

Federalism and Management of Diversity: A Brief Account of Ethiopian Experience

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Abstract

Based on the existing situation with regard to management of diversity, some federations may adopt multi-level system of authority and governance; and others may incline towards centralized governance. However, it is believed that Federation's capacity to manage ethnic diversity varies across its functions and distinct features. Accordingly Ethiopia having planned to accommodate diversity and to address the question of nationalities in the country opted to adopt federalism as the best way. It is believed that federalism is a system of government which allows decentralization of decision making power to down tiers of government with the intention to enhance the participation of local communities there by to address the need of diversified groups. To achieve its objectives the establishment of institutional structure of the federation has been realized. However, the way these institutions have channeled to the activities of the electorate, political parties, organized interest groups, bureaucracies, and informal elites and the operational realities on the ground with regard to the way the federal system is managed has contributed to the accentuation of ethnic conflict rather than managing the diversity. After the adoption of ethnic federalism in 1991, there were many massive massacres and persecutions. The contemporary crises in different parts of Ethiopia seem to be attributable to the above dilemmas. Therefore, the general trend in the implementation of the ethnic federalism after its establishment shows that, "Ethiopia remains hindered in ethnic strife" and contrary to the very problem it was intended to resolve, and it seems to have contributed more problems than it set to solve (Gudina, 2007; Haile, 1996; Maru, 2010). Based on these facts, one can conclude that the implementation of ethnic federalism in Ethiopia is remained problematic and ineffective and it seems "a fragile and perilous experiment" that puts a big challenge on management of diversity in the country.

Keywords: Ethnic-Federalism, Managing diversity, Ethiopia, Regional States

1. Introduction

Ethiopia in the last decades with the emerging consensus, that given the existing diversity and unhappy legacy of concentrated power at the center, opted to adopt federalism as the best way to manage the existing diversity in the country. It appears that it is no more a choice from alternatives but a matter of necessity and the practice started with constitutional arrangement, which has officially taken the form of a federal structure since 1995 that tries to address the concern of the various ethno-linguistic and religious groups in the country.

2. Towards a definition

Concerning the definition of the term federalism as one can see below there is no uniformly agreed up on definition and variation from scholars to scholars in defining it is common that might be based on their perception on the issue. For some scholars like Elazar and Ostrom, federalism is a covenant as it is directly interpreted from a Latin word "Foedus", that indicates a treaty or an agreement that made between two or more than two bodies. (Elazar, 1987 & Ostrom, 1989). For others like Börzel, it is a territorial division of power between two or more levels of government in a given political system" and for Riker (1964: 11), quoted by Fillippov et al (2004: 5), defines federalism as a state in which "two levels of government rule the same land and people; each level has at least one area of action in which it is autonomous; there is some [Constitutional] guarantee.....of the autonomy of each government in its own sphere."

Therefore, according to William H. Riker, it is "a political organization in which area of government responsibilities are divided between national governments and sub-national government in such a way that each kind of government has some assignments on which it makes final decisions." Still for scholars like Duchacek, "democracy and federalism are always found together [and that] federalism is a territorial dimension of democracy." For Friedrich, federalism is defined as "a union of groups, united by one or more common objectives, but retaining their distinctive group character for other purposes (Wondwosen Teshome B. 2008).

On the other hand the term federalism has been defined by various institutions in different ways as one can see below. For example: Within the context of older federations, it might mean the joining together of some semi-autonomous units for their some common goals that they want to be achieved by their combined efforts, whereas Within the context of the European Union, it might refer to the coming together of the bulk of European states and the emergence of new institutions combining confederal as well as federal features. As far as within the context of former communist federations is concerned federalism may mean the existence of some features

associated with the division of powers in constitutional form rather than in operational reality and in the African context, federalism is associated with the colonial experience of divide and rule. It might, therefore, mean different things to different scholars and institutions depending on historical, cultural and organizational context without losing its very principle of shared-rule and self-rule.

Apart from looking at the definition of federalism it is essential to see the relationship between federalism as a solution to accommodate diversity and the operational reality in managing the existing diversity in the federal setup. As we know that human diversity is a salient and challenging issue in most countries and finding an agreed upon definition of the term is again challenging. Literally, diversity is a state of being diverse and in some studies it refers to “differences as a variation that exists within and across groups on the basis of race, ethnicity, language, religion, gender, sexual orientation, and social status (Banks et al., 2005). According to the scholars like Young and Zewde, diversity during the Federal Democratic Republic of Ethiopia (1991-Present) EPRDF is a coalition of ethnic political movements, dominated by TPLF (Young, 1996), and the ruling political organization of the FDRE. By understanding Ethiopia as ethnically diverse country with a past political history of ethno-linguistic domination (Zewde, 2004), the EPRDF-led government introduced an ethnic-based federal system that believed to promote diversity and enable to manage it.

However when we see the source of diversity in Ethiopia, it is Unlike most African countries, the diversity in Ethiopia is not influenced by the colonial imperialist design (Van der Beken, 2008), because Ethiopia is one of the two African countries (the other is Liberia) that retain their sovereignty during the colonial era. And also unlike most western countries, the diversity in Ethiopia is not also influenced by international migration, because Ethiopia is one of the poorest African countries that hardly attract international immigrants. However, we can not deny that the arrival of Europeans to Ethiopia had contributed to increased religious diversity. As the historical fact shows, Christianity was introduced in Ethiopia in the early fourth century, while Islam was in the seventh. Orthodox Christianity was the only Christian faith that existed in Ethiopia before the arrival of Europeans. Later, in the 16th century, when the strong Muslim army from Eastern Ethiopia led by Imam Ahmed (also known as Gragn Ahmed) destroyed many churches and threatened the complete destruction of Ethiopian Christendom, Emperor Lebna Dengel requested help from Portuguese to combat with Gragn Ahmed. Following the arrival of Portuguese fleet that helped the Ethiopian Christians in the fight against Gragn Ahmed, the King and Church of Portugal sent their own bishops and patriarchs to Ethiopia (Sundkler & Steed, 2000). This also opened another door for the introduction of Catholic religion to Ethiopia which was first accepted by an Ethiopian King Susinyos in 1622. Afterward, many European Catholic missionaries came to Ethiopia in the name of other missions and taught the Roman faith. On the other side, when we see the political challenges of diversity in Ethiopia, the country has a population of more than 85 million which makes it the second most populous country in Africa. It has more than 80 ethnic groups which have distinct cultural traditions and languages. The two numerical majority ethnic groups are the Oromo (34.5%) and the Amhara (26.9%) (CSA, 2008). Although the Tigre ethnic group comprises about 6% of the total population, it is political majority in the government since 1991 (Gashaw, 1993; Joseph, 1998; Mengisteab, 2001; Tronvoll, 2000).

Therefore, federalism is a system of government which allows decentralization of decision making power to down tiers of government to enhance the participation of local communities there by to address the need of diversified groups.

3. Ethiopian experience on the institution and practice of Federalism in Managing Diversity

Whether the stresses within a federation can be accommodated and resolved depends not only up on the strength and configuration of the internal divisions within the society in question but also upon the institutional structure of the federation. The way these institutions have channeled the activities of the electorate, political parties, organized interest groups, bureaucracies, and informal elites has contributed to the moderation or accentuation of political conflict. The function of federations is not to eliminate internal differences but rather to preserve regional identities within a united framework. Their function, therefore, is not to eliminate conflict but to manage it in such a way that regional differences are accommodated.

For these purpose, four institutional factors have been particularly crucial.

First, extreme disparity in the population, size and wealth of the constituent units has invariably contributed to stress, even leading in some cases to reorganization of the boundaries of the regional units as in India and Nigeria.

Second, while regional distinctiveness is a basic factor leading to the adoption of federation as a form of government, the ability of the federal institutions to generate some sense of positive consensus is vital to their continued operation. Particularly critical is how regional groups are represented in the federal legislature, executive, civil service, political parties and life of the capital city.

Third, in most multicultural federations it has proved necessary to recognize as official the languages of major minority groups and to provide constitutional or political guarantees of individual and group rights against discrimination. Where, the language of a major regional group has been denied recognition as a federal language,

extreme bitterness and tensions has resulted.

Fourth, where the particular distribution of powers has failed to reflect accurately the aspiration for unity and regional autonomy in a given society, there have been pressures for a shift in balance of powers or, in more extreme cases, even more abandoning the federal system, as in over centralized Pakistan or the ineffectual West Indies Federation.

In the case of Ethiopia, the second federal house, that is the House of the Federation, is exceptionally interesting in the way its composition, powers and responsibilities are determined. Probably, this is one of the distinct features of the Ethiopian federal system. It appears that the House has found the legislative act somehow helpful in pursuing the rights and interests of the different nationality groups in different sectors and to engage in activities presumably intended to strengthen the unity of the peoples of the country. But, the constitutional responsibilities of the Ethiopian House of Federation are still diverse and extra-ordinary as compared to the functions of similar institutions in other federal states (Article 62 of FDRE Constitution).

The list includes, among others, power to decide on issues relating to the rights and interests of the different nationality groups, interpretation of the Constitution in addition to the power to ‘determine the division of revenues from joint Federal and State tax sources and the subsidies that the Federal Government may provide to the states.’ As compared to its equivalents in other federal systems such as India and Nigeria, the basis of representation to the House is also different. Here, membership of the House is based on representation of the nationality groups living in different parts of the country. Yet, the selection of the representatives of the nationality groups is done either by the Regional Councils or through an electoral process directly by the people. As is indicated in Table below, the number of representatives that a particular Region is entitled to send to the House is significantly determined by the number of the nationality groups residing in the Region, and not necessarily by the demographic size of the people of the Region as a whole.

The following table shows the number of representatives that each Region sends to the House of the Federation.

No.	Regional States	Number of Representatives
1	Tigray	6
2	Afar	2
3	Amhara	17
4	Oromia	19
5	Somali	4
6	Benshangul-Gumuz	6
7	Southern Nation Nationalities and People	61
8	Gambela	4
9	Harari	1
Total		120

Another important point with regard to the Ethiopian experience on the institution and practice of Federalism in Managing Diversity is concerned, the composition members of House of Peoples Representatives. In this regard, the Constitution requires that the House of People’ Representatives should be composed of members elected through a democratic process. The possibility that different political parties compete for seats in a democratic process has got important implications for the development of the federal system. Not only the institutional independence of the legislature in relation to the formative Stage executive but also the autonomy of the two levels of government, including the federal and regional authorities, to a large extent depends on the growth of political pluralism. The different political parties had secured varying number of seats during the first three electoral processes. But significant difference has appeared between the third and the fourth national election results. In such a circumstance, in particular the government may make significant contributions by creating favorable conditions for an accelerated development of multi-party democratic culture that can help the federal system in its effort to manage diversity in the country (Wondwosen Teshome B. 2008). Federation of Ethiopia, thus constitute the institutional and structural techniques for achieving one of the goals of federalism, that is managing the existing diversity in the country (Assefa 2007: 102).

4. Challenges of Federalism in Ethiopia in Managing Diversity

In Ethiopia federalism emphasizes and promotes diversity without balancing with unity, and this potentially threatens national unity and leads to tension, conflict and may lead to disintegration. So far, Ethiopia has failed to properly deal with issues of diversity but is striving to address by maintaining a delicate balance between unity and diversity. It is very difficult to realize such an effort unless the current government halts politicizing ethnicity including emphasizing ethnicity at the risk of citizenship and national unity, and manipulating historical interethnic grievances to evoke resentment, fear, and hatred toward the “other”. (Abebaw Y. Adamu, 2013)

The striking feature of the federal system begins from the ambiguity in the process of establishing the federal system. This ambiguity in a way runs throughout the Constitution and also seems to be a cause for

confusion in the process of enforcing the federal system. The requisite balance between the forces of unity and diversity, the combination of national self-determination and federalism, the dilemma in creating constituent states that coincide with nationalities and the relation between individual and collective rights are cases in point.

The contemporary crises in Gambela, Benishangul-Gumuz, Oromia and partly Harar seem to be attributable to these dilemmas. At a theoretical level, what can be gathered from the comparative study is the fact that a stable and working federation needs to strike a balance slightly in favor of centripetal forces. Federations, whatever their origins, come into existence through collective participation of the citizen as well as the constituent states. In that sense, the compact view and the sovereignty of the states or nations/nationalities is more of a fiction than a reality. Federal practice as well points along this line.

Further among Ethiopia's peculiar features is the explicit acknowledgement of national self-determination and its firm position to institutionalize the principle. It is the constitution that defines the right of every group to constitute nations, nationalities and people, that grants mother states to some of them and rather than recognizing only historically mobilized nationalities, it prefers a straightforward grant of self-determination to all nationalities. In many other multicultural federations, the system accommodated national minorities in response to a particular type of problem and therefore evolved on a piecemeal basis.

One of the drawbacks of this constitutional approach is the fact that some of the constituent units have not yet been able to evolve as viable regional governments. Some do not seem to have acquired the status of nation/nationality, which the Constitution ascribes to them. They have not been able to articulate regional interests worth constituting a federal unit. The lack of experience, skilled manpower and resources and historic marginalization may have aggravated the problem but the fact that there is more trouble in some of the constituent states who have not been historically mobilized, calls for some sort of asymmetric federal system at least in the short run. In relation to such constituent states the powers of the federal government need to be extensive compared to the other regions.

The possibility for reconsideration at a constitutional level seems to be remote but as we noted already, there are some relevant options for restructuring some of the constituent states. That the states should reflect the essential attributes of the existing diversity in a society is a crucial element that one derives from the experiences of Switzerland and India. As the Swiss federation demonstrates the cantons protect language, religion and regionalism (cantonalism): essential diversities that define the Swiss people. The federal system as it stands emphasizes self-rule rather more than shared rule. The granting of 'mother states' may be important in terms of concrete recognition to diversity but the recognition and promotion of diversity as can be observed from the Swiss federal experience does not stop there. What is important is the *political expression of diversity*. Several studies have indicated that diversity as such is not in itself a threat to integration but it becomes a fertile ground for federal instability if the political system is not able to give it political expression.

The federal arrangement by territorializing the state concretizes self-rule and as some critics indicate, 'fragments' the state but there is one important aspect that is missing. It fundamentally fails to integrate what it 'fragments.' The emphasis on self-rule should be complemented by proportional representation in elections, in the civil service, in the executive and in the judiciary and mechanisms should be designed to for the constituent states to influence policy-making at federal level.

One might state that there is Article 39 (3), which provides for the equitable representation of the states at federal and state level as well as the composition of the ruling party (that is a coalition of parties from different nationalities) that looks typical of consociational ethnic accommodation, namely the principle of power sharing among ethnic leaders at federal level. Yet this has some critical limitations.

Firstly, among coalition members of the ruling party some lack the requisite autonomy to run the respective regional governments. Apart from this, even though there are some parties (not members of the ruling party) that seem to share the ideology of the ruling party, coalition with the ruling party has not yet materialized because the ruling party insists they should first join as members and should subscribe to its ideology. So far, coalition is next to impossible unless the conditions are met. To a large degree, this goes a long way towards explaining some of the troubles in the SNNPRS and Oromia.

Secondly, it has already been pointed out that the nations/nationalities role in the central decision-making process, a crucial element of sharing power at the center, is almost insignificant.

Thirdly, in the area of fiscal transfers as well, the role of the smaller nationalities is becoming less significant and the House of Federation, which is supposed to be their guardian, is evolving in line with the interests of the more populous states and nationalities. These are crucial factors of integration that focus on shared rule and that make up the emphasis on self-rule. After all, it is because the two previous regimes failed to share power with the diverse groups that the state went into crisis. Therefore, in federalism, aspect of taking in to consideration the operational realities of its principles and management of diversity based on the governing principles needs to be emphasized. The persecution and expulsion of non-native residents also become common in many African states (Teshome and Záhorkík, 2008). Thus, countries in African are still confronted to find governance system conducive for diversity management safeguarding both group rights and individual liberties

(Mengisteab, 2011). The same is true for what happening in Ethiopia in the post 1990s. In this regard, after the adoption of ethnic federalism in 1991, there were many massive massacres and persecutions. The massacres of innocent Amharas at Arbagugu (Addis Digest July 1995; September-October 1995; Berhanu 1998 E.C.: 122; Merera 2003: 124), Bedeno (Addis Digest July 1995; September-October 1995; Andargachew 1997 EC: 149; Berhanu 1998 EC: 122; Merera 2003: 124) and the expulsion of Amhara, Gurage and Kembata people from Negele Arsi, recently persecutions and the expulsion of Oromo from Ethio-Solai region, Wolaita from Sidama Zone and Hawassa city, Gedio from Oromiy region, Gammo from Burayo, Oromiya region and the surrounding rural areas and the expulsion of millions of ethnic minorities in various regions of the country who had been relocated by the Derg government (1974-1991) in its infamous re-settlement program can be cited as examples. These all resulted in the negative consequences of ethno-linguistic federalism in its tendency to restrict freedom of movement and discrimination of out-group members. This kind of political arrangement favors the members of the native ethno-cultural communities than the settlers who consider themselves as 'migrant citizens'. It is also sometimes abused to violate rights of migrants. In Ethiopia laws governing election and civil service employment, have proved to be areas liable for discriminatory laws and practices in regional states. Ethiopia is among the most diverse societies in the world. Linguistic diversity is coupled with enormous religious and cultural diversity. In the aftermath of overthrow of military dictatorship in 1991, there was a concern to fulfill aspirations of the many diverse groups by designing an appropriate state structure, i.e., federal system. The federal system is designed to reflect these complex diversities in the structure and operation of government. Ethiopia linked equality for individuals with equality for diverse nations and nationalities. Five major principles are used to accommodate the diversities: Principles of secularism, minority rights, linguistic pluralism, protection of disadvantaged groups, and federalism (FRDE Constitution Arts 1, 5, 8,39 47 and 51)

In spite of these principles, Ethiopian federalism in managing the diversity of the country and reducing conflicts; ethnic competition and conflicts are still not achieved its objective in the country. According to the 2013 global peace index report measuring countries' peacefulness, Ethiopia is ranked 38th and 146th in Sub-Saharan Africa countries and worldwide respectively with a 2.63 overall score on a 1-5 scale.

Federalism has been assumed as a conducive state structure to reduce conflicts. However, conflicts associated with issues related to self-determination/secession, the politics of resource sharing, political power, representation, identity, citizenship, ethnic and regional boundaries and others are increasing from time to time in Ethiopia. The drawing of boundaries led to the generation of violent conflicts among various ethnic groups and almost in all border areas of regional states. Due to the protracted natures of border disputes, the Somali, Afar and Oromia regions established permanent bureaus dealing with border affairs (Adegehe, 2009).

Therefore, the general trend in the implementation of the ethnic federalism after its establishment shows that, "Ethiopia remains mired in ethnic strife" and contrary to the very problem it was intended to resolve, the ethnic federalism in Ethiopia seems to have contributed more problems than it set to solve (Gudina, 2007; Haile, 1996; Maru, 2010). Based on these facts, one can conclude that the implementation of ethnic federalism in Ethiopia is remained problematic and ineffective (Maru, 2010) and it seems "a fragile and perilous experiment" that puts a big challenge on management of diversity in the country.

5. Ethiopian Ethnic-based Federalism and Management of Diversity

It is believed that Federation's capacity to manage ethnic diversity varies across its functions and distinct features. It is argued that 'more a formal federal system operates in practice as a unitary system, the less is system's capacity to accommodate ethnic and territorial cleavages' (Kohli, 2004). Management of ethnic diversity has remained problematic in Ethiopia due to the existence of variation in interests. As several groups argue that the domination of Ethiopian politics by the TPLF-led EPRDF, which in turn, dominated by numerical minority Tigre ethnic group (Gashaw, 1993; Habtu, 2004; Joseph, 1998; Tronvoll, 2000; Záhořík, 2011) and relatively the existence of one political party has marginalized and alienated certain political parties and other ethnic groups from sharing political power which in turn resulted in hindering management of diversity through decentralization and representation. This sense of marginality and lack of power-sharing in all representative way, as has been seen in the aftermath of the 4th or the 2005 national election, has mobilized political parties to seek power in different ways. Therefore, it is believed that relatively decentralized and inclusive federal system is more likely to enable Ethiopian federation to accommodate ethnic identities or manage diversity. Deep rooted diversity in ethnic-based federal system of Ethiopia can be seen from the explanation below. In Ethiopia, there are different religions and more than 80 languages. The religions include Christianity (Catholic, Orthodox, and Protestant), Islam, Judaism and Paganism. The two largest religious faiths are Orthodox Christianity (40.5%) and Islam (35.4%). Amharic is the working language of the federal government and English is the de facto second language of the federal state. Six languages are being used as a working language of different regional states. More than 20 languages are also being used as medium of instruction in the primary education. English is given as a subject starting from grade one and is used as a medium of instruction for secondary and higher education. Diversity-related issues in Ethiopia are not recent phenomenon both in the social and political history of the

country. However, since early 1990s it has gotten attention both at government and societal levels. Though other forms of diversity do exist, Ethiopia has been described as “a museum of peoples” (Beshir, 1979; Wagaw, 1999) whose population is characterized by a “complex pattern of ethnic, linguistic and religious groups” (Tronvoll, 2000, p. 6). These aspects of diversity are considered as significant distinguishing features of the country (Abebaw Y. Adamu, 2013).

6. An Approach Empowering Regional States on Exercising their Self rule and Combatting Dependency on the Federal Government

In the USA, Switzerland, Canada and Australia, federalism and political decentralization contribute to regional stability by sharing power with the lower levels of government to decide on their own affairs (Teshome and Záhóřik, 2008).

The transitional charter of the transitional government recognized Eritrea’s secession and the rights of nations and nationalities to self-administration up to and including succession. The 1994 constitution of the Federal Democratic Republic of Ethiopia (FDRE) considers ethnic contradiction as the primary problem in the country’s politics and reaffirms ethnic federalism with the right to self administration for all regional states including the right to secession (Adegehe, 2009). The Ethiopian People’s Revolutionary Democratic Front (EPRDF) constitution establishes a federal state structure composed of two distinct entities, the federal state and the regional entities. According to the 1994 constitution, both the federal and regional states establish their own institutional organs, legislative, executive and judicial bodies and exercise autonomous power within their sphere of influence. It recognizes nine regional states and two city administrations. These include Tigray, Afar, Amhara, Oromia, Somali, Benishangul-Gumuz, Southern Nations, Nationalities and Peoples, Gambela and Harari, and Addis Ababa and Dire Dawa city administrations. Regional states are divided hierarchically into zones, woredas, special-woredas and kebeles. The 1994 constitution states that the federal and regional governments are required to respect the power of one another (Art. 50(8)). However, the interference of the federal government on the regional states, and the interference of state organs especially the executive in other organs at both regional and federal state level are tacitly established in the federal constitution and observed in the practical implementation of the ruling government.

The 1994 EPRDF constitution as stated in article 39 (2) recognizes the cultural rights of all ethnic groups “...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”. Regional entities have given an exclusive power to determine their own working language (Tewfik, 2010). Many ethno-linguistic groups become visible and eager to promote their own unique identity either for recovering their values or for political and economic advantage. In principle, in its Article 39(3), the EPRDF constitution also allows the right to self-administration and equitable representation at both the regional and federal levels of government. In contrast to the previous regimes, significant improvement has been shown in power devolution from the central government to the regional states.

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Constitution

The Constitution of the Federal Democratic Republic of Ethiopia, 1995