territory.

Article 47 lists the names of the states of the Federal Democratic Republic of Ethiopia. The fourteen regions defined in proclamation 7/92 are reduced to nine, following the merger of the southern regions into one in 1994¹⁶. Since the sovereignty rests with the nations, nationalities and peoples and not with the people at large or the member states of the country, sub-article two points out that “nations, nationalities and peoples within the states [...] have the right to establish, at any time, their own states”. The transitional proclamations sketched out the sub-regional structures of the regional self-governments. In the constitution, however, there is no mention of the levels below the region. The sub-regional structures are left for the regions to decide, through the drafting and ratification of regional constitutions (Art.52, 4).

Central-regional power division and regional representation as defined in the constitution

Powers and functions of the federal and regional state governments

According to the federal constitution, the federal government with a bicameral parliament and a constitutional president is assigned the responsibility of, inter alia, national defence, foreign relations, monetary policies and foreign investment and the establishment and implementation of national standards on health, education, science and technology (Art.51). The various regional governments all have equal powers and duties, which indicates that the Ethiopian system is a constitutionally symmetrical federal system. They are governed by a state president, who is also the chief executive, and the state council. The regional states are empowered to establish their own administration with responsibility for the state’s civil service, law and order and the state police force. It should formulate and execute state constitutions and laws, economic, social and developmental policies, strategies and plans and administer its own budget, and land and natural resources under federal law (Art.52).

The federal and regional governments share the right to levy taxes and collect duties on revenue sources, but the major sources of revenues are given to the federal level (Art. 95-97). The states do also have the “concurrent powers” that are given to the federal and state governments or the powers that

¹⁶ The merger was a result of an initiative from the EPRDF and its southern affiliates (Interview Taye Amberbir, June 2000) The process behind the merger will be discussed in chapter 6.

are not given expressly to the federal government alone (Art.52,1). But there is no constitutional list of such powers. The federal government, however, is given the unspecified authority to delegate some of its power to the states if necessary (Art.50,9). During a state of emergency, the federal government can suspend all the important constitutional provisions which are empowering the regions, except article 39, which assures the right to national self-determination, up to and including secession¹⁷ (Art. 93).

The House of the Peoples' Representatives – the first chamber

The highest authority in the federal state is the House of Peoples' Representatives (HPR). It is equivalent to the first or lower chamber of a legislature, normally serving the interests of the people in the federation as a whole. The members of the HPR are elected by a plurality of the votes cast in general elections every five years (Art.54,1). But twenty of the seats are excepted from the majority-based, one-member constituencies and are reserved for officially recognised ethnic groups with less than 100,000 people, in order to ensure minority representation. How elections to these minority seats should be made is not specified in the constitution, other than that it should be determined by law (Art. 54,3; see also Tronvoll 2000: 23). The most important functions of the HPR are to enact laws on matters specified for the federal level and ratify national policy standards (Art.55).

The Ethiopian system is essentially parliamentary, where the political party or parties with the greatest number of seats in the HPR shall form and lead the executive and approve the appointment of members for the executive Council of Ministers and the Prime Minister (Art.56). The HPR shall also nominate the candidate for the president, who will be accepted by a two-thirds majority of both chambers of the legislature (Art.70). The President has no real powers, but should, equally to other constitutional presidents and monarchs, formally sign all new laws coming from the HPR (Art.71). The Prime Minister has quite extensive powers, akin to those of presidents in presidential systems. He is the commander-in-chief of the armed forces (Art.74,1). Moreover, the ministers in the executive are primarily not accountable to the HPR, but to the Prime Minister (Art.76,2).

The House of the Federation – the second chamber

The House of the Federation (HF) is the second or upper chamber in the federal government of Ethiopia. In conventional federal systems, the second chamber serves as the representative institution for the regional units. In the Ethiopian system, the HF has essentially the same function, but in the constitution this is formulated in a slightly different way: it is not composed of representatives from the federal units, but “of representatives of Nations, Nationalities and Peoples” (Art.61,1).

As we have seen in chapter two of this analysis, a common dilemma in determining the basis for representation in the second chamber is the contradiction between equality of representation of citizens and regions. Should

¹⁷ Other rights that cannot be suspended during a state of emergency are article 1 (the nomenclature of the state); article 18 (prohibition of inhuman treatment); and article 25 (the right to equality) (stated in Art.93).

all member states have the same vote, or should more populous states have more votes than the smaller states, so that each citizen's vote has the same weight? The Ethiopian federal system has attempted to reach a compromise in the conflict between equality of citizens and equality of regions in representation in the second chamber. Each officially recognised national group should in principle have one representative in the House. Additionally, the population number of each nation or nationality is taken into consideration by giving one representative extra for each million of its population (Art.61,2). Despite the fact that it is not the regional units per se, but the nations and nationalities which are represented in the HF, it is the State Councils in each regional state which elect the members to the HF (Art.61,3).

The House of the Federation has the power to interpret the constitution and to establish the Council of Constitutional Enquiry, which has the duty of investigating constitutional disputes (Art.61,1-2). HF should also decide upon issues related to the rights of states to self-determination including secession, find solutions to disputes between states, and determine the division of joint federal and state revenues and the federal subsidies to the states. But with only two sessions annually, it has little influence on the conduct of daily federal affairs (Art.67).

Constitutional guarantees for regional representation

One of the fundamental characteristics of federations is that the basis of regional representation "cannot be easily altered, as by resort to the bare majoritarian procedure which serves normal purposes" (King 1982:143, see also chapter two of this study). Does the Ethiopian system have specific procedures for how regional representation should be altered? Are there any extraordinary rules to change the constitution?

As we have seen, regional representation in the central decision-making process is ensured through the House of the Federation. Constitutional provisions guarantee the powers and duties of this house. But the basis for regional representation itself is relatively ambiguous, since the right of representation is not given to the member states, but to the nations, nationalities and peoples. Adding to this complexity is the constitutional provision which allows nations, nationalities and peoples within states to establish, at any time, their own states (Art.47,2) or to secede from the Ethiopian federation (Art.39,1). But the conditions for establishing a state or secede are complicated and do not follow "the bare majoritarian procedure" (King 1982:143). If national groups want their own state within the federation, the state council has to accept it with a two-thirds majority and has to arrange a referendum where the majority of the voters agree on it. The demand for secession has to be approved by a two-thirds majority of the respective state council and a majority in a referendum arranged by the federal government.

Any proposal for constitutional amendment has to be supported by a two-thirds majority in the House of Peoples Representatives or in the House of the Federation and or one third of the member states' councils (Art.104). The basic rights and freedoms as defined in chapter 3 of the constitution, and the rules for amending the constitution cannot be altered without the consent of all

member states (through a majority in each state council) and a two-thirds majority in both the House of Peoples Representatives and the House of the Federation (Art.105). The other provisions of the constitution can be altered by a two-thirds majority in a joint session in the HPR and the HF and a majority in two thirds of the state councils. This corresponds to the fundamental principle in federal states that the supreme law regulating federal-regional relations and regional representation at the federal level cannot be altered without an extraordinary majority at both federal and regional level.

Is the Ethiopian model really federal? Particularities and ambiguities of the Ethiopian federation *de jure*

Throughout the transitional period, all the proclamations issued indicated that the regions and their sub-units would be subordinate to the central government and their ministries and agencies (Cohen 1995:160). Despite the transitional charter's stress on national self-determination, the regional power was restricted and there were no definite signs showing whether the Ethiopian state would be a decentralised, unitary system or a federation. But the constitution of 1994 removes this doubt. It clearly states that the government intends to leave the unitary structure and go for as federal solution (Art.1). But as we have seen above, there are several ambiguities and particularities in the Ethiopian federal arrangements. This makes the conclusions on whether the Ethiopian federation corresponds or conflicts with fundamental principles of federal theory and practice of established federations more complicated than it might appear in the first place. The right to secession, the granting of sovereignty to "nations, nationalities and the people" instead of the member states, the lack of an independent constitutional court and the strong executive are among the factors contributing to this complexity.

The contradiction of regional power – meagre authority but the right to secede

There is an apparent paradox in the Ethiopian federal arrangements, which has been noted by several writers (Abbink 1997; Paul 2000; Brietzke 1995). On the one hand, the nations, nationalities and peoples have been granted the right to exit from the federation if certain conditions are fulfilled. This makes the independence of the constituent units more extensive than in other federal systems. On the other hand, the powers of the member states are relatively meagre, and the regional governments remain dependent on the federal level to be able to carry out their duties. As expressed by Brietzke, the constitution "proposes few self-determination remedies, since nothing is specified as lying in the gaps between secession, quite a narrow form of self-determination and a limited cultural autonomy" (1995: 35).

Certain federal theorists, among them Duchacek, go as far as arguing that the right to secession disqualifies a state as federal. It is argued that the right to secession will gradually undermine citizens' loyalty to the central government. Moreover, when regions are free to leave the union, the political arrangement between the centre and the states are more similar to a confederation without strong sub-national control than a federation (Duchacek 1987: 207). The fact that sovereignty in the Ethiopian federation is given to "nations, nationalities and peoples" and not to clearly defined member states means that national groups can secede not only from the federation, but also from each member state. This is clearly a constitutional anomaly, and does not have any parallels in other federal systems today. Whether the right to secession disqualifies Ethiopia from being a federal system is a matter of opinion. If we look at other federal states, there are some of them which have granted ethnic groups or

regions extensive self-determination rights, but these are in most cases defined outside the constitutional framework.

Multiethnic federations like Spain and Canada have chosen to give concessions to ethnically based regions, but these concessions are basically defined elsewhere than in the constitution. This has made the arrangements more flexible and it has thus been possible to adopt them gradually to meet the demands of the current political situation. A large change in the Canadian political system, which took place when political forces in Québec sought to secede from the Canadian federation, occurred outside of the formal constitutional amending process. Parti Québécois governments asserted Québec's right to declare itself to be a sovereign country if such a move were approved in a referendum. The 1995 draft sovereignty bill was the legal framework that would have been used to realise independence if the government had won the referendum that year (Hechter 2000:196).

The Ethiopian constitution could be compared with the Spanish constitution of 1978 (Brietzke 1995:37). Like Ethiopia, Spain has been facing the problems of violent secession movements and an undemocratic past. In order to solve these problems, the Spanish government wanted to introduce some forms of regional autonomy, but chose not to define member states and state boundaries in any fixed way or to grant the contentious regions the right to secession through constitutional provisions (Colomer 1998). Instead, the so-called "autonomous communities" gained gradually broader powers of self-government, more than what is common in other federal states, through bargaining between political parties in the regional and central governments. Yet the most important powers, such as military and economic security are reserved to the central government. The autonomous communities have been granted different kinds of self-determination rights, all according to the outcome of the bargaining. This asymmetry has some similarities to the arrangements of the new Russian federation. In the first Russian federal treaty of 1992, the various ethnorepublics were given the right to secede, which also was a theoretically available option during the Soviet Union era, but this was abandoned in a revised treaty of 1993. Instead, the federation entered a "post-constitutional process" where the centre began to negotiate a series of bilateral power sharing treaties with each ethnorepublic (Smith 2000: 350)

The Canadian, Spanish and Russian constitutions have thus chosen to exclude the right of secession, but have in practice granted quite extensive "remedies for self-determination" through various areas of self-government for the constituent units. The Ethiopian federation has to a large extent chosen to do the opposite: asserting the most extreme right to self-determination, the right to secession, at the same time as the powers given to the regions in the administration of daily affairs are quite scanty in a comparative perspective. Land and natural resources in the member states, for instance, are administered under federal law. The regional governments have to follow national standards in the conduct of day-to-day affairs. This means in practice that the five-year plans adopted by the EPRDF in the House of Peoples' Representatives have to be followed by the regional governments in every aspect of administration. The regional revenue sources are few and insubstantial compared to those that are left for the federal level, which means that the regional governments have to

rely on grants and subsidies from the federal government to be able to carry out their duties (Eshetu Chole 1994:8).

Insufficient constitutionalism? Few checks on the ruling power

As noted in chapter two of this study, several federal theorists claim that a federation cannot be genuine unless the government is subordinate to the law (Burgess 1993; King 1982). If the political forces do not follow the provisions that are given in the constitution, the guarantees provided have no functions. In order to decide whether a government is subordinate to the law, it is necessary to look at the actual operation of the federal system and the practices of the political leadership. Hence, this is a matter that will be discussed in depth in the next chapter of this study, which will be dealing with the implementation of the Ethiopian federal system. However, the legal framework might give us some clues on how the federal system will work. The legal framework should provide the essential checks on the ruling powers to prevent them from exceeding their mandate or violating the rules regulating federal-regional relations. The question that should be answered here is: Does the Ethiopian constitution provide enough checks on the Ethiopian leadership to prevent the violation of federal principles?

In federal systems like that of the United States, the second chamber of the legislature has the role of checking the power of the other federal institutions and plays an essential part in the separation of powers. In parliamentary federal systems like the Australian or the Canadian, the second chamber shall ensure that all legal actions of the national government are consulted by the regional units (Sharman 1987: 85). The second chamber in the Ethiopian federal system, the House of the Federation, fills neither of these roles completely. The Ethiopian system is formally parliamentary, but has elements akin to presidential systems. The relationship between the House of Peoples' Representatives and the executive is regulated by parliamentarian principles and this altogether minimises the separation of powers and the checks and balances as seen in the U.S. Constitution (Brietzke 1995: 25). But the Prime Minister has more power than what is common in parliamentary systems, due to the facts that he controls the army and that the council of ministers are accountable to him. Furthermore, the House of the Federation does not have any role in checking the ordinary legislating process in the HPR, and this contradicts with the practice of other federal, bicameral parliamentarian systems. As noted above, it is only in cases where the constitution is at stake, or where the federal-regional relations at issue, that the House of the Federation has the power to intervene and make decisions. This implies that the regions, through the House of the Federation, do not have any say in debating the general policies on the federal level or proposing laws for the federal level. The institutional framework of the Ethiopian federation does altogether give a large space of action for a strong central executive, which is only to a small extent controlled or checked by the other institutions of the federation, the House of Peoples' Representatives and the House of the Federation.

In most federal systems, an independent constitutional court has the adjudicating role in interpreting the constitution and adapting it to changing

circumstances. It is essential that this court is independent of political forces, so that all parties in the country can look upon it as impartial and trust its decisions to be unbiased. The Ethiopian federal system differs from other federal systems by not having an independent Constitutional Court. Instead, the constitutional issues are left to a political organ, the House of the Federation, and the legal-political Council of Constitutional Enquiry (Art.62). Any constitutional disputes arising in the court system has to be handled by the Council of Constitutional Enquiry, an organ under the HF established in 1996 (Art.82, see also Abbink 1997:168). The council is composed of both political and legal figures: the president and the vice-president of the Supreme Court; three members of the HF; and six legal experts selected by the HPR. The council shall submit its recommendations to the HF, which will determine the final outcome of the issue (Art.83).

This might indicate that the Ethiopian constitution makers do not believe that arguments between the federal and regional level are possible to solve on a legal basis, but that there have to be some political deliberations about them. Nevertheless, it means in practice that the constitutional interpretation is controlled by the party in power. Although the judiciary in general is independent, the judges in the court system, including those who are a part of the Council of Constitutional Enquiry, are appointed by the HPR on the proposal of the Prime Minister (Art. 81, see also Mattei 1995:124). The absence of an independent constitutional court has lead observers to claim that the Ethiopian system lacks the essential limits to government which a commitment to the principle of constitutionalism should imply (Vestal 1996:35). But if we compare the Ethiopian model with the Russian federation, for instance, it seems that the Ethiopian system's lack of checks on the executive is relatively moderate. In the Russian constitution, the president is given the power of judicial review and of arbitration between federal and local bodies or between constituent members of the federation (Smith 2000:349). This clearly conflicts with the basic federal principle that central authorities do not have the right to unilaterally redefine the powers of the constituent units.

Conclusion: A qualified but peculiar federal model

If we strictly follow King's minimalist definition of federations, neither the meagre regional powers, the right to secession, the lack of checks on the central executive nor the absence of an independent constitutional court disqualify the Ethiopian system from being federal. Constitutionally guaranteed representation of regions in the central decision-making process, which is the critical criterion for King's definition of federations, is still unchallenged by these particularities.

King's claim that constitutional units in federal systems have to be incorporated into the central decision making process does not include any parameters on *how much* power and influence they should have or what regional empowerment should entail, except that their representation should be constitutionally guaranteed. Federal systems could therefore in practice have similar power sharing arrangements between central and regional level as decentralised unitary systems, as long as they are entrenched in the

constitution. Hence, it is problematic to claim that the Ethiopian regional states' meagre powers would make the Ethiopian system less federal. Several writers, including Abbink (1997:167) claims that the actual division of powers between member states and federal government is "not federal enough" because the states do not have any role in debating the policies and in proposing legislation formulated at federal level. He justifies this claim by pointing at the fact that other federal systems, such as the German, Canadian, Nigerian and Mexican, have given more power of this kind to the member states. Thus, his judgement of the Ethiopian federal system is based on comparison with other federal systems, and not on a clear definition of what a federation is.

The most common critique of the Ethiopian federal model is that it includes the right to secession (Brietzke 1995; Abbink 1997; Mattei 1995; Paul 2000; Cohen 1994). As mentioned above, their critiques are supported by federal theorists, such as Duchacek (1987), who argues that the right to secession undermines a state as federal. I would argue that the right to secession does not disqualify the Ethiopian system from being federal, again referring to King's definition of federations. Reading the Ethiopian constitution, it is apparent that the right to secession is hard to exercise both politically and procedurally and it is by all practical purposes not likely that it will take place. But as the critics rightly have pointed out, the fact that this right is written into the constitution might encourage groups or regions to try this option, and this might again destabilise unity of the federation in the long run.

Even though the institutions responsible for constitutional interpretation, the House of the Federation and the Council of Constitutional Enquiry, are not politically independent and might be dominated by the political party in power, it is still necessary to consult the regions to change the constitution. Complex rules of voting have to be followed, and hence, King's requirements that the constitution cannot be easily altered and that the amendment process "cannot resort to bare majoritarian procedure" is not violated. Therefore, the marginal checks on the central executive and the lack of an independent constitutional court do not endanger the federal arrangements in Ethiopia *per se*. But it might decrease the political leadership's commitment to the principle of constitutionalism, because it gives the party in power a greater opportunity to act without consulting the federal houses or the courts and to exploit the space of action which the lack of checks provide. Ultimately, this might influence the running of the daily affairs in the federation and obstruct federal-regional relations.

The most apparent trait in the constitutional history of Ethiopia is the lack of constitutionalism, the idea of self-imposed limits to the powers of rulers to make the government accountable to the law and prevent arbitrary action. They reflect to a large extent the thoughts behind the old Amharic proverb: "Just as the sky cannot be ploughed, the *negus* (king) cannot be indicted" (Leenco Lata 1999:xviii). None of the constitutions under Haile Selassie and Mengistu Haile Mariam prevented the government from imposing a repressive and autocratic regime on their subjects. Compared to these, the Ethiopian Constitution of 1994 is a great step forward. The central government is restricted by a range of constitutional provisions, and unlike the system of

regional autonomy during Mengistu, the regional governments' rights are constitutionally protected. But still, the fact that there are few of checks on the central executive and the political party in power implies that there are some continuities between the past constitutions and the one of today. Whether this will result in continued repressive rule can only be determined by exploring the actual implementation of the federal constitution and to what extent the central government decides to exceed their mandate. This will be the subject in the final chapter of this analysis, which considers the Ethiopian federal system *de facto*.

Chapter 6: The functioning of the Ethiopian federal system

The purpose with this chapter is to answer the second of my major research questions: what are the *de facto* relations between the federal and regional governments in Ethiopia and what determines these relations? An essential part of the chapter will be the exploration of the functioning and implementation of a federal system within a dominant party system. Additionally, I will try to link this part of the analysis with that of the previous chapter, by exploring how the stipulations defined in the formal framework, the constitution and proclamations, are implemented.

As Livingston (1956) and Tarlton (1965) point out, federations are products of societies more than of constitutions. Despite the fact that the legal framework is a precondition for a federal system to be established, it is the economic, political and social conditions that determine how a federal system actually works. Livingston's and Tarlton's ideas will be the point of departure for the exploration of the Ethiopian federation *de facto*. I will look into how the social, economic and political realities of the Ethiopian society are shaping the operation of the federal system. Firstly, I will describe the various regional units' ethnic composition, the relations between ethnic groups within the regions, and their socio-economic situation. This will determine whether the Ethiopian federation should be portrayed as a symmetrical or asymmetrical system. Secondly, the fiscal relationship between the federal government and the regional units is explored. Questions to be answered are whether the various regional units have an independent financial base for governing their own affairs, or to what extent they rely on the centre for carrying out their responsibilities and duties. Thirdly, I will look into how the organisation and structure of the political parties in Ethiopia affect federal-regional relations. Does party rule enhance or decrease regional units' abilities to govern their own affairs and genuinely participate in the decision making at the federal level? Here, it is essential to understand the linkages between the central and regional structures of the ruling party apparatus and the roles played by central party officials in running regional affairs. Special attention will be given to Tigray and SNNPRS. These two regions are selected for analysis in order to show how the same political framework works differently in two very different regional contexts.

The asymmetry of the federal units

The Ethiopian federal system is constitutionally symmetrical: all regular constituent units have the same formal and legal relationship to the federal government. Tarlton (1965) suggests that all federal systems, despite their constitutional symmetry, have an element of asymmetry in federal-regional relations. Various social, economic and political conditions determine each regional state's relationship to the centre and its commitment to the federation. According to Tarlton, the more a federal system is asymmetrical, the more unlikely is it that the federation will develop harmoniously, due to the diverse

interests of the constituent units. The diversity of the regional states and lack of commitment to the federation must be compensated by increased central control in order to keep the system together.

Ethnic delimitation of the federal units

The Ethiopian federal system is definitely asymmetrical when it comes to the social, economic and political conditions of each unit. Due to the fact that “ethnic identity”, or language in practice, has been the determinant factor in the delimitation of the constituent units, the various regions are very different from one another when it comes to ethnic composition, size of population and area, economic development and political landscape. The constituent units have therefore very different capacities to implement the constitutional provisions and the central government’s intervention in each region varies.

Table 6.1 Population, area, number of zones and *woreda* of the regional states

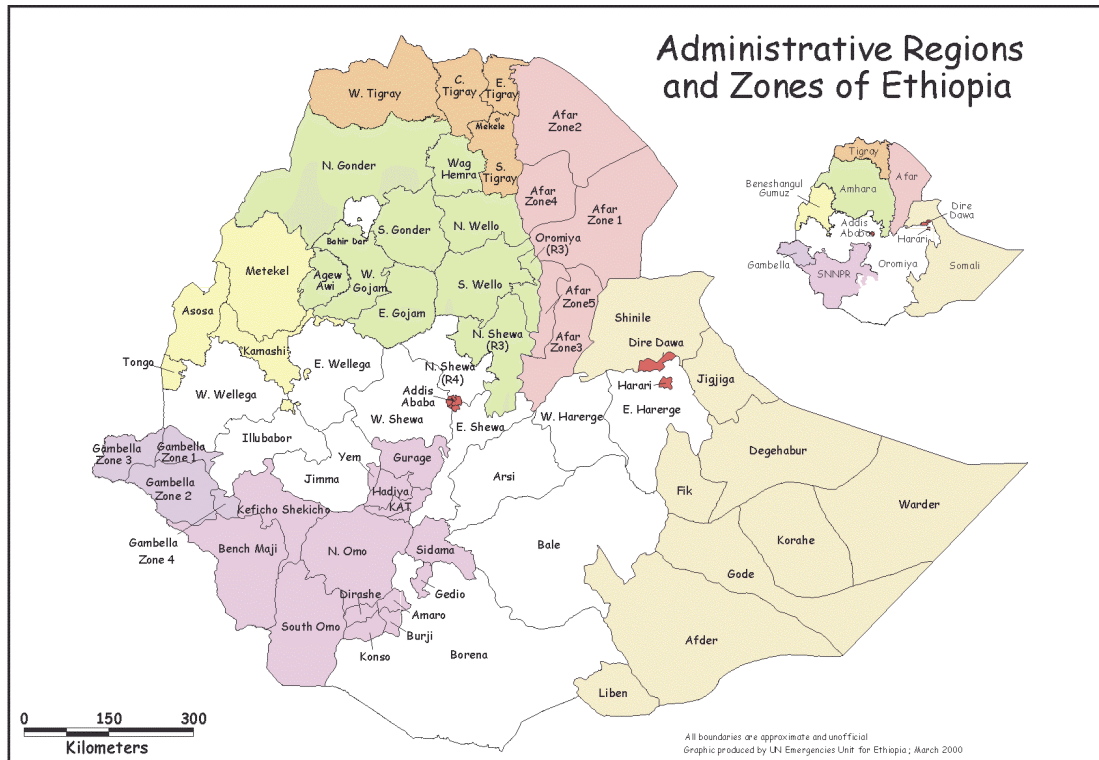
Region	Regional Capital	Population 1996/97	Area in '000 km ²	Number of zones	Number of <i>woreda</i>	Number of special <i>woreda</i>
Tigray	Mekelle	3,358,358	60.2	4	35	
Afar	Aysaita	1,131,437	77.0	5	28	
Amhara	Bahirdar	14,769,360	188.8	10	102	1
Oromiya	Finfine*	20,012,952	360.0	12	176	
Somali	Jijiga	1,978,600	215.9	9	47	
Benishangul/ Gumuz	Asossa	492,689	46.8	2	13	
SNNPRS	Awassa	11,064,818	112.0	**9	**71	**5
Gambella	Gambella	194,755	26.1	2	8	
Harari	Harar	143,587	0.3	3	19	
Addis Ababa	Addis Ababa	2,241,964	0.4	6	28	
Diredawa	Diredawa	277,245	1.6	4	23	
Total		55,765,765	1089.1	66	550	6

Source: Ministry of Economic Development and Co-operation, Regional Planning and Development Department (1998:7)

*Oromiya’s capital was changed from Finfine (the Oromo name for Addis Ababa) to Adama (Nazret) in 2001.

** The number of zones and *woreda* in SNNPRS has been changed in 2000, when North Omo zone was split into several zones, and in 2001 when the Silte got their own zone, separated from the rest of the Gurage zone.

Figure 6.1 Regions and zones of Ethiopia 1.March 2000



Source: UNDP (www.reliefweb.int)

As we see from table 6.1 and figure 6.1, the federation includes regional units ranging from the large Oromiya state with more than 20 million people and an area of 360,000 square kilometres to the tiny Harari state, which includes less than 150,000 people dispersed on 300 square kilometres¹⁸. The number of sub-regional units varies accordingly: Oromiya has 12 zones and 176 *woreda*, and Gambella has only 2 zones and 8 *woreda*. The number of special *woreda* indicates the ethnic heterogeneity of the region. Special *woreda* are designed to protect minorities which live in an area with a majority group and where the group is not large enough to have its own zone or regional structure (Proclamation 7/92). It is the regional governments which determine whether special *woreda* should be established. SNNPRS has the largest number of special *woreda*, Amhara region has one, while the other regional states have not designed any special administrative structures to protect their minorities.

¹⁸ The Harari state is located within the borders of the Oromiya region, and was granted regional status despite of its small size, due to its special “historical pre-eminence and cultural heritage”. The Harari people are distinguished from the surrounding population by having an Arab origin and a Muslim faith and Harar city has been a site for Islamic authority for centuries (Gibbs, 1998).

Table 6.2 Representatives to the House of the Federation 1995-2000

Region	National Group	No. of Repr.	Region	National group	No. of repr.	
Tigray	1. Tigraway	4	SNNPRS cont.	17. Surma	1	
	2. Kunama	1		18. Zeyise	1	
	3. Irob/Saho	1		19. Gidecho	1	
Afar	1. Afar	2		20. Arbore	1	
Amhara	1. Amhara	16		21. Geleb	1	
	2. Agew	1		22. Gurage	3	
	3. Argoba	1		23. Hamer	1	
Oromiya	1. Oromo	16		24. Gewada	1	
	2. Amhara	1		25. Basketo	1	
Somali	1. Somali	4		26. Burji	1	
Benishangul/ Gumuz	1. Gumuz	1		27. Kambata	1	
	2. Berta	1		28. Bumi	1	
	3. Shinasha	1		29. Dawro	1	
	4. Mao	1		30. Dame	1	
	5. Koma	1		31. Kafficho	1	
SNNPRS	1. Wolaita	2		32. Gacho	1	
	2. Nao	1		33. Tsemay	1	
	3. Kebena	1		34. Gamo	1	
	4. Derashe	2		35. Bench	1	
	5. Yem	2		36. Konso	2	
	6. Sidama	3		37. Meinet	1	
	7. Mareko	1		38. Oyda	1	
	8. Kore	1		39. Alaba	1	
	9. Tembaro	1		Gambella	1. Anwak	1
	10. Hadyia	2			2. Nuer	1
	11. Konta	1			3. Opa	1
	12. Ori	1			4. Majangir	1
	13. Gideo	3		Harari	1. Harari	1
	14. Bena	1		Total	58	107
	15. Shekicho	1				
	16. Male	1				

Source: The House of the Federation 2000

Table 6.2 above is an overview of the representatives to the House of the Federation (HF), the second chamber in the central government. It shows which national groups are represented, how many representatives each group has and to which region the national groups are belonging. Considering the fact that the federal units in Ethiopia were designed to empower “nations, nationalities and peoples” and give each ethnic group the right to administer itself, one should expect to find relatively ethnically homogenous regional states in the Ethiopian federation. Table 6.2 demonstrates, however, that the majority of the regional states have more than one national group represented in the HF. All the constituent units in the Ethiopian federation except three, the Afar, Harari and Somali, have several national groups represented. SNNPRS is the most heterogeneous, with 39 national groups represented in the House.

As stipulated in the constitution, each “nation, nationality and people” has the right to have one representative in the House of the Federation, and larger national groups are given one representative extra for each million of its population. Dire Dawa and Addis Ababa do not have any representatives in

the HF, because they are not regular federal units, but multiethnic administrative regions where the administration is directly responsible to the federal government. The 107 members of the HF represent 58 national groups. The number of national groups represented might appear arbitrary and does not correspond with other calculations of the number of ethnic groups in the country. According to the popular census of 1994, there are 80 different ethnic groups in the country (Central Statistical Authority 1998: 66). In proclamation 7/92, which established the national self-administrations in the transitional period, 65 national groups were acknowledged (Art.3). It seems that the group's ability to express itself in a coherent manner and forward its views to the relevant political bodies or external political forces' attempts of mobilising national groups might be important factors in determining whether a group should be granted representation. It is therefore reasonable to expect that the total number of national groups in the HF will be adjusted to the changing political circumstances in the future. Other factors determining this might also be the size and territorial concentration of the group. Groups that are scattered over a large territory, without a coherent identification and with a relatively small number of members might not be granted representation in the HF. National identity and group formation are essentially fluid phenomena, which continuously change with political and social circumstances. The ambiguous practices of determining which groups should have the right to representation and how many representatives each group should have in the second chamber are therefore potentially contentious. A case in point is the representation of the Oromo. They have only one more representative than the Amhara, despite the fact that the Oromo are more than 20 million people, while the Amhara are 14,7 million people (see table 6.1 for population numbers).

In many of the units in the Ethiopian federation, there have been or are currently conflicts between different majority groups or between the majority and the minorities. The western lowland regions of Benishangul-Gumuz and Gambella have both a majority consisting of two major ethnic groups and a minority of several smaller ones. In both states the two majority groups have fought against each other for the control of the regional government. In Benishangul-Gumuz, the Berta and the Gumuz, which together make up the majority of the population, have been at odds with each other. The Berta dominated the first years after the transition, but were outnumbered when a new political party was established by assistance from the EPRDF in 1998 (Young 1999: 335). This party was a result of a merger between different ethnic parties, representing the major ethnic groups in the region. In Gambella, the Nuer and the Anwak have fought for regional hegemony. The Nuer live on both sides of the Ethio-Sudanese border and have been involved with the Sudanese People's Liberation Army, which co-operated with the Derg. They were excluded from the regional government after the fall of the Derg, but have formed their own party which got seats in the state council in 1995 (Kurimoti 1997).

In Somali, the conflicts have been between different pastoralist clans of the Somali tribe. The clans have been mobilised for political and military purposes by political entrepreneurs (Tronvoll 2000: 8). After the fall of the Derg, the Ogaden tribe dominated the regional administration, but later twelve clans

united against them and the Ogaden party was ousted from the regional government. This has led the Ogaden National Liberation Front to resort to violence to fight the new regional administration and the central government (Markakis 1996). In Afar region, which also is a pastoralist and clan based society, the EPRDF has been instrumental in creating a new political party, Afar National Democratic Party, where five different clans have united. Still, conflicts between clans on grazing land, cattle and water resources are prevalent in the region (Interview Melako Fenta, August 2000). In Harari state, the indigenous Ge'usu people have been granted the right to govern the regional administration, and have a veto in the regional council, despite the fact that the Ge'usu are a minority in the region. The party in power since 1991, Harari National League, has half of the seats in the regional council and shares the executive power with the majority group, the Oromo (Gibbs 1998).

In the southern region, SNNPRS, there is a large potential for inter-ethnic struggles for regional hegemony because of the region's ethnic heterogeneity. But so far, none such conflicts have destabilised the regional government as they have in the lowland regions. One reason for this might be that the ethnic diversity and the existence of many and small ethnic groups make it difficult to establish clear alliances and fronts in the regional government. Another reason could be the intervention from political forces like the central EPRDF party and the regional partner to prevent such conflicts to occur.¹⁹ Until now, conflicts on self-government and representation have taken place only at local level in the zones or *woreda*. Examples of such conflicts are the language issue in Wolaita in North Omo zone (Aklilu Abraham 2000), the Silte's request for an own zone independent of the rest of the Gurage zone (Interview Ahmend Hassen, August 2000) and conflicts between Suri and Dizi pastoralist groups in South Omo zone (Abbink 1993).

During my data collection in SNNPRS, it was nonetheless possible to observe popular discontent with the current composition of the regional administration. People interviewed outside the regional capital Awassa tended to claim that the Sidama, which is the largest ethnic group in the region, were favoured in the regional government. They pointed out that the regional capital is located in the Sidama zone, and many regional government officials, including the chief executive, belong to the Sidama group (Interviews in North Omo, names kept confidential, July 2000). Although Awassa is located in the Sidama zone, the town is rather multiethnic, and the majority of the population are Amharic speakers. People interviewed in Awassa had therefore different views on the composition of the regional administration from those living in other areas. A teacher in an Awassa school, for instance, argued that the regional government was too concerned with a balanced ethnic composition of the regional administration, so ethnicity became more important than skill when people were employed. "It is not the qualifications, but the nationality that matters. People hate this. The people that rule now are not educated, they assume offices with only 12th grade." (Interview, name kept confidential, July 2000). This opinion is probably quite representative for the population in

¹⁹ This point will be explored in more detail in the section on central interference in SNNPRS in the chapter 6.

Awassa and in other urban centres in Ethiopia where the inhabitants have a mixed ethnic origin and speak Amharic. These people have lost opportunities for regional and local employment because of the policy of local language use in administration and education (Aklilu Abraham 2000: 26).

In Tigray region, interethnic animosity and competition have not been an issue. The region has only two small minorities, the Kunama and the Irob, in addition to the large Tigrayan majority.²⁰ Both the Kunama and the Irob are represented in the House of the Federation and in the regional council, and the Irob have their own *woreda*. But none of the groups have attempted to introduce their own languages in education and administration or to organise own political organisations.²¹ The Kunama, more than the Irob, have traditionally been relatively isolated from the wider society, and their life style as semi-pastoralists is quite apart from the rest of the people in Tigray. Representatives of the Kunama group stated that they were more interested in integrating into the wider society than to cultivate their indigenous language and culture. “We have been neglected during the previous regimes. We want to compensate for this and integrate or mix with the Tigrayans.” (Interview, name kept confidential, August 2000).

Despite the apparently strong and unified identity of the majority group, local identifications and affiliations exist among the Tigrayans. Historically, local dynasties in Adwa, Agame and Inderta have fought for regional hegemony (Adhana H. Adhana 1998: 43). This local competition is still reflected in the regional politics of Tigray. Today, Adwa is seen as the most powerful because this is the hometown of TPLF chairman and Prime Minister Meles Zenawi and other prominent TPLF leaders.²²

From the descriptions of the various regional states above, it is apparent that the delimitation of the federal units in Ethiopia has not only created very dissimilar constituent parts and an asymmetrical federal system, but also many regional states with ethnic heterogeneity within its borders. In several states, the competition between ethnic groups or clans for regional hegemony has led to destabilisation and weakening of the regional governments. Both the asymmetry of the states and the internal ethnic tension in the federal units illustrate that it is hard to create a stable federation based on ethnic identity. It also underlines the need for flexibility in such a system. In order to prevent conflict and disruption, federal and regional leaders have to be willing to adapt regional borders, zone and *woreda* structures and change the representation of national groups to the regional and federal institutions in accordance with shifting circumstances and new claims from national groups. Thus, the

²⁰ According to the 1994 Popular Census, the number of Kunama in Tigray are 1819, while the number of Irob is 22858. The Tigrayans/Tigreway are almost 3 million people (Central Statistical Authority 1998:67).

²¹ Members of the Irob diaspora try to maintain the Irob language, but so far this has not resulted in any demands from the local Irob community to use their mother tongue in administration and education (Interview of member of the Irob community in Mekelle, name kept confidential, August 2000).

²² The tension within the Tigrayan majority became visible in the internal conflict within the TPLF, which erupted in March 2001. For more information, see later sections of this chapter.

Ethiopian federalisation should be seen as a continuous and dynamic process rather than a constant and fixed system.

Socio-economic differences between the federal units

The ethnic delimitation of the federal units has inevitably created large socio-economic differences between the various regional states. Table 6.3 on selected socio-economic indicators of the regions of Ethiopia illustrates that all the federal units, except the urban regions of Addis Ababa and to some extent Harar and Diredawa have a very low level of socio-economic development.

Table 6.3 Selected socio-economic indicators of the regions of Ethiopia 1996/-97

Region	Urbanisation (percentage)	Health (doctor/ population ratio)	Road network (density in '000 km ²)	Safe drinking water (% of pop. Served with)
Tigray	14.4	1:39050	25.9	21.4
Afar	2.9	1:75429	10.9	13.0
Amhara	9.5	1:58608	25.6	21.0
Oromiya	11.1	1:63735	28.6	22.5
Somali	7.4	1:46013	5.8	10.6
Benishangul-Gumuz	7.3	1:16989	8.6	18.2
SNNPRS	7.2	1:43391	38.2	19.3
Gambella	16.6	1:12172	12.3	26.7
Harari	58.8	1:3418	63.3	63.6
Addis Ababa	99.2	1:6970	175.0	100.0
Diredawa	68.7	1:8401	28.7	78.8

Adapted from World Bank (2000: 70) and Ministry of Economic Development and Co-operation, Regional Planning and Development Department (1998: 44).

The generally low level of development indicates that the regions will have large obstacles in implementing the tasks that they are empowered to in the federal constitution. The regional governments are likely to depend on both technical and financial assistance from the central government in running the regional affairs.

As mentioned in chapter three of this analysis, figures on quantitative data in Ethiopia are sometimes inaccurate and lack reliability. The data from the lowland regions, and particularly those from Somali and Afar, should be treated with caution. It is difficult to measure both population numbers and socio-economic development among pastoralists because they move from area to area and are not registered in settled locations (Interview Tegegne Gebre Egziabher, June 2000). Nevertheless, the figures above give indications and are useful in understanding the asymmetry of the regional states in the federation.

The eastern lowlands of Somali and Afar are generally the least developed regions, while the western lowlands of Gambella and Benishangul-Gumuz score low on all the indicators except health. Gambella and Benishangul-Gumuz are peripheral regions in the west along the border to Sudan, which have been

largely neglected by the previous regimes and have thus little infrastructure and economic development. The reason why they have a relatively high ratio of doctor per person is probably that these regions have small populations compared to the other regions (see table 2.1).²³ The eastern lowlands of Somali and Afar are, as mentioned above, pastoralist and clan based societies, with marginal experience with modern administration and little economic diversification.

The socio-economic development level of each region is not necessarily the most important factor in determining federal-regional relations and the federal units' abilities to fulfil the constitutional provisions that make them self-governed. Historical and administrative experience and the way ethnic, religious and political conflicts are handled are other factors that need to be considered. The poorest regions, Afar, Somali, Gambella and Benishangul-Gumuz, have all little administrative experience and are prone to internal conflicts, either between clans or ethnic groups. These circumstances have direct impact on the lowland regions' ability to govern themselves and the extent to which the central government and the party apparatus intervene in regional affairs. This will be discussed further in the section on party power and federal-regional relations. The next section of this analysis, however, will explore the actual fiscal relationship between the regional governments and the federal government in the centre. Do the fiscal relations follow the same pattern as the socio-economic conditions described above, or are there other patterns appearing as a result of federal policies to minimise the economic gap between the regions?

Fiscal relations

Decentralisation of fiscal relations between central and regional level is one of the important preconditions for a federal system to work. The political empowerment of federal units through representation in the central decision making process and self-government within own borders do not have much value if the regional governments are deprived of own funds. The more resources a region controls, the larger is the potential for genuine regional autonomy. In most federal systems, however, there is a gap between the regional governments' responsibilities (expenditures) and their income (revenue sources). Hence, the federal units become dependent on transfers from the central government to be able to carry out their tasks. This is also the case in Ethiopia. A common critique of the Ethiopian model is that the "lion's share" of the revenues in the country is assigned to the federal government, and the regional states are totally reliant on federal grants to perform their duties (Befekadu Degefe 1994; Eshetu Chole 1994).

The constitution allows the regional governments to design and implement economic policies and plans and to prepare and implement their own budgets. They have also the power to levy and administer taxes and dues under their jurisdiction and borrow money from domestic sources (Art. 95). But the taxes under regional jurisdiction do not give much income, and the process of

²³ The people in Gambella and Benishangul-Gumuz live relatively scattered and might not have easy access to doctors even if the doctor/population ratio is high.

domestic borrowing is cumbersome and of little practical use. The result of this is that the regions rely heavily on subsidies from the central government, and this gives a clear vertical imbalance. In addition to this, the various regions have very different capacities to collect revenues and perform the financial tasks assigned to them in the constitution. This contributes to horizontal or regional imbalances in the federal system.

Vertical imbalance – the regional states' dependence on the centre

The major reason for the vertical imbalance in the Ethiopian federation is that the tax bases assigned to the regional governments are weak, while the most lucrative sources are given to the central government. As illustrated in table 6.4 on the following page, the central government has exclusively been given the largest revenue source, the foreign trade taxes. The regions' major sources are the direct and income/profit taxes, but from 1993 to 1998, the federal government has gradually taken a larger share of these taxes too.

Table 6.5 below shows that while the revenue sources of the regions are meagre, their expenditure responsibilities are large. In sectors like social services, health and education, the regional governments have covered between 70 and 90 per cent of the expenditures from 1993 to 1998. Generally, the regions have increasing shares of the public expenditure, while their revenue collection has been on the same level.

In addition to own revenue sources, the regions have access to some joint revenues, which are supposed to be shared between the regional and federal levels of government. These are taxes from *inter alia* jointly owned enterprises and large-scale mining enterprises (Art.98 of the constitution). The constitution gives the House of the Federation the power to determine the sharing of joint resources, but it has still not been able to perform this and the procedures for distributing joint revenues are not yet settled (World Bank 2000: vi). So far, the joint revenues have been collected and administered by the federal government. The four lowland regions, Afar, Somali, Benishangul-Gumuz and Gambella, have not received any shares of the joint revenues. Addis Ababa and Diredawa were the only regions which received substantial revenues from this source, due to the fact that these states have a large part of the jointly owned enterprises in the country within their borders. For the other regional states, the amounts from the shared revenue sources were minor (Fenta Mandefro 1998: 38).

The regions generally lack the capacity to collect taxes, both in logistics and skilled manpower. What might increase the regional tax base is privatisation of federal enterprises, rising agricultural incomes, and improvement of the administrative capacity of the regional governments. Despite the constitutional right to levy taxes, the regions do not have the right to change their tax bases as a means to increase their revenues. The tax level is standardised and harmonised all over the federation and is set by the Ministry of Finance. Generally, the Ministry of Finance has an important supervisory and controlling role in the regions, and provides essential assistance in regional finance bureaux.

Table 6.4 Share of federal and regional governments in revenue in Ethiopia 1993/93 to 1997/98 (in per cent)

Category	1993/94			1994/95			1995/96			1996/97			1997/98		
	Total	Federal share	Regional share	Total	Federal share	Regional share	Total	Federal share	Regional share	Total	Federal share	Regional share	Total	Federal share	Regional share
Total tax revenue	3076.53	82.73	17.27	3878.77	83.1	16.82	4723.19	82.43	17.57	5322.24	81.80	18.2	5787.45	82.96	17.04
Direct tax	945.22	55.49	44.51	1311.59	59.62	40.38	1753.84	64.47	35.53	1907.58	61.32	38.68	2030.22	61.58	38.42
Income and profit tax	899.66	58.30	41.70	1230.79	63.54	36.46	1648.85	68.58	31.42	1748.16	66.91	33.09	1859.79	67.23	32.77
Indirect tax	834.14	88.19	11.81	945.55	87.02	12.98	1155.43	82.09	17.91	1720.23	81.84	18.16	1376.88	85.02	14.98
Foreign trade taxes	1297.17	99.06	0.04	1621.63	100.00	0.00	1813.92	100.00	0.00	2144.43	100.00	0	2380.35	100	0.00
Non-tax revenue	832.82	80.30	29.70	1908.34	87.73	12.27	2099.44	85.74	14.26	2024.75	81.05	18.95	2242.61	81.96	18.04

Source: World Bank (2000:20)

Table 6.5 Federal and regional shares in public expenditures in Ethiopia 1993/94 to 1997/98 (in per cent)

Category	1993/94			1994/95			1995/96			1996/97			1997/98		
	Total	Federal share	Regional share	Total	Federal share	Regional share	Total	Federal share	Regional share	Total	Federal share	Regional share	Total	Federal share	Regional share
General administration	690.0	47.4	52.6	922.0	41.4	58.6	1018.0	41.2	58.8	1021.0	39.3	60.7	1226.0	37.4	62.6
Defence	663.0	100.0	0.0	737.0	100.0	0.0	672.0	100.0	0.0	787.0	100.0	0.0	847.0	100.0	0.0
Economic services	2421.0	73.4	25.7	3014.0	65.8	34.2	2924.0	60.0	40.0	3597.0	63.4	36.6	4485.0	63.4	36.6
- of which (o/w) Roads	374.0	80.5	19.5	572.0	74.5	25.5	368.0	68.2	31.8	902.0	63.3	36.7	1258.0	77.6	22.4
Agriculture	565.0	43.5	56.5	529.0	29.2	70.8	659.0	27.3	72.7	551.0	9.8	90.2	848.0	28.6	73.4
Social services	1834.0	31.0	69.0	1929.0	27.7	72.3	2120.0	30.4	69.6	2364.0	25.1	75.5	2881.0	19.3	80.7
Education	998.0	24.5	75.5	1132.0	22.6	77.4	1360.0	30.7	69.3	1448.0	22.9	77.1	1683.0	20.5	79.5
Health	378.0	17.8	82.8	431.0	13.9	86.1	470.0	18.2	81.1	589.0	20.2	79.8	752.0	9.0	91.0
Other	1488.0	87.1	12.9	1791.0	85.5	14.5	1697.0	84.3	15.7	1689.0	76.3	23.7	2044.0	76.0	24.0
o/w Interests and charges	957.0	100.0	0.0	839.0	100.0	0.0	842.0	100.0	0.0	880.0	100.0	0.0	910.0	100.0	0.0
Total expenditure	70.9	65.5	34.4	8373.0	61.7	38.3	8521.0	58.8	41.2	9458.0	56.5	43.5	11483.0	54.5	45.5

Source: World Bank (2000:1

The regions do not have the chance to receive any loans from international agencies or banks directly, and cannot negotiate with international donor agencies for grants and aid. All international deals have to go through the federal government. The Ministry of Economic Development and Co-operation (MEDaC) insists that such control is needed to promote equal development throughout the federation and to prevent the most attractive regions from receiving the bulk of international support (Interview Worku Yohalashet, November 2000). The regions do have the right to borrow money from domestic sources (Procl. 7/92, Art.35), but this has proved to be a cumbersome process. The loan has to be for specific purposes and Ministry of Finance determines each application from the regional governments by evaluating the project's feasibility. So far, few regions have used this opportunity, and if they have, then only for short-term cash management purposes (World Bank 2000:33).

Horizontal imbalance – poor lowlands, wealthier ‘city states’

Considering the difference among the regional states in socio-economic development, it is expected that the various regional governments have varying financial capabilities and varying degrees of dependence on central transfers. Inefficient regional governments will have difficulties with collecting revenues and utilise regional budgets, and will thus have problems with fulfilling the responsibilities assigned to them in the constitutions. The collection of revenues is hampered by lack of trained manpower (both in number and qualification), lack of sufficient and reliable information to determine the amount for each taxpayer, and a low level of understanding by taxpayers of their obligations and failure to pay taxes in time (Fenta Mandefro 1998: 59). According to the previous descriptions of the federal units, it is to expect that the four lowland regions would be those which are facing the largest obstacles in achieving financial autonomy from the centre. The urban areas of Addis Ababa and Diredawa should be the regions with most financial independence.

The information provided in table 6.6 largely confirms these expectations. The table gives an overview of how much of the total expenditure of the regions is financed by own revenues. Diredawa and Addis Ababa have a high revenue capacity because they are the outlet in exporting and importing specific items : 30) Apart from the special cities of Addis Ababa and Diredawa, the regions can be divided into four groups. The first group includes Amhara, Tigray, Oromiya, and SNNPRS, all with ratios consistently near 20-30 per cent. The second group includes the western lowlands, Benishangul-Gumuz and Gambella, with rations below 10 per cent. The third category has a consistently declining ratio and includes only the Somali region. The reason why the Somali ratio is high in the first couple of years is because of the generally low expenditure in the region, and thus, the revenue ratio becomes high relative to the total expenditure. The regions in the fourth group, Afar and Harari, have very fluctuating ratios. Of all the regions, Tigray is the one which has been most successful in increasing the share of its total expenditures which is financed by own revenues. Although Diredawa has a high ratio, this is the region with the largest decline in own revenues, apart from Somali region.

Table 6.6 Regional imbalance in Ethiopia (own revenue resources in per cent of total expenditure of the regional governments)

Region	1993/94	1994/95	1995/96	1996/97	1997/98 (budgeted)
Tigray	18.6	19.6	28.9	26.6	23.3
Afar	8.8	13.2	9.7	22.0	4.4
Amhara	18.8	17.4	18.6	19.1	18.8
Oromiya	29.2	27.4	29.7	30.1	25.6
Somali	60.1	42.5	24.6	23.0	12.8
Benishangul/Gumuz	6.6	7.2	5.9	6.8	4.5
SNNPRS	19.2	18.7	21.5	23.1	18.5
Gambella	8.8	10.8	5.8	8.7	4.8
Harari	33.7	15.7	18.8	19.6	8.9
Addis Ababa	63.8	67.6	75.8	99.7	76.4
Diredawa	89.8	68.8	50.9	53.4	33.6

Source: World Bank (2000:26)

Note: Regional imbalance is computed simply as a ratio of own revenues to the total expenditures. Since none of the regions can run budgetary deficits, this measure is comparable across regions.

Federal grants and subsidies

The vertical imbalance in Ethiopia is larger than in other federal systems in the developing world, for example Malaysia and Mexico. According to the World Bank's comparative data, Ethiopia has a vertical imbalance coefficient on 0.52, while Malaysia's and Mexico's coefficients are 0.37 and 0.36, respectively (World Bank 2000: 25). The lack of regional funds and the reliance on transfers from the centre reduce regional autonomy. Although federal grant may be unconditional, the receivers will feel obliged not to implement policies they know are against the will of the donor. But federal transfers are also essential means to equalise the uneven economic development in the federation and enhance the weaker regions' capabilities. If subsidies are equitably distributed, they could in the longer run reduce the asymmetry of the federal units and empower the economically weaker states.

The stated aim with introducing federal subsidies in Ethiopia is equity and efficient use of the existing scarce financial resources. Proclamation 33/92 (Art 7.2) describes the rationale behind the subsidies: *inter alia* to accelerate the development of hitherto neglected and forgotten areas, to promote social services and economic development and to narrow the per capita income gap between regions. The nature and size of the subsidies is formulated and implemented by the Ministry of Economic Development and Co-operation and the Ministry of Finance, but finally determined by the House of the Federation. This means that federal ministries deal with the daily administration of the subsidies.

Table 6.7 Budget subsidies to the regional governments 1997/98

Region	Budget subsidy (million birr)	Per capita subsidy (in birr)	Subsidy share* (per cent)
Tigray	255.7	76.1	7.8
Afar	225.8	199.6	6.9
Amhara	725.1	49.1	22.2
Oromiya	826.2	41.3	25.3
Somali	282.3	142.6	8.6
Benishangul/Gumuz	161.1	326.8	4.9
SNNPRS	554.1	50.1	17.0
Gambella	126.1	646.7	3.9
Harari	77.0	534.7	2.4
Addis Ababa	0.0	0.0	0.0
Diredawa	32.0	115.5	1.0
Total	3265.3	58.6	100.0

Source: World Bank (2000:28)

* This is the region's share of the total subsidies paid to the regions by the central government.

Table 6.7 shows how the federal grants were distributed according to the formula in 1997/98. The four lowland regions, and particularly Gambella and Benishangul-Gumuz, are the greatest beneficiaries and have all a relatively high per capita share of the subsidies. Harari's large share shows that the grants were distributed according to the first formula, where population, revenue capacity and socio-economic development had equal weight. This gave the less populous Harari state an advantage, compared to for example the more populous Oromiya.

The criteria for calculating regional grants have changed during the years. Before 1995, the size of transfers was decided by the central ministries on the basis of assessment of each region's *ad hoc* needs and specific project requests. From 1995, a weighted method to allocate grants was introduced (Interview Worku Yohalashet, November 2000). The grants are what the World Bank (2000: 30) calls unrestricted block grants, which allow the regions to determine the spending themselves. The initial formula for calculating each region's grants included the share of the total population, an index of a set of socio-economic indicators²⁴, and the revenue collecting capacity of the regional

²⁴ The socio-economic variable was based on eight distinct indicators: length of rural roads, share of rural population to total population, per capita industrial production, per capita food production, and density of pupils in elementary schools in relation to total population (Interview Worku Yohalashet, November 2000).

government²⁵. Each variable was given equal weight (33.3 per cent each). In 1998, the formula was changed, in order to give the more populous regions a larger share of the grants. Share of population was weighted 60 per cent, socio-economic development 25 per cent and revenue capacity 15 per cent (Fenta Mandefro 1998: 47). In addition, the composition of the socio-economic index was altered to make it more transparent. The last revision of the formula took place in 2000, when a new poverty index was added in order to increase the promotion of the financial base for the poorer regions. The weight of the population share was reduced to 55 per cent, the socio-economic development index counted for 20 per cent, revenue collection capacity remained on the same level as previously, while the new poverty index was weighted 10 per cent (House of the Federation 2000).

In a poor country like Ethiopia with a generally low level of socio-economic development, it is natural that the regional governments lack resources. But as we have seen, it is not only the lack of socio-economic development that makes the regional financial base so weak. The constitution has assigned the most lucrative revenue sources to the federal government. This means that although the regions might improve their resource base in the future due to increased development efforts, the major income sources in the country will remain in the hands of the federal government as long as the constitution is not altered. The federal government's privileged position reduces regional autonomy, but could also be used deliberately by the federal government to reduce the economic gaps between the units in the federation. The current distribution of federal subsidies appears to promote equity of the units, but is promoted at the cost of regional autonomy. Whether this will lead to empowerment of the poorer regions or a continued reliance on the federal government in the longer run remains to be seen.

Party power and federal – regional relations

As Riker (1964) points out, the way in which party systems are organised might reinforce or undermine the federal division of power (see chapter two). If the same party organisation controls both federal and regional level of government and has a centralised party structure, this might weaken the power of the regional governments in a way that undermines regional autonomy. If a party system is genuinely decentralised, or if the regional governments are run by parties that operate independently of the party in power on central level, this might enhance the power of the regional governments and strengthen both their capability to run regional affairs and genuinely represent regional interests at the central level.

Ethiopia is today ruled by a coalition party composed of several regionally based ethnic parties. At first sight, this appears to be a party structure which enhances a federal division of power, because the central government appear to be run by an organisation with regional, rather than central bases of power. But practically, the EPRDF is controlling all the regional state governments in the Ethiopian federation, either directly through the member parties or

²⁵ The revenue capacity means the region's projected share of revenue in its budget relative to the planned performance of all other regions (World Bank 2000: 28).

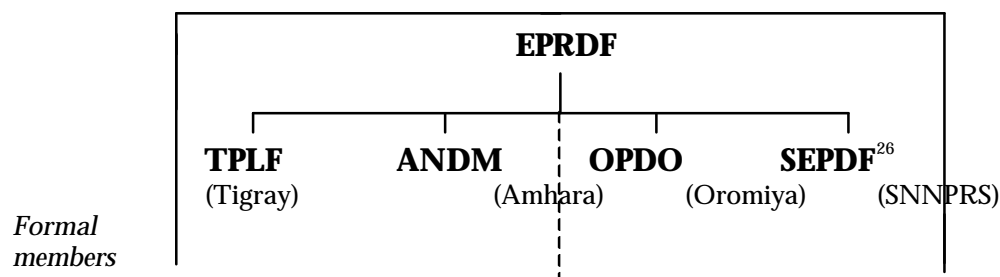
indirectly through affiliate parties. These largely centralised party structures appear to contradict with the devolved power structures of a federal system. In the following sections, I will try to substantiate the argument that the party structure in Ethiopia undermines the federal division of power and subordinates the regional governments to the central government. Firstly, the network of EPRDF members and affiliate parties in the country will be described. Secondly, I will explore the inner party structures of the ruling party, which essentially follow a centralised pattern. Thirdly, I will describe methods how the EPRDF is controlling regional affairs.

EPRDF and its allies in the regional administrations

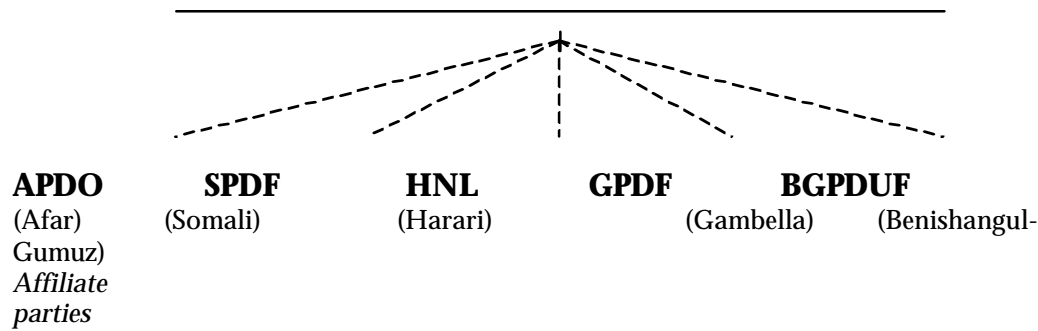
According to the formal structures of the political parties in Ethiopia, it seems like party power in the country does not appear to undermine or endanger the federal division of power. The ERPDF coalition is in power on the federal level, and regionally based parties, either members of ERPDF or independent, run the regional governments. On the surface, this structure might seem similar to the Canadian party structure, where the central government is controlled by parties with national bases, while the regions are governed by regionally based parties without a national base. This structure enhances a decentralised federal system, where the central government is unable to impose centrally decided policies in the regions without negotiating and consulting with the regional parties.

But a closer look reveals the party structures in Ethiopia are not as decentralised as the Canadian ones. The four member parties of the EPRDF, the Oromo People's Democratic Organisation (OPDO), the Amhara National Democratic Movement (ANDM), the Southern Ethiopian People's Democratic Front (SEPDF) and the Tigray People's Liberation Front (TPLF) operate only in the four regions of Oromiya, Amhara, SNNPRS and Tigray respectively. Although they formally are equal coalition partners on national level, the TPLF is the senior. It was the creator of the other parties and is the strongest political organisation. A member of the TPLF central committee explains the TPLF's dominance like this: "It is natural that the TPLF is the strongest political force and that its leader Meles Zenawi is the national leader. TPLF has many senior cadres, well-trained and experienced fighters, and in the beginning the largest numbers of members in the EPRDF coalition" (Interview Gebre'ab Barnabas, August 2000).

Figure 6.2 ERPDF party structures



²⁶The SEPDF is itself a coalition of several parties in the southern region.



In addition to the member parties, the EPRDF has close allies and affiliate parties in the other regional states of the federation. These parties are formally independent from the ruling party, but cannot be seen as opposition parties because of their tight links to the EPRDF. Currently, there are EPRDF affiliate parties in power in all the regional states not ruled by EPRDF members, and these are also representing the regional governments in the federal institutions. These are the Afar People's Democratic Movement (APDO) in Afar region, the Somali People's Democratic Front (SPDF) in Somali, the Gambella People's Democratic Front (GPDF) in Gambella, the Benishangul-Gumuz Peoples Democratic Unity Front (BGPDUF) in Benishangul-Gumuz, and the Harari National League (HNL) in Harari (Figure 6.2). The EPRDF has been instrumental in creating all the regional affiliates (Young 1999; Markakis 1996; Gibbs 1998) and is working closely with them. But the EPRDF claims that so far these parties do not satisfy the conditions the ERPDF has set to allow parties to become members of the coalition. As the speaker of the House of Peoples' Representatives, Dawit Yohannes, expressed it: "We are a revolutionary democratic party and apply strict criteria for those organisations that want to become members of our coalition. So far they have not reached this stage. An example is the Afar and Somali parties, which because of their Muslim dominance, have not been able to fulfil the criteria of gender equality" (Interview November 2000). The EPRDF is continuously following the development in the affiliate parties and is assisting them in what they call organisation building. In all the lowland regions, EPRDF officials have arranged so-called "peace and development conferences" to sort out clan or ethnic differences and unite the contending groups under one party umbrella: "We are giving political assistance to the regions and the conferences are a medium to bring political fractions together" (Interview Dawit Yohannes November 2000).

The principle of democratic centralism and accountability upwards

Concepts like "good governance" and "economic liberalism" were taken into the EPRDF vocabulary when they came to power in 1991, much to please the international diplomacy and the donor community. The TPLF rejected Marxism and abandoned its admiration for Albanian socialism in 1989, but is still committed to "revolutionary democracy", and the principle of democratic centralism has a great impact on how decisions are taken within the party. The old management methods dominated by secrecy and conspiracy are still prevalent and very little of the decision making process inside the party is exposed to the public. A researcher who knows the TPLF organisation from

inside claims that “A lack of transparency is evident at every level of government, in spite of the ready reference of the EPRDF leadership to democratic jargon” (Young 1997: 211).

The ruling coalition is led by the central committee, composed of sixty members from the four member parties. The committee elects the executive council, including five members each from the four parties. The central committee and the executive council take care of the daily work between the party congresses, which are normally held every second year. The party congresses decide the overall ERPDF programme. The central committee, however, has the power to implement specific plans of actions which are the basis for the EPRDF’s five-year plans that are implemented nation widely, and has the right to elect and dismiss the executive committee as a whole or its individual members (Interview Gibre’ab Barnabas, August 2000). The five-year plan is adopted by all the regional parties and is the basis for regional policies and plans.

The member parties have the same structure as the mother party within their organisations, but they are also responsible to the central committee of the EPRDF. The four EPRDF parties have councils equivalent to central committees and executives at each level of administration, at the regional level, in the *woreda* and the *kebele*. These party organs are responsible and accountable to the party bodies in the hierarchy above them. Orders are dispatched from the top to the lower levels, and information about activities on the lower levels are forwarded upwards through the hierarchy to the top. “*Djoro*”, the Amharic name for ear, is a popular name for local party cadres who are conducting intelligence among people in the neighbourhoods of the *kebele*, and reporting to the party organisation (Information obtained from interviews with voters, conducted during elections in Tigray 2000 and Addis Ababa 2001).

A general problem in Ethiopian political life is the difficulty of distinguishing the party organs from the administrative organs of the state. People tend to see the party and the state as one. This problem appears both at national, regional and local level. On top level, it is hard to distinguish between the leadership of the central committee and the party executive and the top executives of the government, because they essentially consist of the same groups of people²⁷. As referred to in chapter five of this analysis, the Ethiopian constitution gives room for a strong executive, and the other branches of the government, the judiciary and the legislative have relatively little power to impose checks on the Prime Minister. This gives Meles Zenawi, as the head of the party executive and the Prime Minister of the executive government, quite extensive powers. When the executive has free hands, it means that, by all practical purposes, the ruling party can act without interference from other political forces. On regional level, the president of the state is both chief executive and head of the legislative state council. Thus, there is no distinction between the legislative and executive branch of government. The president, who in most cases is also one

²⁷ Of the eighteen ministers appointed by Meles Zenawi, only two are from outside the ERPDF. Most of the ministers are members of the executive committees of the EPRDF parties and some are members of the central committees (Walta Information Centre 2001)

of the chairmen of the regional ERPDF member party or affiliate party, has therefore extensive power in regional affairs. On local level, the blurred borders between the state and the party are expressed by people's notion of the *woreda* and *kebele* bureaucracy as party organs. In times of elections, for instance, there is a clear perception among the voters that if they do not vote for the ruling party, they will lose the benefits and services they have the right to obtain from the public administration (Aalen 2000a). In the southern region, SNNPRS, this has been a central issue in the election campaigns. The ruling party has felt justified in claiming the right to distribute aid, food and even land in the name of the party. Party cadres have argued that those supporting the opposition do not have the right to obtain such services, because it is the ruling party and not the opposition which controls the state (Pausewang and Aalen 2001).

The centralised party structure of the EPRDF is clearly contradictory to the provisions of the federal and regional constitutions, which give these levels the right to self-administration. It promotes upward accountability to the party organs above rather than downward accountability to the people of the region, *woreda* and *kebele*. The constitutional rights for the regions to formulate and implement plans and policies are severely diminished by the fact that the regional governments, which are all under the EPRDF's hegemony, follow the centrally designed policies and five-year plans. In theory, the blurred borders between state and party apparatus do not necessarily lead to a centralised and unfederal division of power. If both state and party structures are decentralised, they could strengthen regional autonomy, even though borders between the party and the state are indistinct. But in the Ethiopian case, the party structures are centralised, and when the state and the party are the same, this leads inevitably to a centralised division of state power.

"Dual administration" – politics outside the legal framework

The political relationship between the regional and federal government is regulated by both formal structures, defined in the constitution and various proclamations, and practices outside the legal framework, that are more or less formalised. The activity of the so-called Regional Affairs Department in the regions is one of the semi-formalised practices that intervenes in federal-regional relations. The Regional Affairs Department is a part of the Prime Minister's office in the federal government. Officially, it is established to facilitate the communication between federal and regional government and give advice to the Prime Minister on federal affairs (Interview Lul Seged, August 2000). But as mentioned above, it is hard to distinguish between the party and the state administration, and in many cases the borders between the activities of the department and the party are blurred. Although the activities of the department are led by bureaucrats, the assistance has a relatively political character and experts assigned to the regions play a prominent role in the governing of regional affairs.

All the lowland regions, Benishangul-Gumuz, Gambella, Somali and Afar, are currently being supervised and assisted by the Regional Affairs Department (Interview Lul Seged, August 2000). The department has three sub-offices

dealing with development, human resource capacity building and political and administrative affairs in the four regions. They implement projects at all levels and send advisors and experts to assist the regional governments. Some advisors are based in the regions for a two years period, while others travel to the region frequently to monitor the situation. The assistance is generally non-formalised and does not have any legal framework to operate within. It is given on the basis of requests from the regions or by initiatives from the Department itself. The assistance to the four lowland regions does not have any time limit, but the advisors will be deployed there “until the regions are able to run their own affairs” (Interview Lul Seged, August 2000).

In the longer run, the assistance provided by the Regional Affairs Department might enhance the lowland regions’ capability to utilise their constitutional rights to administer their own affairs. But currently the central advisors virtually run the regional governments and hinder genuine self-administration. John Young has described how the central assistance works in Gambella and Benishangul Gumuz (Young 1999). Although the representatives from Regional Affairs Department officially are known as technical experts, they participate in regional council meetings and intervene directly in regional affairs. They exceed their mandate as consultants and assistants, and become more like managers that the regional government is accountable to. Despite this paternalism, Young argues that the central assistance in Gambella and Benishangul-Gumuz is generally welcomed by regional and local governments because they lack own manpower to carry out essential tasks. When it comes to Afar and Somali, however, the local and regional administrations are more hostile to external assistance and less willing to adapt traditional clan and pastoralist based authority to a more modern bureaucracy based administration (Interview Melaku Fenta, August 2000). The centrally appointed advisors there have been less able to carry out purely administrative and governmental tasks than in the western lowlands of Gambella and Benishangul-Gumuz. Due to inter-clan conflicts over cattle and grazing land, they have been preoccupied with trying to mediate and solve disagreements.

In addition to the semi-formalised and politico-bureaucratic assistance given by the Regional Affairs Department, the EPRDF has deployed party officials in the regions. These are officially known as “advisors”, monitoring and assisting the EPRDF members or the affiliate parties in the regions, but they do not have any formal positions or portfolios. In 1999, all of the assigned advisors were TPLF cadres.²⁸ The most prominent of these is probably Bitew Belay in SNNPRS, who was the head of Regional Affairs Department from 1997 to 2001 and member of the TPLF executive committee. Although his major area of responsibility was the southern region, he also travelled frequently to other regional “hotspots” like Somali region, to reconcile contending political forces or replace inefficient or corrupt regional administrators through so-called peace conferences (Interview Dawit Yohannes, November 2000).

²⁸ According to the chairman of the opposition party ONC, the TPLF cadres assigned to the regions were Solomon Tesfaye for Oromiya, Hilawi Yoseph for Amhara, Bitew Belay from SNNPRS, Zarai Asgedom for Somali and Afar, Samuel Gebre-Mariam for Benishangul-Gumuz and Gambella, and Mulugeta Alemseged for Addis Ababa (Merera Gudina 2001: 10).

The activities of the TPLF cadres in the regions are confirmed by representatives of the EPRDF and the central bureaucracy, but they present it as if the party advisors are “helping to introduce the federal system on the ground” (Interview Lul Seged, August 2000). As my studies in SNNPRS will show, however, the TPLF cadres constitute a second administrative structure in the regions. The regional officials in the regular and formal administration are to a large extent accountable to the TPLF cadres and dependent on them to remain in their positions. Other studies of the Ethiopian federal system have also pointed at the existence of a second administrative structure in the regions. Aklilu Amraham (2000: 21) states that “[...] in each regional state, political “advisors” are placed to guide and supervise the decisions of top executives of the regional government. Virtually every critical decision has to be considered by these ‘watchdogs’.” Jon Abbink (1995: 196) affirms that “EPRDF cadres and army units in most of the country form a kind of dual administration. They are acting behind the locally elected administrators, and the local officials are ultimately accountable to and dependent (for their jobs) on the EPRDF representatives.”

One of the mechanisms that the ruling party is using to maintain its control in the regions all down to kebele level is the *gimemma*, which implies public evaluation of politicians and bureaucrats, plans and programmes. This practice was originally initiated by the TPLF during the armed struggle to evaluate the mistakes and progresses of their military strategies (Interview Solomon Enqui, August 2000). It was legitimised by the claim that it made the leaders more efficient and accountable to the people. Today, the system of evaluation is introduced at all levels of government, both in political and bureaucratic organisations (Young 2000: 10). There are different kinds of evaluation of political leaders. On the higher levels in the regional administrations, the sessions are mostly conducted in meetings where only the evaluated person (s), witnesses and the chairman of the session are present. On lower levels, in the *woreda* and in the *kebele*, many evaluation sessions are open to the public where the audience can directly contribute with their views. Some *gimemma* are pre-planned and conducted regularly, while others have a more immediate character and are arranged as a result of a request from the public or the party discovering an administrator’s “misconduct”. In all the different types of evaluations, the evaluated person is dismissed if s/he fails to justify his/her performance. In all the four lowland regions, the assigned TPLF cadres have frequently used *gimemma* to replace inefficient and corrupt regional officials. The deputy ministers and governments of Somali, Gambella and Benishangul-Gumuz have been dismissed and some imprisoned as a result of *gimemma* conferences that exposed mal-administration and corruption (Young 2000: 10).

Little research has been done on the implications of *gimemma* on the power structures in the Ethiopian political system. Young (2000) claims that the Ethiopian evaluation measures have the potential of enhancing democracy and encourage transparency. They give the people a voice in their administration and make the leaders responsible to the citizens. He admits, however, that when major political programs and leading figures in government are subject of evaluation, there is a significant measure of orchestration to ensure that the political objectives of the central leadership of the TPLF are achieved.

According to Jon Abbink (2000: 160), *gimgemma* is the most widespread method to remove people from their jobs, and this explains the extraordinary rapid turnover of administrators and officials. Aklilu Amraham (2000: 27) also links the high turn over of manpower with the evaluation practices. He argues that *gimgemma* has become more punitive than corrective and educating. My interviews from Tigray show that even in this region, where the TPLF's ideas have substantial popular support, people fear *gimgemma*. Many TPLF officials claimed that those who criticise the evaluation practice are essentially intellectuals or civil servants who cannot stand to be evaluated by peers or subordinates (Interview Hassen Shiffa, July 2000). My experience, however, was that not only intellectuals, but also people on the ground were critical to *gimgemma*. Although many people defended the practice, some saw it as the "soap of the TPLF", efficient for cleaning the hands of the party cadres and the decision making process look transparent (Informants interviewed in Tigray in May 2000 during the elections and July/August 2000). In SNNPRS, the scepticism to *gimgemma* was more outspoken than in Tigray. Since the evaluation idea derives from the TPLF, people in the south viewed it as a practice imposed from outside or above (Interviews of people, bureaucrats and party officials in Awassa and North Omo, names kept confidential, July 2000). Even higher officials from the SEPDF felt uncomfortable with talking about it. Many officials were surprised when I asked about *gimgemma*, and expressed that they considered the practice more as an internal party or administrative affair than a matter for public interest (see also chapter 3 of this analysis).

The evaluation of politicians and bureaucrats is not formalised or established by law and is therefore open to political manipulation. The outcome of the evaluation depends largely of the role played by the chairman of the session, and his abilities to persuade the other participants. Based on my interviews and the literature written on the subject, I would argue that *gimgemma* is one of the most important tools for the party in power to discipline the lower party cadres and bureaucrats and make them loyal to the central party line. The central party uses *gimgemma* to ensure its interests in the regional governments, as concretely seen in Somali, Benishangul-Gumuz and Gambella. This might undermine the regional governments' rights to autonomy and ultimately obstruct the federal division of power.

All in all, it appears that the four lowland regions are the units in the Ethiopian federation which experience the most severe central interference in regional affairs. They are governed by formally independent parties, but are nevertheless practically run by officials from the Regional Affairs Department and centrally assigned party cadres without formal positions. The EPRDF member states in the highlands, however, are facing less open interference in regional affairs than the lowland regions, central party officials operate more concealed. Even though the highland regions are all EPRDF members, it should be expected that the degree of central interference varies from state to state. The regions may have the same formal relationship to the central party apparatus, but the internal conditions within each state will probably shape the actual relationship between the regional and central government. The following analyses of Tigray and SNNPRS are meant to illustrate that the federalisation process take different shapes also within the EPRDF member states, and that

these differences are particularly linked to the status of the regional party in power.

The dynamics of regional and central party power – examples from tigray and snnprs

The last parts of this chapter will explore the implementation of a federal system in two selected regions, Tigray and SNNPRS. Both regions are governed by ERPDF parties and the regional governments are considered to be relatively self-sustained and capable of handling own affairs. Nevertheless, the two regions differ fundamentally from each other, both in ethnic and political composition. An analysis of the implications of these differences will contribute to the understanding of how the same political framework, the federal system, is implemented differently in two different regional contexts and how the informal political network determines the functioning of the Ethiopian federal system. Tigray is ethnically a relatively homogeneous state with a strong regional party. The TPLF is the senior partner in the ruling coalition on federal level and dominates the central government. SNNPRS is ethnically heterogeneous and has a rather weak regional party competing for power with opposition parties. It is the only region in the Ethiopian federation apart from Addis Ababa where opposition parties have gained substantial support and have been able to challenge the EPRDF in elections²⁹. The southern EPRDF member, the Southern Ethiopian Peoples Democratic Front (SEPDF), is a coalition of several ethnic-based parties which were united in 1994. Together with the OPDO, SEPDF is the weakest part of the ruling EPRDF coalition and is consequently dominated by the TPLF.

The overall question in this part of my analysis is what implications the differences between Tigray and SNNPRS have on federal-regional relations in the two states. Several particular issues connected to this will be discussed. Firstly, is the creation of Tigray and SNNPRS as federal units a reflection of the interests of the party in power at federal level? Secondly, how does the status of the regional party affect the extent to which the central party apparatus intervenes in daily regional affairs? And finally, do these party dynamics have any impact on the empowerment of sub-regional structures in the two regional states?

The bases for creating Tigray and SNNPRS as federal units

Tigray and SNNPRS have very different bases for being created as federal units. Tigray has a relatively long prehistory as an administrative unit, while SNNPRS as a unit was created as late as in 1994. SNNPRS is the third most populous regional state in Ethiopia and includes some of the most densely

²⁹ Re-elections had to be conducted in several constituencies in SNNPRS during the elections in 2000 because of undue interventions from ruling party representatives. Finally, the southern-based opposition parties Southern Ethiopian Peoples Democratic Coalition, Hadiya National Democratic Organisation and Council of Alternative Forces for Peace and Democracy achieved nine seats in the House of Peoples' Representatives at federal level (Pausewang and Tronvoll 2000).

populated areas in the country. It is also the most ethnically heterogeneous state in the federation, with more than fifty ethnic groups (Central Statistical Authority 1998: 73). During the rule of Haile Selassie and the Derg, the areas were administered from the centre through a province and awraja structure and divided into three major entities, Gemo-Gofa, Kefa and Sidamo.³⁰ When the EPRDF came to power in 1991, the areas became organised into five regions, given numbers from 7 to 11 and included Sidama, Wolaita, Omo, Kaffa, and Guraghe-Hadya-Kambata. In 1994, the five regions were merged into one and the new region was named the Southern Nations, Nationalities and Peoples Regional State (SNNPRS).

Tigray region included initially parts of the highlands in Eritrea, but after Italian colonisation of Eritrea at the end of the 19th century, these parts were separated and the remainder of Tigray became an exclusively Ethiopian province. The central parts of Tigray have a long history of unity and have been ruled as one entity under Haile Selassie and the Derg. The region experienced de facto autonomy from the central state during the struggle against Derg, when the TPLF controlled parts of the area and finally was in command of the entire region in 1989. During the struggle against the Derg, the historically significant local affiliations based in Adwa, Agame and Inderta were watered down in favour of a strong and united Tigrayan front, the TPLF. Although local identifications are still at work today, the majority of the inhabitants perceive themselves first and foremost as Tigrayans.

The creation of Tigray as a federal unit is apparently a natural consequence of its prehistory, ethnic homogeneity and coherent political organisation. When it comes to SNNPRS, however, it is more of a puzzle why the southern areas were created as one federal unit and not as several, when the areas are so diverse and include so many distinct ethnic groups and large territories. During my data collection in the south, many people expressed dissatisfaction with the fact that the southern areas were administered as one, while for instance the Harari people, which are in number around ten per cent of the population in SNNPRS (see table 6.1), have their own federal unit. In order to understand the reasons behind the merger of the five southern regions in 1994, it is necessary to explore the political development in the region in the period after the EPRDF took power. Just before the regional merger took place, several EPRDF affiliated parties in the region established one common political front, the SEPDF, and became a member of the EPRDF coalition. When the parties were united across the five southern regions, it was also desirable to have one parallel administrative structure in the south. Regional officials claim that the merger of the regions came as a result of the regional party members' desire to utilise common resources and manpower in their respective administrations (Interview Taye Amberbir, July 2000). Opposition politicians, however, claim that the merger was an outcome of pressure from the central party, which had a clear strategy of obtaining a firmer grip of regional affairs in the south. The EPRDF preferred to control the troublesome southern areas through one rather than several federal units (Interview Beyene Petros, June 2000).

³⁰ Parts of SNNPRS also belonged to other provinces like Bale, Arsi, Shoa and Illubabor.

TPLF's and SEPDF's regional positions and relations to the central EPRDF

The different status of the regional parties in Tigray and SNNPRS should have implications on the relationship between the two regional governments and the central level. Before I had conducted my data collections in Tigray, my assumption was that because the region is ruled by the TPLF, the senior partner in the central government, I could expect few instances of conflicts between the regional and central level, and little central interference in regional affairs. In SNNPRS, however, where the regional party is relatively weak, I assumed that the central party would intervene in regional affairs in order to ensure its interests. Both of these assumptions were largely affirmed during my data collection.

When the Derg evacuated the southern areas in 1991, there was no TPLF-allied southern-based organisation to take over the administration of the area. The first administrations were therefore militarily dominated and made up of TPLF-officials. Instead of relying on already established independent parties like the Southern Ethiopian Peoples' Democratic Coalition (SEPDC, led by Beyene Petros), the TPLF gave political training and administrative positions to southern Ethiopians who had been captured during the war (Young 1998: 198). Thus, the first administrations in the transitional period lacked both skilled manpower and legitimacy among the population. Although the region got its own EPRDF party in 1994, the extensive assistance and intervention from TPLF officials has continued. Several high-ranking individuals from the EPRDF apparatus are still stationed in the region. People interviewed in southern region had a relatively concrete picture of the central interference in the regional government. Generally, they did not mention structures or policies, but the interference was personalised through one specific man: Bitew Belay, member of the TPLF central committee who later became the head of the Regional Affairs Department at the Prime Minister's Office. He was officially known as a centrally appointed expert or advisor, assisting the regional president and chief executive, Abate Kisho, and the establishment and organisation building of the SEPDF. Initially, he was permanently stationed in the region, but after he was appointed as head of the Department of Regional Affairs, he continued to follow the regional affairs closely by frequently travelling to the region. During his permanent assignment, had no specified portfolio, so most people could not describe his role in southern politics accurately. The secrecy and ambiguity around his position is also expressed by high-ranking officials in the regional bureaucracy. A higher civil servant described him as "never directly involved in decisions and processes, but in practice he was at the top of the regional council" (Interview, July 2000, name kept confidential). Others have witnessed him participating in the sessions of the regional council, intervening in discussions and decision making (Stated by former participant in regional council meetings, name kept confidential, July 2000).

Representatives of the ERPDF in Addis Ababa confirm the presence of the EPRDF/TPLF officials in SNNPRS. Dawit Yohannes presents it as if the assigned TPLF cadres' tasks are to "identify the democratic elements in the

region and help them to unite and develop” (Interview, Dawit Yohannes, November 2000). From the descriptions above, it is fair to say that the EPRDF has not only been interested in identifying and developing democratic elements, but has first of all been instrumental in creating a loyal ally, the SEPDF. This ally, however, has not yet been able or allowed to stand on his own feet. Several people interviewed in the southern region, including informants from the religious communities and NGO’s, viewed the SEPDF as a puppet of the TPLF (Interviews, names kept confidential, June /July 2000). Thus, the presence of TPLF officials and their intervention in the regional affairs have hampered the SEPDF in gaining legitimacy and genuine support from the local population. The major objective of the central involvement is apparently to defend EPRDF’s interests and ensure that the central party organisation maintains the control of the region that it gained when the Derg withdrew in 1991. Ultimately, this purpose is hard to combine with the aim of the federal constitution, which gives the “nations, nationalities and peoples” the right to self-determination.

In Tigray, the regional EPRDF party has a completely different position from that of the SEPDF has in the southern region. TPLF’s position has been virtually unchallenged by political opponents³¹, and the party has a firm grip on the population through various mass organisations that were established during the struggle against the Derg.³² Party officials in Tigray are eager to describe the close relationship between the people and the party: “When the TPLF established itself among the Tigrayan people, it was like mixing milk and water. If you try to separate them from each other, you will end up pouring out the whole liquid” (Interview of Ato Alem, party official in central zone, Tigray, August 2000). The relationship between the TPLF and the population, however, seems to be equivocal. On the one hand, people are aware of the control and reprisal capabilities of the party and find it hard to oppose its policies. This was observed during the elections in May 2000. An expression by a peasant woman, dependent on food-for-work programmes arranged by the local administration illustrates this: “If I don’t vote on Election Day, they [the TPLF] will come and ask me and even take me out of my house.... The candidates are not elected to alleviate my problems. They are elected to be crowned [as kings] (Interview, name kept confidential, May 2000). On the other hand, the Tigrayan people see the TPLF as their own party, which has brought peace and development to the region. This combination of fear and loyalty makes people unwilling to criticise the party (Aalen 2000a). My experiences with conducting interviews in Tigray were therefore entirely different from those in the southern region where people tended to be more

³¹ The only opposition party that has attempted to run for elections in Tigray in the post Derg period is the EDUP. It has not been successful in gaining popular support. People’s resistance against the EDUP is mainly due to the party’s links to the former nobility and the prehistory of violent clashes between the TPLF and the EDUP in the struggle for regional hegemony in the 1970s (Aalen 2000a: 83).

³² Associations for women, youths and farmers were established during TPLF’s mobilisation against Mengistu. Later, these organisations also spread to the rest of the country. Today, these are formally independent from the TPLF/EPRDF, but are still perceived as organs for the ruling party (Wright 2000: 42).

outspoken because the links between the population and the governing party are not that close.

Despite the equivocal relationship between the TPLF and the people, my informants among the ordinary people generally viewed the TPLF as the legitimate ruler of Tigray. Unlike in the southern region where the party in power is seen as a mere instrument of the TPLF/EPRDF, the TPLF is seen as the genuine leadership. Both ordinary people and party representatives at all levels were eager to express how Tigray was more successful than other federal units in implementing federalism and gaining regional autonomy. They argued that the experiences from the armed struggle had made the politicians and bureaucrats in the region more committed and efficient, and less prone to corruption than in other regional states (Interviews with individuals in Mekelle, Wukro and Axum, July 2000).

The TPLF has the upper hand in governing the daily affairs not only in the regional state of Tigray, but also at federal level. This should imply that the regional government in Tigray and the federal government in Addis Ababa essentially have shared interests. As mentioned earlier, the TPLF is considered as the senior partner in the EPRDF coalition and the dominant force in the central government. Although the TPLF does not hold the majority of the ministerial posts in the central cabinet, the most important posts, including the Prime Minister, are held by members of the TPLF central committee.³³ The Prime Minister has extensive powers in the central government, and the other ministers are accountable to him. In addition to the formal positions of TPLF members, TPLF party ideologists play a crucial, but informal role in developing the EPRDF's policies and plans and as advisors to the government.³⁴ The TPLF is also a major actor in the economic sphere of Ethiopia. Regionally based TPLF-owned enterprises have business interests and networks in many parts of the country (Vestal 1999: appendix). In addition to this, many observers describe what they call the "Tigrayanisation" of the general power structures in Ethiopia. This implies that people with a Tigrayan background are consistently employed in important positions in the state machinery, in the economy and in public services (Abbink 1995: 156).

Due to the strong presence of TPLF members or affiliates at all levels of society in Ethiopia, it is reasonable to believe that the regional government in Tigray does not face any large obstacles in safeguarding its interests at federal level. Generally, it was not possible to trace any serious disagreements between the regional and central TPLF during my data collection. But the absence of central-regional conflicts within the TPLF might be an expression of party discipline rather than genuine harmony.³⁵ Other analysts claimed that it has

³³ At the time of my data collection (2000), the TPLF had the Prime Minister (Meles Zenawi), the minister of foreign affairs (Seyoum Mesfin), and the minister of internal affairs (Bitew Belay).

³⁴ Among the most important party ideologists are Sebhat Nega, Seye Abraha, Alemseged Gebreamlak, Abai Seyoum and Tewolde Woldemariam. All of these joined the TPLF early, and at the time of my data collection, they were all part of TPLF's inner circles (Interview of a Tigrayan academic, name kept confidential, June 2000).

³⁵ The internal split in the TPLP that came to the surface in March 2001 is a strong indication that the relationship between the regionally based and the centrally based TPLF leaders is not as harmonious as it appeared during my data collection.

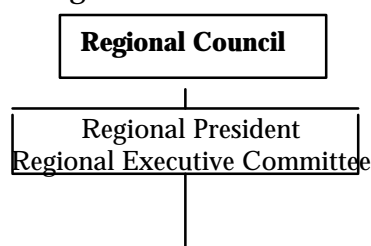
been possible to observe tension between the regional government in Tigray and the central government in Addis Ababa (Interview Gunter Schröder, June 2000). The TPLF in Tigray sees Ethiopian problems through Tigrayan lenses, while the TPLF in Addis Ababa is forced to have a wider, national perspective on their policies to be able to stay in power. This was evident when the grants from the federal government were changed from earmarked subsidies to needy areas to unconditional grants allocated by formula in 1995. Because of this change, Tigray was not able to benefit from the grants as much as they had done in the previous period, and serious discussions between regional and central TPLF followed. I was not able to confirm these statements during my interviews with officials in the regional administration in Tigray. But some officials expressed dissatisfaction with the current financial arrangement of the federation, particularly the fact that all agreements with foreign donors had to go through the federal government (Interview Chekol Kidane, July 2000).

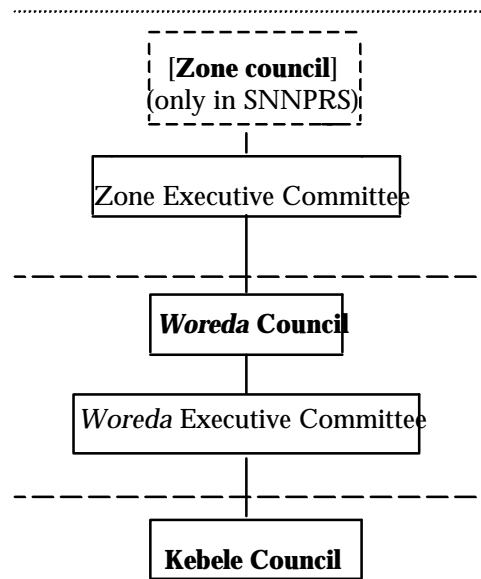
The TPLF's strong regional and federal position is a stark contrast to the position of the southern EPRDF partner, the SEPDF, which is disempowered at both regional and federal level. The descriptions above have illustrated that federal-regional relations in Ethiopia are heavily influenced by party structures. It is not only the party structures per se that matter, i.e. its centralised structures, but also the specific interests of the party in power. Since the ruling party at federal level is Tigray dominated, Tigrayan interest are pursued and Tigray regional state maintains an exceptional position in the federation, while the governments of other federal units, including SNNPRS, remain weak and practically ineffective. A precondition for the maintenance of Tigray's exceptional position in the federation, however, is that the regional and federal based TPLF leaders continue to share the same interests. If a conflict occurs, the federal-regional relations might be changed fundamentally.

Local empowerment?

Both Tigray and SNNPRS ratified their own constitutions in June 1995, formalising the federalisation process within each region. The general provisions and fundamental rights and freedoms in both constitutions are identical to those of the federal constitution (Chapt. 1-3 in both constitutions). This indicates that the two regional supreme laws have been drafted in close co-operation with the central government. But some of the provisions defining the sub-regional structures differ in the two regional constitutions. While Tigray, together with the other units in the federation, have adopted identical sub-regional structures as those defined by the central government in proclamation 7/92 during the transitional period, SNNPRS has chosen a different solution. The major difference is the role of the zone.

Figure 6.3 Sub-regional structures in the regional states





In Tigray, the zone is defined as “an administrative entity below the region comprising certain woreda” and is not given the right to have its own council (Art. 68 of the Tigray constitution). Members of the zonal administration are recruited from the regional state council and do not have a power base of their own. They act as extended arms of the regional council and a bridge between the regional administration and the woreda. In SNNPRS, the zones are empowered with a directly elected council with legislative authority (Art. 69 of the SNNPRS constitution). This is done to formally ensure that the many national groups in the region are empowered with an own administrative structure. Ethnic heterogeneity has therefore made the formal decentralisation in SNNPRS more extensive than in Tigray and the other federal units. The empowerment of the zone was probably also done to compensate those areas which went from regional to zone status when the five southern regions were merged in 1994. By the merger, they lost the right to autonomy, but by giving the zone legislative power, they regained some of this power.

Despite the constitutional empowerment of the regional and sub-regional administrative bodies, the two regions are facing serious problems in the practical implementation of the formal provisions. Politically elected and appointed officials at the regional, zonal and woreda level in Tigray and SNNPRS argued that the zone and woreda administrations are not able to carry out the responsibilities and rights defined in the constitution because of lack of financial and human capacity. The regional governments are supposed to distribute money to the sub-regional levels according to budgets and plans decided by the woreda and the zone (Tegegne Gebre Egziabher 1998). But in practice, the sub-regional units have little capacity to prepare budgets and plans and the planning process becomes a top-down instead of bottom-up process. In Tigray, the regional government decides the distribution of the regional funds without any substantial participation from the sub-regional levels, and hence, local self-government is reduced to implementing directions from above (Interview, Ato Gebre, July 2000). In SNNPRS, the zones and

woreda are more empowered than in Tigray, because the regional budget is distributed by a fixed formula and not by the priorities of the regional government alone. This formula is similar to the one used by the federal government in distributing grants to the regional states to enhance equity among the units (Interview, Shumeye Tesemma, June 2000). In Tigray, the regional government sees the region as one, both administratively and ethnically, and hence, the distribution of funds does not need to take into account possible local imbalances. But in SNNPRS, the ethnic diversity of the region makes it important to prevent local imbalances and secure all the zones and ethnic groups a fair share of the budget. This, together with the fact that the zone has an own legislative council, makes the local units in the southern region, at least formally, relatively more empowered than in Tigray.

Both politicians and bureaucrats in Tigray and SNNPRS claimed that the largest obstacle in empowering the local units was the lack of skilled manpower. Whether the lack of skilled manpower is a result of a genuine shortage of competent personnel or a result of special recruitment policies is a subject of discussion. In both regions, and particularly in SNNPRS, critical individuals complained that those who were employed in the public administration had to be party members and speak the indigenous language of the area (Interviews, civil servants and ordinary people, names kept confidential, July/ August 2000). Aklilu Abraham's studies from the southern region also show that the appointment of civil servants and public officials based on ethnic background and party affiliation limits the number of skilled persons available for employment and prevents highly qualified individuals from taking the jobs. Instead, incompetent and inexperienced personnel occupy the offices (Aklilu Abraham 2000: 27).

In southern region, it appears that the empowerment of the local administrative units and implementation of national self-determination also are severely hampered by direct interference from the central party. The activities of the centrally assigned party advisors is not restricted to the regional level, but is extended to both the zone and woreda, and even to kebele level. At the time of my data collection, people mentioned several TPLF-cadres active on the on sub-regional level.³⁶ A number of "ordinary" people told stories where these cadres had intervened directly in meetings and public gatherings at local level and demanded that the speakers should hold their talks in Amharic, so that they could take record of the discussions (Interviews, name kept confidential, July 2000).

Although each national group in SNNPRS has a constitutional right to self-determination, there are many examples of conflicts where national groups in the region have demanded an own administrative structure, but the regional government has attempted to deny them the right. One such example is the Wolaita, who have been a part of North Omo zone since the merger of the southern regions in 1994. The Wolaita area used to be an independent

³⁶ Names that were mentioned were Tewolde Berhan Gebrehiwot assigned in the Hadiya/Kambata zone and Gebrewahid (second name unknown) in Sidama zone (Interview, journalist in a national news agency, assigned to SNNPRS, July 2000). Both Hadiya/Kambata and Sidama are areas where the opposition parties in the region have strong support, Hadiya National Democratic Organisation in Hadiya and Sidama Liberation Movement in Sidama.

kingdom before the expansion of the Ethiopian state in the 18th century (Bahru Zewde 1991: 64), but today the status of the Wolaita is highly disputed. Most of the Wolaita people consider themselves as a group distinct from the other groups within North Omo zone, with a separate language and culture. Since the constitution gives national groups the right to self-determination, they claim that they have a constitutional right to have an own zone structure (Interviews in Soddo, North Omo, names kept confidential, July 2000). But the regional government claimed that the Wolaita language and culture are not possible to distinguish from other groups and that the Wolaita do not have any right to self-determination. The organisation of the local member party of the SEPRDF, Wogagoda³⁷, reflects the regional government's attempts to institutionalise this approach, because it includes three other groups in addition to the Wolaita. Another reflection of this attitude is that the regional government tried to replace the various indigenous tongues in the zone with an artificially constructed language common for all the North Omo groups in the schools in 1999. This led to violent resistance from the Wolaita. Many people in the Wolaita area were intimidated, imprisoned or killed by local police and federal security forces sent to the area by the federal government (Ethiopian Human Rights Council 1999). The conflict led to interference from the central EPRDF party and various high ranking TPLF officials tried to mediate (Interview, journalist from a national news agency, stationed in Wolaita, name kept confidential, July 2000). Finally, the regional government gave in on the demands from the Wolaita, and withdrew the new language from the education. After some more rounds, the Wolaita achieved their own zone status in November 2000 (Interview, Petros Olango, November 2000).

The analyses of Tigray and SNNPRS have demonstrated that the federalisation of Ethiopia takes different shapes in different regions, both formally and practically. When comparing the two regions, it is apparent that the sub-regional units in the southern region are formally more powerful than their equals in Tigray. The zones in SNNPRS have a legislative council elected by the people, while in Tigray, the zone is only an executive arm of the regional council. In the south, the regional funds are distributed to the local units by a fixed equalising formula, and the zones and woreda can utilise them according to own priorities, while in Tigray, the distribution of funds is totally decided by regional level priorities. It seems therefore that the formal local empowerment in SNNPRS is more of a sub-regional federalisation process, while the empowerment of lower units in Tigray is equal to decentralisation. The major reason for this difference is that the SNNPRS is composed of many different ethnic groups which have a constitutional right to national self-determination.

But despite this, the local empowerment in the south is severely hampered by interference from centrally assigned party cadres in local affairs. The example from Wolaita demonstrates that the regional and local EPRDF parties, with assistance from the centre, have attempted to deny national groups the right to self-administration, in order to maintain party interests. But the costs of

³⁷ "Wogagoda" is a short name for the ethnic groups in North Omo: the Wolaita, the Gamo, the Goffa and the Dawro (Interview, Daniel Demese, July 2000)). The common language that was introduced in North Omo was also called Wogagoda. This made people link the language conflict directly to the political party.

denying the Wolaita own zone structures were too large, and the regional government finally gave in on their demands. The ethnic heterogeneity in the southern region and the fact that many of the national groups do not have own administrative units, imply that there will be more issues like this in the future. Whether the authorities will yield to the future demands remains to be seen. In Tigray, the situation is the opposite of that in SNNPRS. The ethnical and political homogeneity of the region contributes to a strong regional government. The regional party is dominant also at the central level, and this makes it less vulnerable to central interference.

Conclusion: a two track federalisation process?

This chapter has shown that the Ethiopian federation is composed of regional states with very different ethnic composition, socio-economic development and political situation. Accordingly, the various federal units have very different relations to the central government, both fiscally and politically. One of the assumptions in Tarlton's theory of symmetry and asymmetry in federal states (1965) is that the more a federation is asymmetrical, the more would the central government interfere in the federal units to keep the federation together. The federalisation process in Ethiopia partly complies with this assumption. The descriptions of the regional states above have shown that degree of central party and federal state interference in regional affairs varies greatly among the federal units. It seems like the more physically, economically and politically peripheral the federal units are, the stronger is the central interference. A clear two-track pattern appears, where the four lowland regions are administrative rather than federal units because of the strong central intervention, while the four EPRDF regions in the highlands at least formally have fulfilled the conditions to be classified as federal units, and apparently have functioning regional governments.

By all means, the four lowland regions, Benishangul-Gumuz , Gambella, Afar and Somali, have the weakest regional government and the lowest level of socio-economic development. They are the largest beneficiaries of the federal grants and subsidies, and their own revenue sources cannot sustain the region at all. The political parties in power in these regions are not members of the ruling coalition, but are nevertheless controlled by it. The way federal government, through Regional Affairs Department, intervenes in the regions, leads to a situation where the four lowland regions' chances of self-administration are severely restricted.

The four EPRDF-member states in the highlands, Tigray, Amhara, SNNPRS and Oromya, are all federal units with a higher, generally more sustainable socio-economic development than the lowland regions. On average, they manage to finance 20-30 per cent of their own expenditures, and have a reasonably good increase in own revenue collection capacity. Although these regions too rely heavily on financial assistance from the centre, they are improving their self-administrative capacities. Unlike the lowland regions, they manage to sustain themselves with manpower and administrative personnel, and do not rely on direct guidance from the Regional Affairs Department. Thus, the regional governments of these states are formally autonomous and

appear to be full-blooded federal units. Nonetheless, the informal and uninstitutionalised intervention of the central EPRDF/TPLF cadres in regional affairs restricts the regional governments' opportunities to act independently of central level.

Addis Ababa, Harari and Diredawa have all a special status in the Ethiopian federation, and should be considered as anomalies not fitting into the pattern of the other federal units. The common denominators for these units are that they have a small territory, are multiethnic and urban, and have a relatively high level of socio-economic development. Addis Ababa and Diredawa are administrative regions and do not have the same right to national self-determination as the other units. Harari distinguishes itself from the other non-EPRDF units, the lowlands regions, by being relatively free from direct interference from Regional Affairs Department.

The analysis of the structures in the ruling party has demonstrated that EPRDF's network of partner organisations and affiliates controls the governments in all the regional states in the Ethiopian federation. The EPRDF is essentially a centralised party, where party officials at all levels are accountable to the hierarchy above. Additionally, borders between the party and the state bureaucracy are blurred, and this enables the party to utilise the state administration for its own purposes. The upward accountability and centralisation of party structures are essentially contradictory to the federal division of power. Although the regional states in Ethiopia are both financially and socio-economically weak, it is first of all the centralised party structures which undermine the federal units ability to act independently from the centre.

The studies of Tigray and SNNPRS contribute to a more nuanced description of the two-track federalisation process in Ethiopia and have further underlined the importance of party interests in the process. Despite the fact that both Tigray and SNNPRS are run by EPRDF member parties and are considered to have relatively sustainable socio-economic and financial development, there is a large difference in the status of the two regional states. The extreme ethnic heterogeneity of SNNPRS is of course a variable that makes this region different from Tigray and the other regions. But my analysis of the southern region has demonstrated that the weak EPRDF party in the region has made the regional government subordinated to the central party apparatus, and its running daily regional affairs has been dominated by centrally assigned party advisors. Tigray, on the opposite side, has enjoyed relative independence from the central party, mainly due to the fact that the regional party of Tigray and the central party leaders have shared interests.

Chapter 7: Conclusion

This thesis has aimed at analysing both the legal and the practical aspects of the federalisation process in Ethiopia. The first objective was to discuss whether the Ethiopian federal model *de jure* corresponds or contradicts with the central principles of federalism and federal practices. The second objective was to explore the *de facto* relations between the federal and regional levels of government and uncover which factors determine the nature of these relations.

The overall conclusion of the analysis is that although the Ethiopian *de jure* model meets the requirements of a federal system, the *de facto* relations between the central government and the federal units are so centralised that the federal division of power is severely undermined. A major reason behind this is the centralised structure of the party system. The asymmetry of the federal units and their lack of an independent financial base do also contribute to a weakening of the federal division of power.

A summary of the findings

Various aspects of theories on federalism and federations provided a useful framework for the analysis of the Ethiopian federal system. Studies of federalism, the normative basis for federations, underlined the importance of looking beyond ideological rhetoric in the justification of federations, and instead explore the political use of federalism. Who benefits from a reconstruction of the state along federal lines and under which circumstances is the federal model introduced? The central argument in chapter 4 is that the federalisation of Ethiopia was introduced in a way that made it lose legitimacy even before it was implemented. The architect of the ethnic federal model, the TPLF, had a commitment to the principle of national self-determination during the struggle against the previous regime, and a desire to reconstruct the Ethiopian state in order to neutralise the old repressive elites. But the concern for its own survival as the ruling power led it to impose the federal system from above, practically excluding the other political forces in the country. This essentially undemocratic process made the political opposition view the new federal model as a purely TPLF-dominated project and not as an undertaking favouring the whole Ethiopian population.

King's (1982) minimalist definition of federations and other studies of the institutional features of federations was a starting point for the analysis of the legal framework for the Ethiopian federation. In King's definition, the Ethiopian system is qualified as federal. The Ethiopian constitution guarantees the constituent units representation at the federal level, and this representation cannot be changed without the consent of the majority of the constituent units. But there are some peculiarities in the Ethiopian model, which make it quite dissimilar to other federal systems of the world. In the constitution, the sovereignty of the state is not given to the federal units as in other federations, but to "the nations, nationalities and peoples" of Ethiopia. The right to national self-determination includes the right to secede. But this extreme right

does not fit in with the powers of the federal units, which are relatively meagre, and gives the central government the upper hand. The odd combination of the right to secession and the meagre regional powers distinguishes the Ethiopian federal model from other federal systems that are relevant to compare with. The Russian, Canadian and Spanish federations do not offer the federal units a right to secession, but have given them other extensive remedies for self-determination. Other peculiarities in the Ethiopian legal framework are the absence of an independent constitutional court and the lack of checks on the head of the central executive, the Prime Minister. These aspects give the party in power at the centre a large space of action.

Tarlton's (1965) and Riker's (1964) theories underline that the functioning of federal systems cannot be predetermined or understood by only looking at the ideological justifications or the constitutional framework for federations. This argument was the point of departure for the analysis of the *de facto* federal system of Ethiopia in chapter 6. Tarlton's theory on symmetry and asymmetry assumes that the more dissimilar the constituent units of a federation are, the more would the central government intervene in regional affairs to keep the federation together. The exploration of the Ethiopian federal units revealed that the federation is highly asymmetrical when it comes to ethnic composition, interethnic relations and socio-economic development level. The study of fiscal relations between the regional states and the central government uncovered that the central government has been granted the most lucrative revenue sources in the country. Consequently, the regional states' financial bases are so weak that they remain dependent on federal grants and subsidies to carry out their constitutionally defined responsibilities. Especially the lowland regions, which have the lowest level of socio-economic development, are totally dependent on federal transfers, while the four highland regions at least manage to fund about a fourth of their own expenditures.

Riker's studies of federations underline the importance of exploring the political context in which a federal system is implemented. He claims that the single most important factor in determining the character of a federal system is the operation of the party system. The analysis of the party system in Ethiopia showed that the coalition in power controls all the regional states in the federation either through its member parties or through affiliate parties. The EPRDF's centralised organisational structure makes the regional governments in the various units accountable to the party hierarchy above instead of to the regional institutions and the electorate. The four lowland regions, which are run by affiliates of the EPRDF, face the most serious interference from the central government. Advisors from the Regional Affairs Department at the Prime Minister's Office together with informal advisors from the central party virtually control the regional governments there. The four highland regions, which are run by EPRDF member parties, do not experience the same form of central interference. Nevertheless, the informal and uninstitutionalised intervention from the central party through TPLF cadres undermines their chance to act independently from the federal level. The studies from SNNPRS and Tigray show that the status of the regional EPRDF parties and their relationship to the central leadership are decisive in determining the degree of central party interference. In SNNPRS, where the regional party has a weak

position, TPLF/EPRDF cadres interfere directly in regional affairs and are active even at local level to ensure the interests of the EPRDF. In Tigray, the position of the regional party is strong and the regional party leaders share interest with the central party leaders. The regional government is therefore able to act relatively independent from the central government.

The status of and prospects for the Ethiopian federation

This analysis has explored the Ethiopian federal system in its first nine years of operation. During this period, the EPRDF strengthened its position as the dominant party by building its own satellites in the regional states of Ethiopia. In the following section, I will reflect on which consequences this centralisation has for the status of the Ethiopian state. Should Ethiopia still be defined as federal, or does the dominant position of the EPRDF disqualify the state from being federal? A federation should be viewed as a dynamic process more than a permanent and unchanging system. It is reasonable to expect that the operation of the Ethiopian federation will develop and change in the future, dependent on political events and circumstances. Some events that took place immediately after my data collection was over will probably have important impacts on the federalisation process in the coming time. The last section of the conclusion will briefly mention these issues.

Does the de facto centralisation of the Ethiopian system disqualify it from being federal?

In my overall conclusion, I claim that the centralisation of federal-regional relations in Ethiopia has severely undermined the federal division of power. This implies that the regional governments are not able to act independently from the federal government and are acting more or less as extended arms of the party in power at the central level. But do these facts disqualify the functioning Ethiopian system from being federal?

In chapter 2 on theoretical approaches to federalism and federations, I referred to discussions on what could disqualify political systems as federal. Some theorists, among them Burgess (1993) and King (1982), argue that a federation cannot be genuine if it is a result of or maintained by coercion from above. Additionally, federal governments have to be subjected to the law and committed to the principle of constitutionalism. On this basis, they claim that the Soviet and Yugoslav federations cannot be considered as genuine federations. These federations were maintained by the control of the communist party, and the various ethno-regional parts had marginal *de facto* independence from the centre. Does this argument imply that also the Ethiopian federation is a sham?

As we saw in chapter 4 of this analysis, the Ethiopian federation was introduced in an undemocratic manner. There was no genuine bargaining between different political forces, and the federal constitution was practically imposed from above by the ruling party. The study of the functioning of the federal system revealed that the ruling party uses force and intimidation to control regional affairs. Due to these circumstances, it is possible to argue that

the Ethiopian federation can be seen as a result of and is maintained by coercion from above. Accordingly, if we follow the argument above, the Ethiopian polity should not be defined as genuinely federal.

A question that remains to be answered is whether the Ethiopian government is subject to the law or not. Does the central government ignore the constitutional provisions that regulate its activities or does it respect the principle of constitutionalism? The formal framework for the Ethiopian federation ensures that the government cannot act without taking the law into consideration. The regional representation at federal level cannot be changed without violating the constitution. My studies have not been able to observe any *formal* violations of these provisions. The ruling EPRDF has so far refrained from changing the constitution unilaterally to adapt it to its own needs. But as we have seen in the studies of the more *informal* and uninstitutionalised practices, the ruling party's actions have practically undermined the true representation of the regional units in the central decision making process. A final judgement on the Ethiopian government's commitment to constitutionalism, however, should be made after observing the process of constitutional amendment and the EPRDF's respect for the constitutional provisions in the longer run.

Smith (1995) argues that federal projects might take a variety of forms which simply cannot be confined to late modern democracies. He stresses that federal states with undemocratic practices may develop into more democratic forms as the time goes by. Thus, it could be counterproductive to disqualify states as federal just because they do not fulfil the criteria of democratic governance from the start. His points are also valid in the Ethiopian context. The Ethiopian federal system will continuously change, all according to the political circumstances in the country. The undemocratic character of EPRDF is not necessarily a permanent phenomenon. Both internal and external political events might change its relations to the opposition forces and to the allies in the regional governments, which finally might alter the federal-regional relations. Due to this, the federalisation of Ethiopia should be seen as a process in constant change, and not as a fixed system. Whether this process would lead to further centralisation or more genuine regional autonomy remains to be seen.

Party power in change – the internal split in TPLF

One of the events that might have an important impact on the federalisation process in Ethiopia took place after my data collection was over. In March 2001, the party chairman of the TPLF and current Prime Minister, Meles Zenawi, was challenged by an opposing fraction, headed by two party vice chairmen and two party ideologists. At a TPLF central committee meeting, 12 committee members voted against Meles, while 16 voted in favour. The dissenters, led by the senior Siye Abraha, claimed that Meles Zenawi had been too compliant with the Eritreans during the war with Eritrea from May 1998 to December 2000 (Indian Ocean Newsletter, March 24, 2000). Meles is considered to have little personal support in Tigray, while it is generally believed that the dissenters have popular backing in the region (Tronvoll 2001). The opposing senior cadres were expelled from their positions within

the party and the government. A month after the crack, most of the dissenters were arrested on charges of corruption. Among the twelve dissenters were Gebru Asrat, the President of Tigray region, and Bitew Belay, head of the Regional Affairs Department at Prime Minister's Office. As previously mentioned, Bitew was one of the key TPLF cadres intervening in the various regional states to ensure the interests of the ruling party.

The expulsion of the dissenters had a direct impact on the regional EPRDF parties and their relations to the TPLF. Both in the OPDO and the SEPDF, members of the chairmanship had to leave their positions, being accused of conspiring with the dissenters and of corruption. The President of the Ethiopian federation, Negasso Gidada, who was a member of the central and executive committee of the OPDO, openly criticised the EPRDF leadership for intervening in the internal affairs of the OPDO, and was dismissed from his positions in the party. The OPDO was on the verge of a major split, as parts of the leadership wanted to leave the EPRDF coalition and become an independent party. One of the leaders announced that "he would rather die than to continue being a puppet [of TPLF]"³⁸ (Indian Ocean Newsletter, June 30. 2000). In the southern EPRDF party, the SEPDF, the party chairman and president of SNNPRS, Abate Kisho, together with several others from the party leadership, were expelled from the party because of collaboration with the TPLF dissenters and were arrested for corruption (Addis Tribune, June 2001).

The internal split in the TPLF has thus changed the relationship between the central TPLF/EPRDF leadership and the various regional allies. Since these relations are decisive in defining the federal – regional relations, this event might have direct impact on the operation of the federal system in Ethiopia. Several scenarios are possible. Prime Minister Meles Zenawi escaped being ousted from power, and has through a so-called "renewal movement" removed opposing forces in EPRDF, TPLF and the other member parties. The Tigrayan-based fraction of the TPLF has been severely weakened. More central interference in regional affairs in Tigray is to be expected hereafter, to prevent new conflicts to erupt. Tigray might lose its position as the most autonomous region in the federation, and there might be a clearer division between the central and regional TPLF leadership. Another possible scenario is that because Meles' position is weakened inside the Tigray based TPLF, he has to rely more on support from the other EPRDF parties and affiliates to stay in power. In order to achieve support from them, the central leadership might have to give greater autonomy for the regional governments and a more genuine federal division of power. The outcome of the TPLF split is hard to predict. It shows that federal-regional relations in Ethiopia are closely linked to changes in party power, and hence, that the nature of the federal system will continue to change in future.

The struggle between central and regional forces has been the main theme throughout the history of Ethiopian state building. In the medieval and imperial ages, the struggle was between regional lords and the centrally based

³⁸ About half of the central committee in the OPDO defected to the militant opposition OLF, one of the most significant defector was Almaz Mako, the speaker of the House of the Federation (Africa Confidential October 26. 2000).

king or Emperor, while in the second half of the 20th century, it was between ethnically based liberation movements and central autocracies. Does the current federalisation of Ethiopia offer a new and sustainable solution to the central- regional conflicts or are the old struggles just continuing in another shape? The federal system offers at least the legal and institutional framework for a reorganisation of central-regional relations. But as this analysis has demonstrated, the adoption of the new framework has so far not led to any fundamental change in the relationship between regional and central forces in the Ethiopian state. Like in the past, the central government, now the EPRDF/TPLF instead of the Emperor or the Derg, is attempting to control the regional forces through power exercise. But the internal split in the TPLF and the following uprising in the other regional parties show how fragile the power base of the central government might be.

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A proclamation to define the sharing of revenue between the Central Government and the National/Regional Self-Governments Negarit Gazeta, Proclamation 33/1992

A proclamation to define powers and duties of the central and regional executive organs of the transitional government of Ethiopia Negarit Gazeta, Proclamation 41/1993

Transitional Period Charter. Negarit Gazeta, No 1, 1991

Appendix 1: List of public interviewees

Ali Idris, May 2000, Vice Chairman of the AAPO

Ahmend Hassen, August 2000, Representative in the House of People's Representatives, Gurage Nationalities Democratic Movemenst (a part of the SEPDF)

Ato Alem, August 2000, Head of Propaganda and Mobilisation Office in Central zone, Tigray

Dr Beyene Petros, June 2000, Chairman of SEPDC/CAFPDE

Chekol Kidane, July 2000, Chief Adviser to the Regional President on Economic Affairs, Tigray

Daniel Demese, July 2000, Vice Chairman of North Omo zone, SNNPRS

Dawit Yohannes, November 2000, Speaker, House of Peoples' Representatives of FDRE and member of the ANDM executive committee

Dr Gebre'ab Barnabas, August 2000, Representative of the TPLF in the House of Peoples' Representatives and central committee member, the TPLF

Ato Gebre, July 2000, Head of Macro Plan Office, Bureau of Planning and Economic Development, Tigray

Guish Gebre Selassie, May 2000, Representative of the EDUP in Tigray

Gunter Schröder, June 2000, Adviser to the Mekane Yesus Church, Ethiopia

Hassen Shiffa, July 2000, Representative for Tigray national group in the House of the Federation and member of the TPLF

Lul Seged, August 2000, Head of Development Bureau, Regional Affairs Department, Prime Minister's Office

Lidetu Ayalew, June 2000, Secretary General of the EDP

Melaku Fenta, August 2000, Afar Desk, Development Bureau, Regional Affairs Department, Prime Minister's Office

Merera Gudina, May 2000, Chairman of the ONC

Petros Olango, November 2000, Deputy Speaker, House of Peoples' Representatives of FDRE

Dr Solomon Enqui, July 2000, Chief Adviser to the Regional President on Social Affairs, Tigray and central committee member, the TPLF

Shumeye Tesemma, June 2000, Head of the Budget Department, Bureau of Finance, SNNPRS

Taye Emberbir, June 2000, Head of the President's Office, SNNPRS

Tegegne Gebre Egziabher, June 2000, Head of Institute of Development Research, Addis Ababa University

Warko Yohalashet, November 2000, Head of the Regional Planning and Development Department, Ministry of Economic Development and Co-operation (MEDaC)

Appendix 2: Interview guide

1. What do you consider as the major motivations behind introducing as federal system in Ethiopia?
2. What do you perceive as the major strengths and weaknesses with the constitutional framework for the federal arrangements?
3. What do you consider as the main obstacles in the process of implementing “self-determination for the nationalities” / regional autonomy?
4. What do you consider as the major factors determining the states varying degrees of autonomy?
5. Which specific power structures (both formal and informal) do you consider as the most important in defining the relations between the centre and the state governments?
6. To what extent are the states financially independent from the central government?
7. In general, has the introduction of “ethnic federalism” led to an increase or a decrease in the level of conflicts between ethnic groups?
8. In evaluating the performance of the current government in Ethiopia, would you say that it represents a break or continuity from the previous regimes? Give examples!

Additional, more specified questions for regional interviews

1. Which power structures (both formal and informal) do you consider as the most important in the initiation and implementation of the regional state policies?
2. How would you describe the manpower situation in the state administration?
3. How are the claims from different ethnic groups to participate in the state government accommodated?

Appendix 3: Constitution of the federal democratic republic of Ethiopia

PREAMBLE

We, the Nations, Nationalities and Peoples of Ethiopia:

Strongly committed, in full and free exercise of our right to self-determination, to building a political community founded on the rule of law and capable of ensuring a lasting peace, guaranteeing a democratic order, and advancing our economic and social development.

Firmly convinced that the fulfilment of this objective requires full respect of individual and people's fundamental freedoms and rights, to live together on the basis of equality and without any sexual, religious or cultural discrimination;

Further convinced that by continuing to live with our rich and proud cultural legacies in territories we have long inhabited, have, through continuous interaction on various levels and forms of life, built up common interest and have also contributed to the emergence of a common outlook;

Fully cognizant that our common destiny can best be served by rectifying historically unjust relationships and by further promoting our shared interests;

Convinced that to live as one economic community is necessary in order to create sustainable and mutually supportive conditions for ensuring respect for our rights and freedoms and for the collective promotion of our interests;

Determined to consolidate, as a lasting legacy, the peace and the prospect of a democratic order which our struggles and sacrifices have brought about;

Have therefore adopted, on 8th December 1994 this constitution through representatives we have duly elected for this purpose as an instrument that binds us in a mutual commitment to fulfill the objectives and the principles set forth above.

CHAPTER ONE GENERAL PROVISIONS

Article 1

Nomenclature of the State

This Constitution establishes a Federal and Democratic state structure. Accordingly, the Ethiopian State shall be known as the Federal Democratic Republic of Ethiopia.

Article 2

Ethiopian Territorial Jurisdiction

The territorial jurisdiction of Ethiopia shall comprise the territory of the members of the Federation and its boundaries shall be as determined by international agreements.

Article 3

The Ethiopian Flag

1. The Ethiopian flag shall consist of green at the top, yellow in the middle and red at the bottom, and shall have a national emblem at the center. The three colors shall be set horizontally in equal dimension.
2. The national emblem on the flag shall reflect the hope of the Nations, Nationalities, Peoples as well as religious communities of Ethiopia to live together in equality and unity.
3. Members of the Federation may have their respective flags and emblems and shall determine the details thereof through their respective legislatures.

Article 4

The National Anthem of Ethiopia

The national anthem of Ethiopia, to be determined by law, shall reflect the ideals of the Constitution, the commitment of the peoples of Ethiopia to live together in a democratic order and of their common destiny.

Article 5

Languages

1. All Ethiopian languages shall enjoy equal state recognition.
2. Amharic shall be the working language of the Federal Government.
3. Members of the Federation may by law determine their respective working languages.

Article 6

Nationality

1. Any person of either sex shall be an Ethiopian national where both or either parent is Ethiopian.
2. Foreign nationals may acquire Ethiopian nationality.
3. Particulars relating to nationality shall be determined by law.

Article 7

Gender Reference

Provisions of this Constitution set out in the masculine gender shall also apply to the feminine gender.

CHAPTER TWO

FUNDAMENTAL PRINCIPLES OF THE CONSTITUTION

Article 8

Sovereignty of the people

1. All sovereign power resides in the nations, nationalities and peoples of Ethiopia.
2. This Constitution is an expression of their sovereignty.
3. Their sovereignty shall be expressed through their representatives elected in accordance with this Constitution and through their direct democratic participation.

Article 9

Supremacy of the Constitution

1. The Constitution is the supreme law of the land. Any law, customary practice or a decision of an organ of state or a public official which contravenes this Constitution shall be of no effect.
2. All citizens, organs of state, political organizations, other associations as well as their officials have the duty to ensure observance of the Constitution and obey it.
3. It is prohibited to assume state power in any manner other than that provided under the Constitution.
4. All international agreements ratified by Ethiopia are an integral part of the law of the land.

Article 10

Human and Democratic Rights

1. Human rights and freedoms, emanating from the nature of mankind are inalienable and inviolable.
2. Human and democratic rights of citizens and peoples shall be respected.

Article 11

Separation of State and Religion

1. State and religion are separate.
2. There shall be no state religion.
3. The State shall not interfere in religious affairs and religion shall not interfere in state affairs.

Article 12

Conduct and Accountability of Government

1. The conduct of affairs of government shall be transparent.
2. Any public official or an elected representative is accountable for any failure in official duties.
3. In case of loss of confidence, the people may recall an elected representative. The particulars of recall shall be determined by law.

CHAPTER THREE

FUNDAMENTAL RIGHTS AND FREEDOMS

Article 13

Scope of Application and Interpretation

1. All Federal and State legislative, executive and judicial organs at all levels shall have the responsibility and duty to respect and enforce the provisions of this Chapter.
2. The fundamental rights and freedoms specified in this Chapter shall be interpreted in a manner conforming to the principles of the Universal Declaration of Human Rights, International Covenants on Human Rights and International instruments adopted by Ethiopia.

**PART ONE
HUMAN RIGHTS**

Article 14

Rights to life, the Security of the Person and Liberty. Every person has the inviolable and inalienable right to life, the security of person and liberty.

Article 15

Right of Life

Every person has the right to life. No person may be deprived of his life except as a punishment for a serious criminal offence determined by law.

Article 16

The Right of the Security of Person

Every one has the right to protection against bodily harm.

Article 17

Right to Liberty

1. No one shall be deprived of his or her liberty except on such grounds and in accordance with such procedures as are established by law.
2. No person may be subjected to arbitrary arrest, and no person may be detained without a charge or conviction against him.

Article 18

Prohibition against Inhuman Treatment

1. Everyone has the right to protection against cruel, inhuman or degrading treatment or punishment.
2. No one shall be held in slavery or servitude. Trafficking in human beings, for whatever purpose is prohibited.
3. No one shall be required to perform forced or compulsory labour.
4. For the purpose of sub-Article 3 of this Article, the phrase "forced or compulsory labour" shall not include:-
 - a) Any work or service normally required of a person who is under detention in consequence of a lawful order, or of a person during conditional release from such detention;
 - b) In the case of conscientious objectors, any service exacted in lieu of compulsory military service;
 - c) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
 - d) Any economic or social development activity voluntarily performed by a community within its locality.

Article 19

Rights of Persons Arrested

1. Persons arrested have the right to be informed promptly, in a language they understand, of the reasons for their arrest and of any charge against them.
2. Persons arrested have the right to remain silent. Upon arrest, they have the right to be informed promptly, in a language they understand, that any statement they make may be used as evidence against them in court.
3. Persons arrested have the right to be brought before a court within 48 hours of their arrest. Such time shall not include the time reasonably required for the journey from the place of arrest to the court. On appearing before a court, they have the right to be given prompt and specific explanation of the reasons for their arrest due to the alleged crime committed.
4. All persons have an inalienable right to petition the court to order their physical release where the arresting police officer or the law enforcer fails to bring them before a court within the prescribed time and to provide reasons for their arrest. Where the interest

of justice requires, the court may order the arrested person to remain in custody or, when requested, remand him for a time strictly required to carry out the necessary investigation. In determining the additional time necessary for investigation, the court shall ensure that the responsible law enforcement authorities carry out the investigation respecting the arrested person's right to a speedy trial.

5. Persons arrested shall not be compelled to make confessions or admissions which could be used in evidence against them. Any evidence obtained under such coercion shall not be admissible.
6. Persons arrested have the right to be released on bail. In exceptional circumstances prescribed by law, the court may deny bail or demand adequate guarantee or the conditional release of the arrested person.

Article 20

Rights of Persons Accused

1. Accused persons have the right to a public trial by an ordinary court of law within a reasonable time after having been charged. The court may hear cases in a closed session only with a view to protecting the right to privacy of the parties concerned, public morals and national security.
2. Accused persons have the right to be informed with sufficient particulars of the charge brought against them and to be given the charge in writing.
3. During proceedings accused persons have the right to be presumed innocent until proved guilty according to law and not to be compelled to testify against themselves.
4. Accused persons have the right to full access to any evidence presented against them, to examine witnesses testifying against them, to adduce or to have evidence produced in their own defense, and to obtain the attendance of and examination of witnesses on their behalf before the court.
5. Accused persons have the right to be represented by legal counsel of their choice, and, if they do not have sufficient means to pay for it and miscarriage of justice would result, to be provided with legal representation at state expense.
6. All persons have the right of appeal to the competent court against an order or a judgment of the court which first heard the case.
7. They have the right to request the assistance of an interpreter at state expense where the court proceedings are conducted in a language which they do not understand.

Article 21

The Rights of Persons Held in Custody and Convicted Prisoners

1. All persons held in custody and persons imprisoned upon conviction and sentencing have the right to treatments respecting their human dignity.
2. All persons shall have the opportunity to communicate with, and to be visited by, their spouses or partners, close relatives, friends, religious councillors, medical doctors and their legal counsel.

Article 22

Non-retroactivity of Criminal Law

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence at the time when it was committed. Nor shall a heavier penalty be imposed on any person than the one that was applicable at the time when the criminal offence was committed.
2. Notwithstanding the provisions of sub-Article 1 of this Article, a law promulgated subsequent to the commission of the offence shall apply if it is advantageous to the accused or convicted person.

Article 23

Prohibition of Double Jeopardy

No person shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the criminal law and procedure.

Article 24

Right to Honour and Reputation

1. Everyone has the right to respect for his human dignity, reputation and honour.
2. Everyone has the right to the free development of his personality in a manner compatible with the rights of other citizens.
3. Everyone shall have the right to recognition everywhere as a person.

Article 25**Right to Equality**

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall guarantee to all persons equal and effective protection without discrimination on grounds of race, nation, nationality, or other social origin, colour, sex, language, religion, political or other opinion, property, birth or other status.

Article 26**Right to Privacy**

1. Everyone has the right to privacy. This right shall include the right not to be subjected to searches of his personal possession.
2. Everyone has the right to the inviolability of his notes and correspondence including postal letters, and communications made by means of telephone, telecommunications and electronic devices.
3. Public officials shall respect and protect these rights. No restrictions may be placed on the enjoyment of such rights except in compelling circumstances and in accordance with specific laws whose purposes shall be the safeguarding of national security or public peace, the prevention of crimes or the protection of health, public morality or the rights and freedoms of others.

Article 27**Freedom of religion, Belief and Opinion**

1. Everyone has the right to freedom of thought, conscience and religion. This right shall include the freedom to hold or to adopt a religion or belief of his choice, and the freedom, either individually or in community with others, and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. Without prejudice to the provisions of sub-Article 2 of Article 90, believers may establish institutions of religious education and administration in order to propagate and organize their religion.
3. No one shall be subject to coercion or other means which would restrict or prevent his freedom to hold a belief of his choice.
4. Parents and legal guardians have the right to bring to up their children ensuring their religious and moral education in conformity with their own convictions.
5. Freedom to express or manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, peace, health, education, public morality or the fundamental rights and freedoms of others, and to ensure the independence of the state from religion.

Article 28**Crimes Against Humanity**

1. Criminal liability of persons who commit crimes against humanity, so defined by international agreements ratified by Ethiopia and by other laws of Ethiopia, such as genocide, summary executions, forcible disappearances or torture shall not be barred by statute of limitation. Such offences may not be commuted by amnesty or pardon of the legislature or any other state organ.
2. In the case of persons convicted of any crime stated in sub-Article 1 of this Article and sentenced with the death penalty, the Head of State may, without prejudice to the provisions herein above, commute the punishment to life imprisonment.

PART TWO**DEMOCRATIC RIGHTS****Article 29****Right of Thought, Opinion and Expression**

1. Everyone has the right to hold opinions without interference.
2. Everyone has the right to freedom of expression without any interference. This right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media of his choice.
3. Freedom of the press and other mass media and freedom of artistic creativity is guaranteed. Freedom of the press shall specifically include the following elements:

4. Prohibition of any form of censorship.
5. Access to information of public interest
6. In the interest of the free flow of information, ideas and opinions which are essential to the functioning of a democratic order, the press shall, as an institution, enjoy legal protection to ensure its operational independence and its capacity to entertain diverse opinions.
7. Any media financed by or under the control of the State shall be operated in a manner ensuring its capacity to entertain diversity in the expression of opinion.
8. These rights can be limited only through laws which are guided by the principle that freedom of expression and information cannot be limited on account of the content or effect of the point of view expressed. Legal limitations can be laid down in order to protect the well-being of the youth, and the honour and reputation of individuals. Any propaganda for war as well as the public expression of opinion intended to injure human dignity shall be prohibited by law.
9. Any citizen who violates any legal limitations on the exercise of these rights may be held liable under the law.

Article 30

The Right of Assembly, Demonstration and Petition

1. Everyone has the right to assemble and to demonstrate together with others peaceably and unarmed, and to petition. Appropriate regulations may be made in the interest of public convenience relating to the location of open-air meetings and the route of movement of demonstrators or, for the protection of democratic rights, public morality and peace during such a meeting or demonstration.
2. This right does not exempt from liability under laws enacted to protect the well-being of the youth or the honour and reputation of individuals, and laws prohibiting any propaganda for war and any public expression of opinions intended to injure human dignity.

Article 31

Freedom of Association

Every person has the right to freedom of association for any cause or purpose. Organizations formed, in violation of appropriate laws, or to illegally subvert the constitutional order, or which promote such activities are prohibited.

Article 32

Freedom of Movement

1. Any Ethiopian or foreign national lawfully in Ethiopia has, within the national territory, the right to liberty of movement and freedom to choose his residence, as well as the freedom to leave the country at any time he wishes to.
2. Any Ethiopian national has the right to return to his country.

Article 33

Rights of Nationality

1. No Ethiopian national shall be deprived of his or her Ethiopian nationality against his or her will. Marriage of an Ethiopian national of either sex to a foreign national shall not annul his or her Ethiopian nationality.
2. Every Ethiopian national has the right to the enjoyment of all rights, protection and benefits derived from Ethiopian nationality as prescribed by law.
3. Any national has the right to change his Ethiopian nationality.
4. Ethiopian nationality may be conferred upon foreigners in accordance with law enacted and procedures established consistent with international agreements ratified by Ethiopia.

Article 34

Marital, Personal and Family Rights

1. Men and women, without any distinction as to race, nation, nationality or religion, who have attained marriageable age as defined by law, have the right to marry and found a family. They have equal rights while entering into, during marriage and at the time of divorce. Laws shall be enacted to ensure the protection of rights and interests of children at the time of divorce.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental unit of society and is entitled to protection by society and the State.
4. In accordance with provisions to be specified by law, a law giving recognition to marriage concluded under systems of religious or customary laws may be enacted.
5. This Constitution shall not preclude the adjudication of disputes relating to personal and family laws in accordance with religious or customary laws, with the consent of the parties to the dispute. Particulars shall be determined by law.

Article 35

Rights of Women

1. Women shall, in the enjoyment of rights and protections provided for by this Constitution, have equal right with men.
2. Women have equal rights with men in marriage as prescribed by this Constitution.
3. The historical legacy of inequality and discrimination suffered by women in Ethiopia taken into account, women, in order to remedy this legacy, are entitled to affirmative measures. The purpose of such measures shall be provide special attention to women so as to enable them to compete and participate on the basis of equality with men in political, social and economic life as well as in public and private institutions.
4. The State shall enforce the right of women to eliminate the influences of harmful customs. Laws, customs and practices that oppress or cause bodily or mental harm to women are prohibited.
 - a. Women have the right to maternity leave with full pay. The duration of maternity leave shall be determined by law taking into account the nature of the work, the health of the mother and the well-being of the child and family.
 - b. Maternity leave may, in accordance with the provisions of law, include prenatal leave with full pay.
5. Women have the right to full consultation in the formulation of national development policies, the designing and execution of projects, and particularly in the case of projects affecting the interests of women.
6. Women have the right to acquire, administer, control, use and transfer property. In particular, they have equal rights with men with respect to use, transfer, administration and control of land. They shall also enjoy equal treatment in the inheritance of property.
7. Women shall have a right to equality in employment, promotion, pay, and the transfer of pension entitlements.
8. To prevent harm arising from pregnancy and childbirth and in order to safeguard their health, women have the right of access to family planning education, information and capacity.

Article 36

Rights of Children

Every child has the right:

1. To life;
2. To a name and nationality;
3. To know and be cared for by his or her parents or legal guardians;
4. Not to be subject to exploitative practices, neither to be required nor permitted to perform work which may be hazardous or harmful to his or her education, health or well-being;
5. To be free of corporal punishment or cruel and inhumane treatment in schools and other institutions responsible for the care of children.
6. In all actions concerning children undertaken by public and private welfare institutions, courts of law, administrative authorities or legislative bodies, the primary consideration shall be the best interest of the child.

7. Juvenile offenders admitted to corrective or rehabilitative institutions, and juveniles who become wards of the State or who are placed in public or private orphanages, shall be kept separately from adults.
8. Children born out of wedlock shall have the same rights as children born of wedlock.
9. The State shall accord special protection to orphans and shall encourage the establishment of institutions which ensure and promote their adoption and advance their welfare, and education.

Article 37

A right of Access to Justice

1. Everyone has the right to bring a justiciable matter to, and to obtain a decision or judgment by, a court of law or any other competent body with judicial power.
2. The Decision or judgment referred to under sub-Article 1 of this Article may also be sought by:
3. Any association representing the Collective or individual interest of its members; or
4. Any group or person who is a member of, or represents a group with similar interests.

Article 38

The Right to Vote and to be Elected

1. Every Ethiopian national, without any discrimination based on color, race, nation, nationality, sex, language, religion, political or other opinion or other status, has the following rights:
2. To take part in the conduct of public affairs, directly and through freely chosen representatives;
3. On the attainment of 18 years of age, to vote in accordance with law;
4. To vote and to be elected at periodic elections to any office at any level of government; elections shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.
5. The right of everyone to be a member of his own will of a political organization, labour union, trade organization, or employers' or professional association shall be respected if he or she meets the special and general requirements stipulated by such organization.
6. Elections to positions of responsibility with any of the organizations referred to under sub-Article 2 of this Article shall be conducted in a free and democratic manner.
7. The provisions of Sub-Articles 2 and 3 of this Article shall apply to civic organizations which significantly affect the public interest.

Article 39

Rights of 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 to 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:
5. 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;
6. When the Federal Government has organized a referendum which must take place within three years from the time it received the concerned council's decision for secession;
7. When the demand for secession is supported by majority vote in the referendum;
8. When the Federal Government will have transferred its powers to the council of the Nation, Nationality or People who has voted to secede; and
9. When the division of assets is effected in a manner prescribed by law.

10. A "Nation, Nationality or 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.

Article 40

The Right to Property

1. Every Ethiopian citizen has the right to the ownership of private property. Unless prescribed otherwise by law on account of public interest, this right shall include the right to acquire, to use and, in a manner compatible with the rights of other citizens, to dispose of such property by sale or bequest or to transfer it otherwise.
2. "Private property", for the purpose of this Article, shall mean any tangible or intangible product which has value and is produced by the labour, creativity, enterprise or capital of an individual citizen, associations which enjoy juridical personality under the law, or in appropriate circumstances, by communities specifically empowered by law to own property in common.
3. The right to ownership of rural and urban land, as well as of all natural resources, is exclusively vested in the State and in the peoples of Ethiopia. Land is a common property of the Nations, Nationalities and peoples of Ethiopia and shall not be subject to sale or to other means of exchange.
4. Ethiopian peasants have the right to obtain land without payment and the protection against eviction from their possession. The implementation of this provision shall be specified by law.
5. Ethiopian pastoralists have the right to free land for grazing and cultivation as well as the right not to be displaced from their own lands. The implementation shall be specified by law.
6. Without prejudice to the right of Ethiopian Nations, Nationalities, and Peoples to the ownership of land, government shall ensure the right of private investors to the use of land on the basis of payment arrangements established by law. Particulars shall be determined by law.
7. Every Ethiopian shall have the full right to the immovable property he builds and to the permanent improvements he brings about on the land by his labour or capital. This right shall include the right to alienate, to bequeath, and, where the right of use expires, to remove his property, transfer his title, or claim compensation for it. Particulars shall be determined by law.
8. Without prejudice to the right to private property, the government may expropriate private property for public purposes subject to payment in advance of compensation commensurate to the value of the property.

Article 41

Economic, Social and Cultural Rights

1. Every Ethiopian has the right to engage freely in economic activity and to pursue a livelihood of his choice anywhere within the national territory.
2. Every Ethiopian has the right to choose his or her means of livelihood, occupation and profession.
3. Every Ethiopian national has the right to equal access to public funded social services.
4. The State has the obligation to allocate ever increasing resources to provide to the public health, education and other social services.
5. The State shall, within available means, allocate resources to provide rehabilitation and assistance to the physically and mentally disabled, the aged, and to children who are left without parents or guardian.
6. The State shall pursue policies which aim to expand job opportunities for the unemployed and the poor and shall accordingly undertake programmes and public works projects.
7. The State shall undertake all measures necessary to increase opportunities for citizens to find gainful employment.
8. Ethiopian farmers and pastoralists have the right to receive a fair price for their products, that would lead to improvement in their conditions of life and to enable them to obtain an equitable share of the national wealth commensurate with their

contribution. This objective shall guide the State in the formulation of economic, social and development policies.

9. The state has the responsibility to protect and preserve historical and cultural legacies, and to contribute to the promotion of the arts and sports.

Article 42

Rights of Labour

1. (a) Factory and service workers, farmers, farm labourers, other rural workers and government employees whose work compatibility allows for it and who are below a certain level of responsibility, have the right to form associations to improve their conditions of employment and economic well-being. This right includes the right to form trade unions and other associations to bargain collectively with employers or other organizations that affect their interests.
(b) Categories of persons referred to in paragraph (a) of this sub-Article has the right to express grievances, including the right to strike.
(c) Government employees who enjoy the rights provided under paragraphs (a) and (b) of this sub – Article shall be determined by law.
(d) Women workers have the right to equal pay for equal work.
2. Workers have the right to reasonable limitation of working hours, to rest, to leisure, to periodic leaves with pay, to remuneration for public holidays as well as a healthy and safe work environment.
3. Without prejudice to the rights recognized under sub–Article 1 of this Article, laws enacted for the implementation of such rights shall establish procedures for the formation of trade unions and for the regulation of the collective bargaining process.

Article 43

The Right to Development

1. The peoples of Ethiopia as a whole, and each Nation, Nationality and People in Ethiopia in particular have the right to improved living standards and to sustainable development.
2. Nationals have the right to participate in national development and, in particular, to be consulted with respect to policies and projects affecting their community.
3. All international agreements and relations concluded, established or conducted by the State shall protect and ensure Ethiopia's right to sustainable development.
4. The basic aim of development activities shall be to enhance the capacity of citizens for development and to meet their basic needs.

Article 44

Environmental Rights

1. All Persons have the right to a clean and healthy environment.
2. All persons who have been displaced or whose livelihoods have been adversely affected as a result of State programmes have the right to commensurate monetary or alternative means of compensation, including relocation with adequate State assistance.

CHAPTER FOUR

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 peoples concerned.

Article 47

Member States of the Federal Democratic Republic

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
- a. 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;
- b. The right of any Nation, Nationality or people to form its own state is exercisable under the following procedures;
- c. 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;
- d. 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;
- e. When the demand for statehood is supported by a majority vote in the referendum;
- f. When the State Council will have transferred its powers to the Nation, Nationality or people that made the demand; and
- g. When the new State created by the referendum without any need for application, directly becomes a member of the Federal Democratic Republic of Ethiopia;
- h. 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.

Article 49

Capital City

1. Addis Ababa shall be the capital city of the Federal State.
2. The residents of Addis Ababa shall have a full measure of self-government. Particulars shall be determined by law.
3. The Administration of Addis Ababa shall be responsible to the Federal Government.
4. Residents of Addis Ababa shall in accordance with the provisions of this Constitution, be represented in the House of Peoples' Representatives.
5. The Special interest of the State of Oromia in Addis Ababa, regarding the provision of social services or the utilization of natural resources and other similar matters, as well as joint administrative matters arising from the location of Addis Ababa within the State of Oromia, shall be respected. Particulars shall be determined by law.

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 State 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 standards 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;
3. 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;
4. To enact and execute the state constitution and other laws;
5. To formulate and execute economic, social and development policies, strategies and plans of the State;
6. To administer land and other natural resources in accordance with Federal laws;
7. To levy and collect taxes and duties on revenue sources reserved to the States and to draw up and administer the State budget;
8. 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 standards;
9. 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 Peoples' 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 Peoples' 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 district 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;
 - (c) and 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 flagrant 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 Peoples' 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 1 of this Article, the House of Peoples' Representatives shall enact specific laws on the following matters:

3. 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;
4. Inter-State commerce and foreign trade;
5. Air, rail water and sea transport, major roads linking two or more States, postal and telecommunication services;
6. Enforcement of the political rights established by the Constitution and electoral laws and procedures;
7. Nationality, immigration, passport, exit from and entry into the country, the rights of refugees and of asylum.
8. Uniform standards of measurement and calendar;
9. Patents and copyrights;
10. The possession and bearing of arms.
11. It shall enact a labour code.
12. It shall enact a commercial code.
13. It shall enact a penal code. The States may, however, enact penal laws on matters that are not specifically covered by Federal penal legislation.
14. It shall enact civil laws which the House of the Federation deems necessary to establish and sustain one economic community.
15. 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.
16. In conformity with Article 93 of the Constitution it shall declare state of emergency; it shall consider and resolve on a decree of a state of emergency declared by the executive.
17. On the basis of a draft law submitted to it by the Council of Ministers it shall proclaim a state of war.
18. 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.
19. It shall levy taxes and duties on revenue sources reserved to the Federal Government, it shall ratify the Federal budget.
20. It shall ratify international agreements concluded by the executive.
21. 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.
22. It shall establish a Human Rights Commission and determine by law its powers and functions.
23. 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.
24. 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.
25. 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.
26. It shall, at the request of one-third of its members, discuss any matter pertaining to the powers of the powers of the executive. In has, in such cases, the power to take decisions or measures it deems necessary.
27. 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.

Article 56

Political Power

A political party, or a coalition of political parties that has the greatest number of seats in the House of Peoples' Representatives shall form the Executive and lead it.

Article 57

Adoption of Laws

Laws deliberated upon and passed by the House shall be submitted to the Nation's President for signature. The President shall sign a law submitted to him within fifteen days. If the President does not sign the law submitted to him within fifteen days, the law shall take effect without his signature.

Article 58

Meetings of the House, Duration of its Term

1. The presence of more than half of the members of the House constitutes a quorum.
2. The annual session of the House shall begin on Monday of the final week of the Ethiopian Month of Meskerem and end on the 30th day of the Ethiopian month of Sene. The House may adjourn for one month of recess during its annual session.
3. The House of Peoples' Representatives shall be elected for a term of five years. Elections for a new House shall be concluded one month prior to the expiry of the House's term.
4. The Speaker of the House may call a meeting of the House when it is in recess. The Speaker of the House is also obliged to call a meeting of the House at the request of more than one-half of the members.
5. Meetings of the House shall be public. The House may, however, hold a closed meeting at the request of the Executive or members of the House if such a request is supported by a decision of more than one-half of the members of the House.

Article 59

Decisions and Rules of Procedure of the House

1. Unless otherwise provided in the Constitution, all decisions of the House shall be by a majority vote of the members present and voting.
2. The House shall adopt rules and procedures regarding the organization of its work and of its legislative process.

Article 60

Dissolution of the House

1. With the consent of the House, the Prime Minister may cause the dissolution of the House before the expiry of its term in order to hold new elections.
2. The President may invite political parties to form a coalition government within one week, if the Council of Ministers of a previous coalition is dissolved because of the loss of its majority in the House. The House shall be dissolved and new elections shall be held if the political parties cannot agree to the continuation of the previous coalition or to form a new majority coalition.
3. If the House is dissolved pursuant to sub-Article 1 or 2 of this Article, new elections shall be held within six months of its dissolution.
4. The new House shall convene within thirty days of the conclusion of the elections.
5. Following the dissolution of the House, the previous governing party or coalition of parties shall continue as a caretaker government. Beyond conducting the day to day affairs of government and organizing new elections, it may not enact new proclamations, regulations or decrees, nor may it repeal or amend any existing law.

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.

Article 63

Immunity of Members of the House of Federation

1. No member of the House of the Federation 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.
2. No member of the House of the Federation may be arrested or prosecuted without the permission of the House except in the case of flagrant delicto.

Article 64

Decisions and Rules of Procedure

1. The presence at a meeting of two-thirds of the members of the House of the Federation constitutes a quorum. All decisions of the House require the approval of a majority of members present and voting.
2. Members of the House may vote only when they are present in person in the House.

Article 65

Budget

The House of the Federation shall submit its budget for approval to the House of Peoples' Representatives.

Article 66

Powers of the Speaker of the House

1. The Speaker of the House of the Federation shall preside over the meetings of the House.
2. He shall, on behalf of the House, direct all its administrative affairs.
3. He shall enforce all disciplinary actions the House takes on its members.

Article 67

Sessions and Term of Mandate

1. The House of the Federation shall hold at least two sessions annually.
2. The term of mandate of the House of the Federation shall be five years.

Article 68

Prohibition of Simultaneous Membership in the Two Houses

No one may be a member of the House of Peoples' Representatives and of the House of the Federation simultaneously.

CHAPTER SEVEN

THE PRESIDENT OF THE REPUBLIC

Article 69

The President

The President of the Federal Democratic Republic of Ethiopia is the Head of State.

Article 70**Nomination and appointment of the President**

1. The House of Peoples' Representatives shall nominate the candidate for president.
2. The nominee shall be elected President if a joint session of the House of Peoples' Representatives and the House of the Federation approves his candidacy by a two-thirds majority vote.
3. A member of either House shall vacate his seat if elected President.
4. The term of office of the President shall be six years. No person shall be elected President for more than two terms.
5. Upon his election in accordance with sub-Article 2 of this Article, the President, before commencing his responsibility, shall, at a time the joint session of the House determines, present himself before it and shall make a declaration of loyalty to the Constitution and the Peoples of Ethiopia in the following words:
6. "I, when on this date commence my responsibility as President of the Federal Democratic Republic of Ethiopia, pledge to carry out faithfully the high responsibility entrusted to me."

Article 71**Powers and Functions of the President**

1. He shall open the Joint session of the House of Peoples' Representatives and the House of the Federation at the commencement of their annual sessions.
2. He shall proclaim in the Negarit Gazette laws and international agreements approved by the House of Peoples' Representatives in accordance with the Constitution.
3. He shall, upon recommendations by the Prime Minister, appoint ambassadors and other envoys to represent the country abroad.
4. He shall receive the credentials of foreign ambassadors and special envoys.
5. He shall award medals, prizes and gifts in accordance with conditions and procedures established by law.
6. He shall, upon recommendation by the Prime Minister and in accordance with law, grant high military titles.
7. He shall, in accordance with conditions and procedures established by law, grant pardon.

CHAPTER EIGHT**THE EXECUTIVE****Article 72****The Powers of the Executive**

1. The Highest executive powers of the Federal Government are vested in the Prime Minister and in the Council of Ministers.
2. The Prime Minister and the Council of Ministers are responsible to the House of Peoples' Representatives. In the exercise of State functions, members of the Council of Ministers are collectively responsible for all decisions they make as a body.
3. Unless otherwise provided in this Constitution the term of office of the Prime Minister is for the duration of the mandate of the House of Peoples' Representatives.

Article 73**Appointment of the Prime Minister**

1. The Prime Minister shall be elected from among members of the House of Peoples' Representatives.
2. Power of Government shall be assumed by the political party or a coalition of political parties that constitutes a majority in the House of Peoples' Representatives.

Article 74**Powers and Functions of the Prime Minister**

1. The Prime Minister is the Chief Executive, the Chairman of the Council of Ministers, and the Commander-in-Chief of the national armed forces.

2. The Prime Minister shall submit for approval to the House of Peoples' Representatives nominees for ministerial posts from among members of the two Houses or from among persons who are not members of either House and possess the required qualifications.
3. He shall follow up and ensure the implementation of laws, policies, directives and other decisions adopted by the House of Peoples' Representatives.
4. He leads the Council of Ministers, coordinates its activities and acts as its representative.
5. He exercises overall supervision over the implementation of policies, regulations, directives and decisions adopted by the Council of Ministers.
6. He exercises overall supervision over the implementation of the country's foreign policy.
7. He selects and submits for approval to the House of Peoples' Representatives nominations for posts of Commissioners, the President and Vice-President of the Federal Supreme Court and the Auditor General.
8. He supervises the conduct and efficiency of the Federal administration and takes such corrective measures as are necessary.
9. He appoints high civilian officials of the Federal Government other than those referred to in sub-Articles 2 and 3 of this Article.
10. In accordance with law enacted or decision adopted by the House of Peoples' Representatives, he recommends to the President nominees for the award of medals, prizes and gifts.
11. He shall submit to the House of Peoples' Representatives periodic reports on work accomplished by the Executive as well as on its plans and proposals.
12. He shall discharge all responsibilities entrusted to him by this Constitution and other laws.
13. He shall obey and enforce the Constitution.

Article 75

Deputy Prime Minister

The Deputy Prime Minister shall:

1. Carry out responsibilities which shall be specifically entrusted to him by the Prime Minister;
2. Act on behalf of the Prime Minister in his absence.

The Deputy Prime Minister shall be responsible to the Prime Minister.

Article 76

The Council of Ministers

1. The Council of Ministers comprises the Prime Minister, the Deputy Prime Minister, Ministers and other members as may be determined by law.
2. The Council of Ministers is responsible to the Prime Minister.
3. In all its decisions, the Council of Ministers is responsible to the House of Peoples' Representatives.

Article 77

Powers and Functions of the Council of Ministers

1. The Council of Ministers ensures the implementation of laws and decisions adopted by the House of Peoples' Representatives.
2. It shall decide on the organizational structure of ministries and other organs of government responsible to it; it shall coordinate their activities and provide leadership.
3. It shall draw up the annual Federal budget and, when approved by the House of Peoples' Representatives, it shall implement it.
4. It shall ensure the proper execution of financial and monetary policies of the country; it shall administer the National Bank, decide on the printing of money and minting of coins, borrow money from domestic and external sources, and regulate foreign exchange matters.
5. It shall protect patents and copyrights.
6. It shall formulate and implement economic, social and development policies and strategies.
7. It shall provide uniform standards of measurement and calendar.

8. It shall formulate the country's foreign policy and exercise overall supervision over its implementation.
9. It shall ensure the observance of law and order.
10. It has the power to declare a state of emergency; in doing so, it shall, within the time limit prescribed by the Constitution, submit the proclamation declaring a state of emergency for approval by the House of Peoples' Representatives.
11. It shall submit draft laws to the House of Peoples' Representatives on any matter falling within its competence, including draft laws on a declaration of war.
12. It shall carry out other responsibilities that may be entrusted to it by the House of Peoples' Representatives and the Prime Minister.
13. It shall enact regulations pursuant to powers vested in it by the House of Peoples' Representatives.

CHAPTER NINE STRUCTURE AND POWERS OF THE COURTS

Article 78

Independence of the Judiciary

1. An independent judiciary is established by this Constitution.
2. Supreme Federal judicial Authority is vested in the Federal Supreme Court. The House of Peoples' Representatives may, by two-thirds majority vote, establish nationwide, or in some parts of the country only, the Federal High Court and First Instance Courts it deems necessary. Unless decided in this manner, the jurisdictions of the Federal High Court and of the First-Instance Courts are hereby delegated to the State courts.
3. States shall establish State Supreme, High and First-Instance Courts. Particulars shall be determined by law.
4. Special or ad hoc courts which take judicial powers away from the regular courts or institutions legally empowered to exercise judicial functions and which do not follow legally prescribed procedures shall not be established.
5. Pursuant to sub-Article 5 of Article 34 the House of Peoples' Representatives and State Councils can establish or give official recognition to religious and customary courts. Religious and customary courts that had state recognition and functioned prior to the adoption of the Constitution shall be organized on the basis of recognition accorded to them by this Constitution.

Article 79

Judicial Powers

1. Judicial powers, both at Federal and State levels, are vested in the courts.
2. Courts of any level shall be free from any interference or influence of any governmental body, government official or from any other source.
3. Judges shall exercise their functions in full independence and shall be directed solely by the law.
4. No judge shall be removed from his duties before he reaches the retirement age determined by law except under the following conditions:
5. When the Judicial Administration Council decides to remove him for violation of disciplinary rules or on grounds of gross incompetence or inefficiency; or
6. When the Judicial Administration Council decides that a judge can no longer carry out his responsibilities on account of illness; and
7. When the House of Peoples' Representatives or the concerned State Council approves by a majority vote the decisions of the Judicial Administration Council.
8. The retirement of judges may not be extended beyond the retirement age determined by law.
9. The Federal Supreme Court shall draw up and submit to the House of Peoples' Representatives for approval the budget of the Federal courts, and upon approval, administer the budget.
10. Budgets of State courts shall be determined by the respective State Council. The House of Peoples' Representatives shall allocate compensatory budgets for States whose Supreme and High Courts concurrently exercise the jurisdiction of the Federal High Court and Federal First-Instance Courts.

Article 80

Concurrent Jurisdiction of Courts

1. The Federal Supreme Court shall have the highest and final judicial power over Federal matters.
2. State Supreme Courts shall have the highest and final judicial power over state matters. They shall also exercise the Jurisdiction of the Federal High Court.
3. Not with standing the Provision of sub-Articles 1 and 2 of this Article;
4. The Federal Supreme Court has a power of causation over any final court decision containing a basic error of law. Particulars shall be determined by law.
5. The State Supreme Court has power of causation over any final court decision on State matters which contains a basic error of law. Particulars shall be determined by law.
6. State High Courts shall, in addition to State jurisdiction, exercise the jurisdiction of the Federal First-Instance Court.
7. Decisions rendered by a State High Court exercising the jurisdiction of the Federal First-Instance court are appealable to the State supreme court.
8. Decisions rendered by a State Supreme Court on Federal matters are appealable to the Federal Supreme Court.

Article 81

Appointment of Judges

1. The President and Vice-President of the Federal Supreme Court shall, upon recommendation by the Prime Minister, be appointed by the House of Peoples' Representatives.
2. Regarding other Federal judges, the Prime Minister shall submit to the House of Peoples' Representatives for appointment candidates selected by the Federal Judicial Administration Council.
3. The State Council shall, upon recommendation by the Chief Executive of the State, appoint the President and Vice-President of the Supreme Court.
4. State Supreme and High Court judges shall, upon recommendation by the State Judicial Administration Council, be appointed by the State Council. The State Judicial Administration Council, before submitting nominations to the State Council, has the responsibility to solicit and obtain the views of the Federal Judicial Administration Council on the nominees and to forward those views along with its recommendations. If the Federal Judicial Administration Council does not submit its views within three months, the State Council may grant the appointments.
5. Judges of State First-Instance Courts shall, upon recommendation by the state Judicial Administration Council, be appointed by the State Council.
6. Matters of code of professional conduct and discipline as well as transfer of judges of any court shall be determined by the concerned Judicial Administration Council.

Article 82

Structure of the Council of Constitutional Inquiry

1. The Council of Constitutional Inquiry is established by this constitution.
2. The Council of Constitutional Inquiry shall have eleven members comprising:
3. The President of the Federal Supreme Court, who shall serve as its President;
4. The vice-president of the Federal Supreme Court, who shall serve as its Vice-President;
5. Six legal experts, appointed by the President of the Republic on recommendation by the House of Peoples' Representatives, who shall have proven professional competence and high moral standing;
6. Three persons designated by the House of the Federation from among its members.
7. The Council of Constitutional Inquiry shall establish an organizational structure which can ensure expeditious execution of its responsibilities.

Article 83

Interpretation of the Constitution

1. All constitutional disputes shall be decided by the House of the Federation.
2. The House of the Federation shall, within thirty days of receipt, decide a constitutional dispute submitted to it by the Council of constitutional Inquiry.

Article 84

Powers and Functions of the Council of Constitutional Inquiry

1. The Council of Constitutional Inquiry shall have powers to investigate constitutional disputes. Should the Council, upon consideration of the matter, find it necessary to interpret the Constitution, it shall submit its recommendations thereon to the House of the Federation.
2. Where any Federal or State law is contested as being unconstitutional and such a dispute is submitted to it by any court or interested party, the Council shall consider the matter and submit it to the House of the Federation for a final decision.
3. When issues of constitutional interpretation arise in the courts, the Council shall:
4. Remand the case to the concerned court if it finds there is no need for constitutional interpretation; the interested party, if dissatisfied with the decision of the Council, may appeal to the House of the Federation.
5. Submit its recommendations to the House of the Federation for a final decision if it believes there is a need for constitutional interpretation.
6. The council shall draft its rules of procedure and submit them to the House of the Federation; and implement them upon approval.

**CHAPTER TEN
NATIONAL POLICY PRINCIPLES AND OBJECTIVES**

Article 85

Objectives

1. Any organ of Government shall, in the implementation of the Constitution, other laws and public policies, be guided by the principles and objectives specified under this Chapter.
2. The term "Government" in this Chapter shall mean a Federal or State government as the case may be.

Article 86

Principles for External Relations

1. To promote policies of foreign relations based on the protection of national interests and respect for the sovereignty of the country.
2. To promote mutual respect for national sovereignty and equality of states and non-interference in the internal affairs of other states.
3. To ensure that the foreign relation policies of the country are based on mutual interests and equality of states as well as that international agreements promote the interests of Ethiopia.
4. To observe international agreements which ensure respect for Ethiopia's sovereignty and are not contrary to the interests of its Peoples.
5. To forge and promote ever-growing economic union and fraternal relations of Peoples with Ethiopia's neighbors and other African countries.
6. To seek and support peaceful solutions to international disputes.

Article 87

Principles for National Defence

1. The composition of the national armed forces shall reflect the equitable representation of the Nations, Nationalities and Peoples of Ethiopia.
2. The Minister of Defence shall be a civilian.
3. The armed forces shall protect the sovereignty of the country and carry out any responsibilities as may be assigned to them under any state of emergency declared in accordance with the Constitution.
4. The armed forces shall at all times obey and respect the Constitution.
5. The armed forces shall carry out their functions free of any partisanship to any political organization (s).

Article 88

Political Objectives

1. Guided by democratic principles, Government shall promote and support the People's self-rule at all levels.
2. Government shall respect the identity of Nations, Nationalities and Peoples. Accordingly Government shall have the duty to strengthen ties of equality, unity and fraternity among them.

Article 89

Economic Objectives

1. Government shall have the duty to formulate policies which ensure that all Ethiopians can benefit from the country's legacy of intellectual and material resources.
2. Government has the duty to ensure that all Ethiopians get equal opportunity to improve their economic condition and to promote equitable distribution of wealth among them.
3. Government shall take measures to avert any natural and manmade disasters, and, in the event of disasters, to provide timely assistance to the victims.
4. Government shall provide special assistance to Nations, Nationalities, and Peoples least advantaged in economic and social development.
5. Government has the duty to hold, on behalf of the People, land and other natural resources and to deploy them for their common benefit and development.
6. Government shall at all times promote the participation of the People in the formulation of national development policies and programmes; it shall also have the duty to support the initiatives of the People in their development endeavors.
7. Government shall ensure the participation of women in equality with men in all economic and social development endeavors.
8. Government shall endeavor to protect and promote the health, welfare and living standards of the working population of the country.

Article 90

Social objectives

1. To the extent the country's resources permit, policies shall aim to provide all Ethiopians access to public health and education, clean water, housing, food and social security.
2. Education shall be provided in a manner that is free from any religious influence, political partisanship or cultural prejudices.

Article 91

Cultural Objectives

1. Government shall have the duty to support, on the basis of equality, the growth and enrichment of cultures and traditions that are compatible with fundamental rights, human dignity, democratic norms and ideals, and the provisions of the Constitution.
2. Government and all Ethiopian citizens shall have the duty to protect the country's natural endowment, historical sites and objects.
3. Government shall have the duty, to the extent its resources permit, to support the development of the arts, science and technology.

Article 92

Environmental Objectives

1. Government shall endeavor to ensure that all Ethiopians live in a clean and healthy environment.
2. The design and implementation of programmes and projects of development shall not damage or destroy the environment.
3. People have the right to full consultation and to the expression of views in the planning and implementations of environmental policies and projects that affect them directly.
4. Government and citizens shall have the duty to protect the environment.

CHAPTER ELEVEN

MISCELLANEOUS PROVISIONS

Article 93

Declaration of State of Emergency

- a. The Council of Ministers of the Federal Government shall have the power to decree a state of emergency, should an external invasion, a break down of law and order which endangers the Constitutional order and which cannot be controlled by the regular law enforcement agencies and personnel, a natural disaster, or an epidemic occur.
- b. State executives can decree a State-Wide state of emergency should a natural disaster or an epidemic occur. Particulars shall be determined

in State Constitutions to be promulgated in conformity with this Constitution.

A state of emergency declared in accordance with sub-Article (a) of this Article:

If declared when the House of Peoples' Representatives is in session, the decree shall be submitted to the House within forty-eight hours of its declaration. The decree, if not approved by a two-thirds majority vote of members of the House of Peoples' Representatives, shall be repealed forthwith.

Subject to the required vote of approval set out in (a) of this sub-Article, the decree declaring a state of emergency when the House of Peoples' Representatives, shall be submitted to it within fifteen days of its adoption.

A state of emergency decreed by the Council of Ministers, if approved by the House of Peoples' Representatives, can remain in effect up to six months. The House of Peoples' Representatives may by a two-thirds majority vote, allow the state of emergency proclamation to be renewed every four months successively.

4. (a) When a state of emergency is declared, the Council of Ministers shall, in accordance with regulations it issues, have all necessary power to protect the country's peace and sovereignty, and to maintain public security, law and order.

(b) The Council of Ministers shall have the power to suspend such political and democratic rights contained in this Constitution to the extent necessary to avert the conditions that required the declaration of a state of emergency.

(c) In the exercise of its emergency powers the Council of Ministers cannot, however, suspend or limit the rights provided for in Articles 1, 18, 25, and sub-Articles 1 and 2 of Article 39 of this Constitution.

The House of Peoples' Representatives, while declaring a state of emergency, shall simultaneously establish a State of Emergency Inquiry Board, comprising of seven persons to be chosen and assigned by the House from among its members and from legal experts.

The State of Emergency Inquiry Board shall have the following powers and responsibilities:

To make public within one month the names of all individuals arrested on account of the state of emergency together with the reasons for their arrest.

To inspect and follow up that no measure taken during the state of emergency is inhumane.

To recommend to the Prime Minister or to the Council of Ministers corrective measures if it finds a case of inhumane treatment.

To ensure the prosecution of perpetrators of inhumane acts.

To submit its views to the House of Peoples' Representatives on a request to extend the duration of the state of emergency.

Article 94

Financial Expenditures

1. The Federal Government and the States shall respectively bear all financial expenditures necessary to carry out all responsibilities and functions assigned to them by law. Unless otherwise agreed upon, the financial expenditures required for the carrying out of any delegated function by a State shall be borne by the delegating party.
2. The Federal Government may grant to States emergency, rehabilitation and development assistance and loans, due care being taken that such assistance and loans do not hinder the proportionate development of States. The Federal Government shall have the power to audit and inspect the proportionate development of States.

Article 95

Revenue

The Federal Government and the States shall share revenue taking the federal arrangement into account.

Article 96

Federal Power of Taxation

1. The Federal Government shall levy and collect custom duties taxes and other charges on imports and exports.

2. It shall levy and collect income tax on employees of the Federal Government and international organizations.
3. It shall levy and collect income, profit, sales and excise taxes on enterprises owned by the Federal Government.
4. It shall tax the income and winnings of national lotteries and other games of chance.
5. It shall levy and collect taxes on the income of air, rail and sea transport services.
6. It shall levy and collect taxes on income of houses and properties owned by the Federal Government; it shall fix rents.
7. It shall determine and collect fees and charges relating to licenses issued and services rendered by organs of the Federal Government.
8. It shall levy and collect taxes on monopolies.
9. It shall levy and collect Federal stamp duties.

Article 97

State Power of Taxation

1. States shall levy and collect income taxes on employees of the State and of private enterprises.
2. States shall determine and collect fees for land usufructuary rights.
3. States shall levy and collect taxes on the incomes of private farmers and farmers incorporated in cooperative associations.
4. States shall levy and collect profit and sales taxes on individual traders carrying out a business within their territory.
5. States shall levy and collect taxes on income from transport services rendered on waters within their territory.
6. They shall levy and collect taxes on income derived from private houses and other properties within the State. They shall collect rent on houses and other properties they own.
7. States shall levy and collect profit, sales, excise and personal income taxes on income of enterprises owned by the States.
8. Consistent with the provisions sub-Article 3 of Article 98, States shall levy and collect taxes on income derived from mining operations, and royalties and land rentals on such operations.
9. They shall determine and collect fees and charges relating to licenses issued and services rendered by States organs.
10. They shall fix and collect royalty for use of forest resources.

Article 98

Concurrent Power of Taxation

1. The Federal Government and the States shall jointly levy and collect profit, sales, excise and personal income taxes on enterprises they jointly establish.
2. They shall jointly levy and collect taxes on the profits of companies and on dividends due to shareholders.
3. They shall jointly levy and collect taxes on incomes derived from large-scale mining and all petroleum and gas operations, and royalties on such operations.

Article 99

Undesignated Powers of Taxation

The House of the Federation and the House of Peoples' Representatives shall, in a joint session, determine by a two-thirds majority vote on the exercise of powers of taxation which have not been specifically provided for in the Constitution.

Article 100

Directives on Taxation

1. In exercising their taxing powers, States and the Federal Government shall ensure that any tax is related to the source of revenue taxed and that it is determined following proper considerations.
2. They shall ensure that the tax does not adversely affect their relationship and that the rate and amount of taxes shall be commensurate with services the taxes help deliver.
3. Neither States nor the Federal Government shall levy and collect taxes on each other's property unless it is a profit-making enterprise.

Article 101

The Auditor General

1. The Auditor General shall, upon recommendations of the Prime Minister, be appointed by the House of Peoples' Representatives.
2. The Auditor General shall audit and inspect the accounts of ministries and other agencies of the Federal Government to ensure that expenditures are properly made for activities carried out during the fiscal year and in accordance with the approved allocations, and submit his reports thereon to the House of Peoples' Representatives.
3. The Auditor General shall draw up and submit for approval to the House of Peoples' Representatives his office's annual budget.
4. The details of functions of the Auditor General shall be determined by law.

Article 102

Election Board

1. There shall be established a National Election Board independent of any influence, to conduct in an impartial manner free and fair elections in Federal and State constituencies.
2. Members of the Board shall be appointed by the House of Peoples' Representatives upon recommendation of the Prime Minister. Particulars shall be determined by law.

Article 103

Population Census Commission

1. There shall be established a National Census Commission that shall conduct a population census periodically.
2. Members of the National Census Commission shall be appointed by the House of Peoples' Representatives upon recommendation of the Prime Minister.
3. The Commission shall have a Secretary General and necessary professional and support staff.
4. The annual budget of the Commission shall be submitted for approval to the House of Peoples' Representatives.
5. A national populations census shall be conducted every ten years. The House of the Federation shall determine the boundaries of constituencies on the basis of the census results and a proposal submitted to the House by the National Election Board.
6. The Commission shall be accountable to the House of Peoples' Representatives. It shall submit to the House periodic reports on the conduct of its programs and activities.

Article 104

Initiation of Amendments

Any proposal for constitutional amendment, if supported by two-thirds majority vote in the House of Peoples' Representatives, or by a two-thirds majority vote in the House of the Federation or when one-third of the State Councils of the member States of the Federation, by a majority vote in each Council have supported it, shall be submitted for discussion and decision to the general public and to those whom the amendment of the Constitution concerns.

Article 105

Amendment of the Constitution

1. All rights and freedoms specified in Chapter There of this Constitution, this very Article, and Article 104 can be amended only in the following manner:
 - a. When all States Councils, by a majority vote, approve the proposed amendment;
 - b. When the House of Peoples' Representatives, by a two-thirds majority vote, approves the proposed amendment; and
 - c. When the House of the Federation, by a two-thirds majority vote, approves the proposed amendment.
2. All provisions of this Constitution other than those specified in sub-Article 1 of this Article can be amended only in the following manner:
 - a. When the House of Peoples' Representatives and the House of the Federation, in a joint session, approve a proposed amendment by a two-thirds majority vote; and

- b. When two-thirds of the Councils of the member States of the Federation approve the proposed amendment by majority votes.

Article 106

The Version with Final Legal Authority

The Amharic version of this Constitution shall have final legal authority.

Background information: FDRE Office of the Government Spokesperson 08/05/99
(<http://www.ethiospokes.net/Backgrnd/b2610982.htm>)

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Summary

Since 1991, when the Ethiopian People's Revolutionary Democratic Front came to power, two parallel political processes have taken place in Ethiopia. Firstly, the country is restructuring into a federal system, where the regional governments are obtaining the right to self-government and representation at federal level. Secondly, the party in power is strengthening its control of the regions by creating satellite parties and including them within its centralised party structures. These processes have two fundamentally different aims. The federal system, formalised in the constitution, aims at enhancing regional autonomy from the central government, while the building of a centralised party system has the objective of concentrating the power in the hands of the party leadership at the top.

This study is an analysis of the implementation of a federal system within a dominant party state. It includes examinations of both the legal and functional aspects of the federalisation process in Ethiopia. Theories on federalism and federations are used as guidelines in the exploration of literature, documents and own interview material on the implementation of the federal system.

The analysis of the Ethiopian constitution and various proclamations has shown that the Ethiopian *de jure* model meets the requirements to be classified as federal. But the process of drafting and ratifying the constitution was totally dominated by the ruling party, and hence, the federal project lost legitimacy. The exploration of the functioning of the federal system disclosed that the federal division of power as defined in the constitution is severely undermined by the centralised party structures.

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