The Ethiopian Constitutional Promises to the Nation and Nationalities: The Myth and the Operational Reality

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Abstract

Federalism has been formally ushered into the Ethiopian Constitution. Stemming from the multiethnic nature of the Ethiopian state, the Constitution gives focused attention to the rights of the Nations, Nationalities and Peoples (NNP) and recognition to their involvement in all aspects of the country's political life. In doing so, the Constitution has made several promises. These are, inter alia, creating one economic and political community, promoting the NNP culture, exercising full measure of self-governance and having equitable representation in the military. This article examines how these constitutional promises operate in practice and looks into the Ethiopian progress towards fulfilling these constitutional promises. This article also argues that the Ethiopian federal system has come some distance towards building one economic and political community and promoting NNP culture and language. However, there are poor records in realizing NNP who do not have their own regional state and have been subsumed in the nine regional states to establish their own state. There is also an unsatisfactory record with respect to equitable representation of various NNPs in the executive branch and the army. This article puts forward some solutions that would help tackle the aforementioned limitations. Primarily, the government must allow NNPs to exercise the right to unconditional state formation as vividly promised by the constitution. Otherwise, the constitution shall incorporate some conditions like "serous cause", the fulfillment of which is required for the exercise of the right to establish one's own regional state. As far as equitable representation in the federal and state government institution, including the army, is concerned, there should be a mechanism that ensures fair representation and creates functional societies where all NNP have opportunities to participate in the political administration, army and the executive branch.

Keywords: FDRE Constitution, Federalism, One Political and Economic Community, New State Formation, Composition of the Military and Executive and NNP

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Introduction

Ethiopia is a land of a diverse society that can be expressed in terms of religion, ethnicity, culture, language and, perhaps, in terms socio-economic activities as well. Such diversity came as the result of the late 19th century tumultuous expansion of Abyssinia aimed at formation of a modern state.[1] During these times, the policy of state formation did not, however, give rise to nation building apart from incorporating the large diverse groups into a dominant group, using military superiority and armament.[2] The then successful rulers, until the 1990s, believed that assimilating various groups into one dominant community would offer the best guarantee for the stability of the state and maintain unity without affording equal rights to all ethnic groups. Accordingly, as Tsegaye observed, in law, Ethiopia was considered a mono-lingual, mono-confessional state and mono-cultural society while, in reality, the country is a multilingual, multi-confessional state and a multi-cultural society.[3]

However, with the exception of the current ruler, none of the successful rulers in Ethiopia attempted to build a multicultural society. They rather propagated unity, which disregarded the recognition of and the respect for diversity. That situation persisted until 1991 when the current power holder, with the guidance of EPRDF (Ethiopia People's Revolutionary Democratic Front), declared its strategy of state formation based on the recognition of ethnic diversity. The EPRDF leadership provided political justification for ethnic federalism and self-determination.[4] Consequently, the current federal system of Ethiopia was introduced to the belief that the unitary system had failed to accommodate various ethnic and cultural social groups in the decision making process. In this sense, Assefa asserts that the choice of multicultural federalism is the right measure.[5] Solomon further underscores "federalism recognizes the

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[1] Christophe Van der Beken, Ethiopia: Constitutional protection of Ethnic Minorities at the Regional Level, *Afrika Focus*, Vol. 20, No.1-2, (2007), P.105. [hereinafter Van der Beken, Ethiopia].

[2] *Ibid*, p. 106.

[3] Tsegaye Regassa, State Constitutions in Federal Ethiopia: A preliminary Observation, Bellagio Conference, (2004), P.1. [hereinafter Tsegaye, State Constitutions in Federal Ethiopia].

[4] Paulos Chanie, *What One Hand Giveth, the Other Hand Taketh Away: Ethiopia's Post-1991 Decentralization Reform under Neo-Liberalism*, Shaker Publisher (2007), P. 231. [hereinafter Paulos, *What One Hand Giveth the Other Hand Taketh Away*].

[5] Assefa Fiseha, *Federalism and the Accommodation of Diversity in Ethiopia: A Comparative Study*, Wolf Legal Publishers, Oisterwijk, (2006), p. 98. [hereinafter Assefa, *Federalism and the Accommodation of Diversity in Ethiopia*].

political reality of the existence of various groups and interest and also tries to accommodate their diversity through constitutionally established subunits."[6]

The move to establish a political system that represents the interests of the entire community requires a constitutional change. Therefore, the government agreed wholeheartedly with a system change; that is, with the introduction of federalism and regarded it as a vital and fundamental means to maintain unity within a state. Hence, to break down old patterns and prevent further turmoil, the Federal Democratic Republic of Ethiopia Constitution (FDRE Constitution) rule out the keeping of the country together by force and provides the various ethnic groups the right to self-expression.[7]

The federal arrangement in Ethiopia is designed to attain dual purposes. It aims to enable ethnic communities to maintain and promote their distinctive collective identities and their particular life styles. This, in turn, aims to build one political and economic community for the promotion of their common interests collectively.[8] "Ethiopia has hit upon an innovative and potentially workable way of promoting integration and diversity simultaneously."[9] The Ethiopian federal system seeks political justice to the identities of various cultural and linguistic groups. This has been and is regarded as the formula to forge national unity which otherwise affects the national life in many ways.

In this regard, the Ethiopian ethnic federalism, through the constitution, has promised to address the historical grievances of the hitherto marginalized ethnic groups and form one political and economic community. The constitution also contains additional promises. It has also promised all Nations, Nationalities and Peoples should be allowed to establish their own regional state, at any time, in their respective territory, promote their culture;[10] have full measure of self-administration, equitable representation in the state institutions (both at the federal and regional levels). In addition, the

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[6] Solomon Negussie, *Fiscal Federalism in the Ethiopian Ethnic-based Federal System*, Rev. ed., Wolf Legal Publishers, Oisterwijk, (2008) , p. 32. [hereinafter Solomon, *Fiscal Federalism*].

[7] Fasil Nahum, *Constitution for a Nation of Nations: The Ethiopian Prospect*, Red Sea Press, Ewing Township (1997), p. 204. [hereinafter Fasil, Constitution for a Nation of Nations].

[8].Hashim Tewfik, Federalism in Ethiopia, International Conference on Dynamics of Constitution Making in Nepal in Post-conflict Scenario, Nepal, (2010), p. 2. [hereinafter Hashim, Federalism in Ethiopia].

[9] Paul H. Brietzke, Ethiopia's "Leap in the Dark": Federalism and Self-Determination in the New Constitution, *Journal of African Law*, Vol.39, No.1, (1995), p. 33. [hereinafter Brietzke, Ethiopia's Leap in the Dark].

[10] The Constitution of Federal Democratic Republic of Ethiopia, Preoclamtion1/1995, *Federal Negarit Gazetta*, (1995), Article 47(2) [hereinafter called, the FDRE Constitution].

military, in its composition, is also expected to mirror the image of all NNP of Ethiopia. However, as will be argued further below, some of these promises expressed on the paper are neglected in practice. Therefore, a central question of this paper is: How do the FDRE constitutional promises operate in practice?

This article contains diverse issues and is organized as follows. Section I explicates the Ethiopian federalism promises and assesses how the Ethiopian constitutional promise to form one political and economic community is put into practice. In section III, the practical records of the promise to promote one's culture and language are dealt with. Ethiopia's capability and track record with regard to promoting the right to form new regional states is discussed in detail in section IV. The discussion covers issues pertaining to the formation of new federation units by ethnic groups (NNP) that come from different regional states. The achievements and pitfalls of the Ethiopia's federal promises of full measure of self-rule and the ethnic composition of the military are assessed in subsequent sections. Finally, section VII contains concluding remarks.

1. The Promises of Ethiopian Federalism

During the last half a century, Ethiopia has witnessed three regimes that differed from one another in ideology, internal composition, ethnicity and social policies.[11] While a high level of centralization and cultural and structural inequalities characterized the Imperial and Socialist Ethiopia, the EPRDF regime is characterized by a new setting that has opened the door for ethnic and religious equality, decentralization and building one economic and political community without losing cultural distinctiveness.[12] During the 1990s, the initial hopes and anticipations were great since many ethnic based Liberation Fronts (such as Tigray People's Liberation Front and Oromo Liberation Front) exhaustively struggled against the regime of Mengistu. A greater focus on ethnicity was needed to fulfill the hopes of people who fought against the Derge regime.[13] As a result, ethnic federalism was formally ushered into the Constitution, which "constituted the federation

[11] Jan Záhořík, Book Review: Federalism and Ethnic Conflict in Ethiopia: A Comparative Regional Study by Asnake Kefale, *Ethiopian Journal of Social Sciences and Language Studies (EJSSLS)*, Vol. No.1, (2014), p. 98. [Záhořík, Book Review: Federalism and Ethnic Conflict in Ethiopia].

[12] *Ibid*.

[13] *Ibid*.

and continues to be its compact"[14] and manifest the multiethnic personality of the Ethiopian state.[15]

The Constitution recognizes the Ethiopian state as a union of several sovereign collectivities.[16] This gives one the impression that "the foundation of the Ethiopian state requires the ongoing consent of NNP."[17] This in turn may lead one to argue, "The state [the Ethiopia federal polity] is a union formed through the free consent of the nation, nationality and people."[18] This can be justifiably inferred from the Preamble of the constitution which reads "We the Nations, Nationalities and Peoples of Ethiopia" and other provisions of the Constitution. While framing the Constitution, the Constitution makers showed their sensitivity to and awareness of the importance of the rights of NNP.

In this regard, Aalen explicates that compared to other federal systems in the world; the Ethiopian system appears even more idiosyncratic. No other federation has a constitution recognizing a general right to self-determination to 'all nations and nationalities' as the Ethiopian Constitution does.[19] It should be noted here that "the unique feature of the Constitution is not only in the recognition and institutionalization of the right of ethno-linguistic communities of Ethiopia to self-determination (or otherwise, nations, nationalities and peoples of Ethiopia)", [20] but it is also unique for making

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[14] Tsegaye Regassa, Learning to Live with Conflicts: Federalism as a Tool of Conflict Management in Ethiopia-An Overview, *Mizan Law Review*, Vol. 4 No. 1, (2010), p. 87. [hereinafter Tsegaye, Learning to Live with Conflicts].

[15] Alem Habtu, Ethnic Federalism in Ethiopia: Background, Present Conditions and Future Prospects, Second EAC International Symposium on Contemporary Development Issues in Ethiopia, (2003) p. 16 [hereinafter Alem, Ethnic Federalism in Ethiopia].

[16] Kristin Henrard & Stefaan Smis, Recent Experiences in South Africa and Ethiopia to Accommodate Cultural Diversity: A Regained Interest in the Right of Self-determination, *Journal of African Law*, Vol. 44, (2000), p. 44. [hereinafter Henrard & Smis, Recent Experiences in South Africa and Ethiopia].

[17] Assefa Fiseha, Ethiopia's Experiment in Accommodating Diversity: 20 Years' Balance Sheet, *Regional & Federal Studies*, Vol. 22, No. 4, (2012), p. 445. [hereinafter Assefa, Ethiopia's Experiment in Accommodating Diversity].

[18] Andreas Eshete, Ethnic Federalism: New Frontiers in Ethiopian Politics, First National Conference on Federalism, Conflict and Peace Building, (2003), p. 159. [hereinafter Andreas, Ethnic Federalism: New Frontiers in Ethiopian Politics].

[19] Lovise Aalen, Institutionalizing the Politics of Ethnicity: Actors, Power and Mobilization in the Southern Ethiopia under Ethnic federalism, PhD dissertation, university of Oslo, (2008), p. 71. [Aalen, Institutionalizing the Politics of Ethnicity]

[20] Hashim Tewfik, Transition to Federalism: The Ethiopian Experience, *Occasional Paper*, Forum of Federations, (2010), p. 15. [hereinafter Hashim, Transition to Federalism].

such rights non-derogable even during states of emergency.[21] This is properly replicated in the Constitution, which institutes the federation and continues as a pact for the NNP to live together.[22]

The Constitution "aspires to build 'one economic community' based on a 'common destiny', born out of a shared past."[23] The aspiration of the NNP to build one economic community can be realized by allowing them to govern themselves, use their own languages, and promote their own cultural practices. This could be the justification that, while framing the constitution, the Constitution makers revealed their sympathy to the right of nationality and worked to satisfy the ethnic community aspiration for political justice and to further safeguard their interest.

Hence, the Ethiopian has made several promises through the Constitution that assures the equality of the entire ethnic groups irrespective of their size, political influence, economic status and ethnic background. The Constitution, from the outset, has indicated its mission of forming one economic and political community.

2. The Idea of Forming One Economic Community

The regional states of the federation vary from one another in terms of population size, territorial space, developmental pattern and ethnic composition. Following the federal arrangement, the federal Constitution has recognized equality of every social group and all citizens despite the existence of economic disparity and historical marginalization. This can be inferred from the first words of the Constitution which read: 'we the Nations, Nationalities and Peoples of Ethiopia are strongly committed 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."[24] The Constitution equally vests sovereignty in the NNP that constitute Ethiopia.[25] This is an indication for equality of all ethnic groups and recognition of their equal status at the inception of the federal system and throughout the federation making process.

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[21] *Ibid*.

[22] Tsegaye, Learning to Live with Conflicts, supra note 14, p. 87.

[23] *Ibid*, p. 88.

[24] The FDRE Constitution, the Preamble.

[25] The FDRE Constitution, Article 8(1) & (2). The provisions read as follows: 'All sovereign power resides in the Nations, Nationalities and Peoples of Ethiopia. This Constitution is an expression of their sovereignty."

These are the foundational cornerstones of the new federal polity that are meant to ensure sustainable peace. Although there is a strong desire and move to preserve and promote multilingual and multi-cultural rights of the entire NNP; at the same time, there is a strong commitment on the side of NNP to build 'one political and economic community' based on their ''common interests, common outlook and common destiny.''[26] For this reason, the preamble of the Constitution declares that "Nations, Nationalities and Peoples of Ethiopia" using their right to self-determination are strongly committed to build a political community founded on rule of law. These clauses were inserted into the preamble in order to underscore the need for political and economic unity among the constituent ethnic groups and regional states.[27]

In other words, although Ethiopia is a multiethnic state, the Constitution affirms the commitment of the NNP to build one political and economic community in full recognition of their right to exercise self-determination.[28] In so doing, the Constitution attempts to balance the interests of maintaining national unity, on the one hand, and the ethno-linguistic groups' demand for cultural preservation and distinctiveness, on the other hand.[29] This implies that the Constitution promotes self-government and building national unity simultaneously. Building one economic and political community has become one of the most crucial aspects of the federal process and political life.

The clause of the Constitution on building one economic and political community demands that the government in power develop different strategies that could change the political and economic status of the various ethnic groups. These steps should be geared towards creating functional societies where all NNP have equal opportunities to be involved in decision making processes, access to education, jobs and justice. The central issue here is: What has been done over the past couple decades, since the introduction of the federal system, to create one political and economic community as pledged by the Constitution?

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[26] Alem, Ethnic Federalism in Ethiopia, supra note 15, p. 16.

[27] Alem Habtu, Multiethnic Federalism in Ethiopia: A Study of the Secession Clause in the Constitution, Oxford University Press, *Publius*, (2005), P. 326. [hereinafter Alem, Multiethnic Federalism in Ethiopia].

[28] Yonatan Tesfaye, Institutional Recognition and Accommodation of Ethnic Diversity: Federalism in South Africa and Ethiopia, PhD dissertation, University of Western Cape, (2008), p. 391. [hereinafter Yonatan, Institutional Recognition and Accommodation of Ethnic Diversity].

[29] Assefa, Ethiopia's Experiment in Accommodating Diversity, supra note 17, p. 444.

In this regard, there have been positive government efforts towards promoting national unity, although other sideline moves, which cast a shadow over the aim of the Constitution to form one economic and political community, have also been witnessed. Assefa, in this regard, argues that improvement in access to education, health and infrastructure in all the regional states are one among the key factors to achieve this mission.[30] He maintains that there has indeed been some improvement in access to education, health and infrastructure, such as roads, telephone services and electric power. The effort of the government to increase the number and intake capacity of universities (which were only two universities with limited capacity until 1991) is indication of the effort to bring unity.[31] During the last two and half decades, several universities, which are fairly and well distributed throughout the regional, have been built with huge intake capacities.[32] Moreover, in all regional states, access to elementary education and access to basic health services has increased tremendously.[33]. "These developments are important preconditions to build one economic community." [34] Further, Assefa argues that the federation's ability to deliver basic services, like education and health, is promising and the peripheral regional states' high stake is also given due attention with the aim to bring equitable regional development. The networking of economic infrastructure and age-old crosscutting bonds, throughout the regional states, are hoped to maintain unity among NNP.[35]

Moreover, Kristin H. & Stefaan S. argue: the federal system was introduced with the aim to rectify the historical inequalities, marginalization and assimilation moves.[36] The recognition of differences among the population groups present in a certain state could certainly improve internal stability and the peaceful coexistence of the distinctive groups,[37] which in turn can lead to

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[30] *Ibid*, p. 450.

[31] *Ibid*.

[32] Report of Ministry of education higher institution sub-sector, available at http://www.moe.gov.et/higher-education_admission, last accessed on 11, October, 2017. According to the report, currently, the number of public higher education institutions in Ethiopia reaches to 36.

[33] Assefa, Ethiopia's Experiment in Accommodating Diversity, supra note 17, P 450. See also, Ministry of Health, Fact Sheet-Ethiopia 2015, available at http://www.moh.gov.et/cs/web/guest/fact-sheets, last accessed on 11, October, 2017. According to the report, "The overall level of health service coverage reached 100%."

[34] Assefa, Ethiopia's Experiment in Accommodating Diversity, supra note 17, 450.

[35] *Ibid*, p. 463.

[36] Henrard & Smis, Recent Experiences in South Africa and Ethiopia, supra note 1616, p. 18.

[37] *Ibid*.

the creation of one political community. The often-heard expression "unity in diversity" reflects the interrelatedness of promoting ethnic groups with their distinctive ways of life on one the hand, and the goal of nation-building and the need to strengthen national unity, on the other.[38] In this regard, it can be argued that by allowing and ensuring the various groups a certain right to identity, this makes them feel more disposed to integrate and identify with the state in which they live.[39]

The recognition of the right to self-administration, the permission of every ethnic group to develop its culture and participate in the federal law making process may be cited as the best way to maintain one political community. In this regard, since the introduction of the federal system, various ethnic groups who are residing in different regional states have been appealing to gain such privileges. The federal and regional governments are engaging in handling such matters. However, various ethnic groups have been exercising such rights with varying degrees depending on where they reside, their population size, the political determination of the leaders of the ethnic group concerned and so on. For instance, the Amhara regional state recognizes and provides self-government at the zonal level, primarily for three non-Amhara ethnic groups who are residing in the region. These include the Agaw-Awi, the Agaw-Hemra and the Oromos[40] and more recently for Kemant and Argoba. Similarly, in the Gambella regional state, among the existing five nations, the Anywaa, Nuer, and Mezenger have their own national self-administrations.[41] Additionally, the Como and the Opo peoples have local (Wereda) self-administrative government.

The SNNPRS is an exception in this regard. It is composed of various NNP,[42] however, the region, for the purpose of ethnic minority accommodation, is structured with fourteen zones and four special Weredas.[43] The zonal /special Wereda council has legislative power to enact laws on matters that are given neither to the federal government nor for the state by the FDRE and the State

[38] *Ibid*.

[39] *Ibid*.

[40] The Revised Amhara Regional State Constitution, Proclamation n No. 59/2001, *Zikre Hig*, (2001) Article 5 [hereinafter The Revised Amhara Regional State Constitution].

[41] The Revised Gambella Regional State Constitution, Proclamation No. 27/2001, *Gambella Negarit Gazetta*, (2001) Article 75

[42] Tsegaye, Learning to Live with Conflicts, supra note 14, p. 91. This is found at the footnote.

[43] Interview with Lukas Jimma, Nationality Right Affair officer, Southern Nations, Nationalities, Peoples Regional State Council of Nationalities, Hawassa (27 May 2016).

Constitution.[44] Conversely, regular Weredas (which consist of wereda council, wereda administrative council and wereda court) have no legislative mandate. This shows that SNNPR state structure advances zone self-administration for less than two dozen of NNP out of the fifty six NNP reorganized within the region.[45] For this reason, since the introduction of the federal system, various NNP who are residing in the region have been appealing to have their respective Zones or Special wereda.[46]

Lastly, it may be appropriate to discuss the recently established "Nation, Nationality and Peoples" day and its contribution to the creation of one political and economic community. The official and colorful celebration of "Nation, Nationality and Peoples" day creates an opportunity for all ethnic groups to promote their cultural practices. This forum allows them to use their own languages, and promote their own cultural heritages in equal manner with other ethnic groups. This is quite encouraging for the formation of one ethnic and political community born out of multiethnic federalism.

For this reason, Alem Habtu argues that "multiethnic federalism has symbolic meaning for interethnic relations, and its impact is discernible in the willingness of various ethnic groups in peripheral areas to participate in the federal experiment".[47] For instance, "during the recent Ethio-Eritrean war, individuals from all ethnic groups, including those in border regional states such as the Somali, Afar, and Gambella, volunteered in large numbers to join the war. This has demonstrated a high degree of pan-Ethiopian nationalism among members of diverse ethnic backgrounds."[48] The enthusiasm of all the ethnic groups to participate and defend the state against the Eritrean

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[44] The Revised Southern Nations, Nationalities, Peoples Regional State Constitution, Proc., No. 35/2001, *Debub Negarit Gazetta*, Article 80(2) [hereinafter The Revised SNNP regional state Constitution].

[45] There are 56 ethnic communities that are recognized ethnic groups within the region for representation purpose. Each ethnic group has one representative in the Council of Nationality. With this formula, the 56 ethnic groups have at least one representative, which counts to 56 representatives. Due to their population size some ethnic groups such as Sidama, Hadiya, Wolayita and Gurage Nations are represented by one additional representative. Therefore, the council of Nationality has total numbers of 64 seats.

[46] For instance, the Gofa and Konso nations are petitioning for a separate ethnic administration. Gofas started to petition for a separate zonal status as early as 1987 E.C (See the petition by the Gofa to the CoN, (24/8/98 E.C), on file with the registrar of the CoN, Hawassa, and See the latest applications by Konso to the CoN, (Sene 13, 2008 E.C), (13/02/2007 E.C) on file with the registrar of the CoN, Hawassa; Application by Konso to the HoF, (20/01/2008 E.C), on file with the registrar of the HoF, Addis Ababa

[47] Alem, Multiethnic Federalism in Ethiopia, supra note 27, p. 333.

[48] *Ibid*.

aggression is an indication of the successful formation of one political community. This weakens the argument that "Once each ethnic group, regardless of its size, is given significant self-governing autonomy in its own region, it may be difficult to persuade the ethnic groups to cooperate with one another for national unity."[49] This is because unity in diversity is about finding the right balance between developing the idea of the national sentiment while cultivating regional identity.[50]

Despite such success stories and achievements in efforts to maintain national unity, there are incidents that compromise/ repudiate the moves to form one economic and political community, otherwise called "building national unity". In this regard, Yonatan cites the celebration of the martyrs of Chelenko in Harari regional state.[51] This symbolic realm might, in some cases, give rise to internal tensions. In his words:

> *In a region that has a large number of individuals that belong to the Amhara ethnic group, the commemoration of Chelenko, in its present form and spirit, has the effect of projecting the dichotomy of the oppressor and the oppressed, the conqueror and the vanquished. Such divisive symbolism compromises the capacity of the state to build 'one political community' which is not only based on the recognition of diversity but also on the need to hold it together. The commitment of the preamble to continue as a one 'political community' cannot be achieved unless recognition is complemented by the spirit of reconciliation. In this regard, the Ethiopian system, it seems, has to yet explore innovative ways of avoiding 'divisive symbolism' and translating a potentially disruptive symbolism into a symbolic code that promotes reconciliation and recognition.*[52]

It is true that a government is expected to work for non-occurrence of repeated historical wrongs. However, the move to over broadcasting historical prejudices and erecting divisive symbolism would ultimately repudiate our endeavor to form one economic and political community. This would also obviously contradict the goal of nation-building and challenge moves to strengthen social cohesion among NNP.

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[49] Alemante G. Selassie, Ethiopia: Problem and Prospect for Democracy, *William and Mary Bill of Rights Journal*, Vol. 1, No.2, (1992), p. 225. [hereinafter Alemante, Ethiopia: Problem and Prospect for Democracy].

[50] Henrard & Smis, Recent Experiences in South Africa and Ethiopia, supra note 16, pp. 17-18.

[51] Yonatan, Institutional Recognition and Accommodation of Ethnic Diversity, supra note 28, p. 391.

[52] *Ibid*.

3. The Right to Promote One's Culture

Ethiopia houses a plurality of language, religion, nationality and culture.[53] However, such reality was totally disregarded in Ethiopia during the time before 1991. The legacy of assimilation used to be considered the only means of holding Ethiopia together. In this regard, Abera claims that *"...the successive government applied various discriminatory policy aimed at forceful homogenization of the multiethnic society. This homogenization policy was designed to annihilate culture and language of the several ethnic groups."*[54]

In this sense, Assefa explains that the choice of multicultural federalism is a measure in the right direction to the extent that it attempts to integrate historically marginalized groups.[55] The current federal system of Ethiopia has introduced with the belief that the unitary system has failed to accommodate various ethnic and cultural social groups' interests of promoting their own culture and language. In this sense, the federal political system was introduced in Ethiopia to address the ills of the previous regime and the political turmoil that preceded it.

In this regard, one of the major achievements of the new federal arrangement is that it helps the NNP to develop, feel confident in their own language and culture, and obtain their own administration.[56] The Constitution has developed various strategies for how to deal with cultural diversity. First, it gives equal recognition to all "languages and entitles all regional states to determine by law their respective working languages."[57] Accordingly, every regional state determines its working language under its regional constitution. "Looking at the practical records of the regional states, three different approaches seem discernible. First, five states have adopted their own majority's language as the working language of their regional administration.[58] Three other states, which do not have a majority ethnic group, have chosen

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[53] Andreas, Ethnic Federalism: New Frontiers in Ethiopian Politics, supra note 18, p. 144.

[54] Aberra Degefa Principle Guiding the choice of Working Language in Multi-Lingual Society: Some Reflection on the Language Policy of Ethiopia, in Tsegaye Regassa (ed.) *Issues of Federalism in Ethiopia: Towards an Inventory of legal Issues*, AAU Printing Press, (2009), p. 102. [hereinafter Aberra Principle Guiding the choice of Working Language in Multi-Lingual Society].

[55] Assefa, *Federalism and the Accommodation of Diversity*, supra note 5, p. 98.

[56] Lovise Aalen, Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: the Case of Ethiopia, *International Journal on Minority and Group Rights*, Vol. 13, (2006), p. 256. [hereinafter Aalen, Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State].

[57] Assefa, Ethiopia's Experiment in Accommodating Diversity, supra note 17, p. 444.

[58] These are the Amhara, Afar, Tigray, Oromia and Somalia Regional states.

Amharic as their working language.[59] The third trend is the one adopted by the state of Harari, where Harari and Oromiffa have been chosen as working languages."[60]

As an extension to this, Asnake argues that ethnic federalism has enabled the diverse peoples of Ethiopia to use their own languages for education and self-administration.[61] In some cases, not only regional states, but also the zonal administrations are allowed to choose their languages for administration and educational purposes.[62] For instance, some zonal administrations in the SNNPR have started using their own languages for administrative matters and primary education.[63]

The education policy, which dictates the use of mother tongue in elementary schools, entitles each regional state to choose its own language of instruction in primary schools.[64] As a result, out of some 80 local languages spoken within the country, 19 are now used for elementary education.[65] Despite this fact, looking at the practical records of the regional states, one may see diverse approaches to the use of language. For instance, ethnically homogenous regions have adopted the languages of their respective dominant groups as the medium of instruction for primary education. Typical examples here are Tigray, Oromyia, Amhara and Somali regional states.[66] When one takes a look at the practices of the Southern regional state, where there are more than a dozen ethnic groups, eleven nationality languages are being used as a medium of instruction in primary education.[67]

Each regional state, municipality, zone and district can choose its own language(s) of instruction.[68] For instance, within the SNNP regional state,

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[59] These are the Benishangul Gumuz, SNNP and Gambella Regional states.

[60] Assefa, Ethiopia's Experiment in Accommodating Diversity, supra note 17, p. 444.

[61] Asnake Kefale, The Politics of Federalism in Ethiopia: Some Reflection, in Gana T, Aaron & Egwu G. Samuel (eds.), *Federalism in Africa*, (2003), p. 261. [hereinafter Asnake, The Politics of Federalism in Ethiopia].

[62] Aalen, Ethnic Federalism and Self-Determination, supra note 56, p. 256.

[63] Asnake, The Politics of Federalism, supra note 61, P. 262. Gurage Zone, Sidama Zone, and Wolaita Zone could be examples in this regard.

[64] Assefa, Ethiopia's Experiment in Accommodating Diversity, supra note 17, p. 444.

[65] Alem, Ethnic Federalism in Ethiopia, supra note 15, p. 18.

[66] In these regions, the languages of the dominant groups (Tigrinya, Oromifa, Amharic, and Somali) are respectively used in the regions as medium of instruction in primary schools.

[67] Yonatan, Institutional Recognition and Accommodation of Ethnic Diversity, supra note 28, p. 406.

[68] Alem, Ethnic Federalism in Ethiopia, supra note 15, p. 18.

Guragigna, Sidamigna, Welaitigna, Hadiyigna, Gamogna, Gedeogna, Keffigna, or Kembatigna, are languages of instruction just as much as Amharic in the respective zones and districts. On the other hand, in the Oromia regional state, as in Adama for example, Amharic is found to be the language of instruction as often as Oromiffa.[69] Within each regional state, municipalities, zones and districts can choose their own language(s) of instruction.[70] In this regard, the assurance of the Constitution, which has promised that every ethnic community may develop its own culture and language, is progressing irrespective of population size and political affiliation. This is an unquestionably big achievement that strengthens the argument that the Constitution is living up to its promise.

4. The Right to Form One's Own State

Ethiopia is made up of many ethno-linguistic groups at different stages of development and with varied life styles. Throughout the 1970s and 80s, various ethnic groups were, to a certain extent, neglected by the central powers and controversies over their future status remained unresolved.[71] Hence, to break down old patterns and prevent further turmoil, the FDRE Constitution ruled out any coercive approach to maintaining unity and provides the various ethnic groups the right to self-expression.[72] The Constitution further promotes the concept of self-determination, which includes secession. With this state of affairs in mind, the federal system is organized with a federal government and nine regional states. The federal system bestowed six ethnic groups their own regions subsuming the rest within them. "This means that the large majority of Ethiopia's ethnic groups does not dominate a particular regional state, but rather constitutes a minority in one of the six single ethnic dominating regional states or in the three remaining multi-ethnic regional states."[73]

The limited number of regions established, on the one hand, and existence of more than 80 ethnic groups, on the other, obviously implies that most ethnic

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[69] *Ibid*.

[70] *Ibid*

[71] One sees the frequent narratives of the ruling parties both in the SNNPR, Benishangul-Gumuz and Gambela regional states.

[72] Fasil, *Constitution for a Nation of Nations*, supra note 7, p. 204

[73] Christophe Van der Beken, Federalism and the Accommodation of Ethnic Diversity: The Case of Ethiopia, Third European Conference on African Studies, (2009), p. 17. [hereinafter Beken, Federalism and the Accommodation of Ethnic Diversity] There is person who argues that all regions are multiethnic; the difference is how this diversity is recognized both legally and politically.

groups do not have their own region.[74] Had it not been for this reason, with the existence of more than 80 ethnic groups, the Ethiopian federation units would not have been limited to nine. By logical extension, it is clear that "regional states are ethnically heterogeneous although, in most of them, there are dominant ethnic groups after whom the states are often named.[75] For instance, in the Amhara regional state, in addition to the Amhara there are the Agaw, the Argoba, the Oromo and other non-Amhara ethnic groups. Similarly, in the Tigray regional state, there are Erob and the Kunama people. In the Oromia regional state, there are Zay and other non-Oromo peoples living all over the state. The Gambella regional state is also composed of the multiethnic groups including Anywaa, the Nuer, the Majang, Komo and Opo nations.[76] Likewise, Benishangul-Gumuz is composed of the Berta, the Gumuz, the Shinasha, the Mao and Como peoples. Notably, the regional state with the highest number of ethnic groups is the SNNPR, which is composed of about 56 NNP.[77]

Taking the multiethnic nature of the Ethiopian regional states into account and capitalizing the equality of all NNP, the Constitution recognizes the right to self-determination to all NNP.[78] For this reason, the preamble of the Constitution declares that "Nations, Nationalities and Peoples of Ethiopia" come to the federation using their right to self-determination. This reading of the Preamble is confirmed by different provisions of the constitution such Article 8, 39and 47. It can thus justifiably be inferred that, NNP are the entities designated as beneficiaries of self-determination.[79]

However, one may argue that the Constitution does distinguish between two categories of beneficiaries: the "normal" and the "privileged". The latter are those ethnic groups who dominate the nine states and collectively form the Federal Democratic Republic. Thus, the dominant ethnic groups enumerated in the nine states are more privileged than those ethnic groups who constitute the regional state but have not yet separated themselves from the states forming the federation.[80] Of course, NNP, if they are not yet constituted as a

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[74] Kinkino Kia, The Right to Form One's Regional State under the Ethiopian Federation: The Case of Sidama People, Unpublished, LLB Thesis, Hawassa University, p. 33. [hereinafter Kinkino, The Right to Form One's Regional State under the Ethiopian Federation].

[75] Tsegaye, Learning to Live with Conflicts, supra note 14, p. 91.

[76] The Revised Gambella Regional state constitution, Article 46(1).

[77] Tsegaye, Learning to Live with Conflicts, supra note 14, p. 91.

[78] The FDRE Constitution, Article 39.

[79] Henrard & Smis, Recent Experiences in South Africa and Ethiopia, supra note 16, p. 43.

[80] *Ibid*, p. 44.

member state of the federation, have the right to establish their own state at any time.[81] The logical extension of this argument is that the federal configuration will vary over time as NNP within the nine states exercise their right to self-determination and eventually and establish themselves as a member states of the federation.[82] This could be the reason why following the constitutional declaration of the right of NNP to self-determination, Article 47(2) of the same constitution states right of the "Nations, Nationalities and Peoples within the States to establish, at any time, their own States."

It is perhaps with this assumption that the NNP of Ethiopia entered into the federation on the basis of a "sovereignty-association" formula. The FDRE Constitution seems to use the self-determination clause as a blandishment to entice the NNP to accept the limitation of their sovereignty for voluntary union of the federation. In this process, internal self-determination may be a crucial tool because the existing NNP rely on to accept the limitation of their sovereignty and remain within the federation units. The NNP accepts this limitation because the Constitution has given the assurance that they will be able to form their own regional states if they follow the producers, as stated under Article 47.

In other words, the NNP can count it as their future option to withdraw from the host region and form their own separate regional state. For that matter, the NNP are required neither to mention some just causes that may be invoked in favor of a right to self-determination nor to prove the violation of their right to internal self-determination by host regional state. It is clear that in order to exercise this right and start the process of establishing their respective regional state, the NNP have to establish their own "Council".[83] This "Council" is the chief negotiator for the process, although it is nowhere specified exactly how the Council should be established, or who should serve on it.

Indeed, precise procedures are put forward under the FDRE Constitution on how to establish new states within the Ethiopian federation.[84] The endorsement of the claim by the NNP and their collective desires to form their own region play a unique role in securing the right. Although the Constitution has promised to all Nations, Nationalities and Peoples, which do not have their own region yet, that they may establish their own region, the

[81] *Ibid*

[82] *Ibid*, p. 47-49.

[83] Tom Pätz, Ethiopia (Federal Democratic Republic of Ethiopia), in Ann L. Griffiths (ed.) *Handbook of Federal Countries*, McGill-Queen's Press-MQUP, (2005), p. 142.

[84] The FDRE Constitution, Article 47(3).

political context is not exactly favorable to exercise this right. This contention can be further substantiated by the claims of the Sidama in SNNPR and Berta in Benishangul Gumuz.

4.1.1 Sidama Nation

During the transitional period, the current SNNPR state was organized into five independent regions, which include Sidama, Wolaita, Omo, Kaffa, and Guraghe-Hadya Kambata regional states, given numbers from 7 to 11 respectively. These five ethnic groups, which enjoyed the right to full internal self-determination during the transition period, were dissolved[85] and formed the Southern Nations, Nationalities and Peoples Regional State (SNNPRS) in 1994.[86] It seems that the assumption is that these ethnic groups will form their own regional states in due course.

These ethnic groups accepted the limitation of their sovereignty relying on Article 47 of the Constitution that gives the assurance that those NNP who do not establish their own regional state will be able to regain it in due time. However, these ethnic groups have been combined and remained under one regional state. There are different views about the merger of the five regions under one region. Some argue that just "before the regional merger took place, several EPRDF affiliated parties in the regions established one common political front, the SEPDF, and became a member of the EPRDF coalition."[87] "When the parties were united across the five southern regions, it was also desirable to have one parallel administrative structure in the south.[88] "Regional officials claim that the merger of the regions came about because regional party members' desired to utilize common resources and manpower. Opposition, however, claims that the merger was an outcome of pressure from the EPRDF, which preferred to control the troublesome southern areas through one rather than several federal units."[89]

Since the regional merger in 1992, the Sidama Liberation Movement has openly pressed the demand to reestablish its own regional state. Individual members of the ruling SPDO (Sidama Peoples Democratic Organization),

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[85] Cumulative reading of National/Regional Self-governments Establishment Proclamation No. 7 of 1992 and the FDRE Constitution.

[86] Lovise Aalen, Ethnic Federalism in a Dominant Party State: The Ethiopian Experience 1991-2000, *Bergen, Chr. Michelson Institute, Development Studies and Human Rights*, No2, (2002), p. 90. [hereinafter Aalen, Ethnic Federalism in a Dominant Party State].

[87] Aalen, Ethnic Federalism in a Dominant Party State , supra note 86, p. 90.

[88] *Ibid*.

[89] *Ibid*.

later SEPDM (this is with an amalgamation of some 20 parties and SPDO, Southern Ethiopia People's Democratic Movement), may have supported the claim, but it has never been on the party's official agenda.[90] In July of 2005, however, it was the SEPDM members of the Sidama council who raised the issue in public. The Sidama zone council justified its decision to ask for regional status by asserting that the Sidama suffered from discrimination in the regional distribution of resources,[91] lack of infrastructure and employment, good governance, and justice.[92]

In addition to these justifications, many associate the claim of the Sidama ruling party for separate regional state with the SEPDM's poor performance in national and regional elections, which took place in 2005. The SEPDM officials promised to work for the realization of the Sidama Nation quest of new regional state formation. The ruling party in Sidama has promoted the Sidama state formation demand to mobilize support for the ousted candidates in the reelections. Consequently, a complete 'victory' over the SLM (Sidama Liberation Movement) was finally secured when all the defeated SEPDM candidates were elected in the rerun of the polls.[93] For this reason, the Sidama zone decided to ask the regional council for separation from the SNNPRS and establishment of an independent region.[94]

It is a true that according to the Constitution, the NNP have a collective right to self-determination and are entitled to internal self-determination on the basis of attributes that they have in common. Any NNP is required neither to mention list of just causes that may be invoked in favor of such right nor to prove the violation of the internal right to self-determination by the central government as a cause for forming their own regional state. What is central to this issue is that it presupposes endorsement of the claim by the NNP and their collective desires to form a new federation unit. The Constitution, in dealing with and providing the right to form one's own state, expresses the right to form one's own state and also details the procedures to be followed in the exercise of the right.[95]

It is true that the making of a new regional state often exerts a profound domino effect on the remaining regional states and is often perceived as a

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[90] Aalen, Institutionalizing the Politics of Ethnicity, supra note 19, p. 163.

[91] For instance, the regional budget allocation was argued to be not proportional to the population size and multifaceted problems of the Sidama people.

[92] Aalen, Institutionalizing the Politics of Ethnicity, supra note 19, p. 163.

[93] *Ibid*.

[94] *Ibid*.

[95] The FDRE Constitution, Article 47.

politically sensitive matter. So the FDRE Constitution attempts to guide the process along a non-threatening path. The Constitution provides for a four-step procedure and maintains that these procedural criteria must be met in order to legitimize self-determination request. The right to form one's own state has to be weighed against Article 47 of the FDRE Constitution, which laid the foundations for the exercise of such right. The NNP, who raise the right to form a new regional state, is charged with four key tasks: initiating the claim, managing and consolidating support for the request, transferring their claim to the federal government and conducting internal diplomacy and overseeing the referendum.

In view of this fact, the request of the Sidama nation to separate itself from the SNNPRS and establish an independent region had the support of a large majority of the Sidama Zonal Council, with the notable exception of the *Hadicho* representatives.[96] The standing committee on legal affairs in the SNNPRS Council, which received the request initially, and the Council of Nationalities of the region replied that the Sidama had a constitutional right to ask for regional status.[97] But before any decision could be made, the EPRDF's central party apparatus intervened and stopped the process through the SEPDM.[98]

Here is the paradox, this goes against the constitutional right that recognizes unconditional self-determination. The Constitution offers no avenue for the ruling party to make such a decision. However, the Sidama request to establish its own regional state was rejected by the EPRDF for fear that accepting this request would cause similar demands from other ethnic groups.[99] The ruling party, through its chairperson, mentioned its justifications for rejecting the claim. "*First, the Sidama council had violated the internal procedures of the EPRDF by raising the issue before it had been discussed by party leaders at the central level. Second, the Sidama would not benefit from a separate regional state because of the Sidama's own lack of development. And third, if the Sidama gained regional status, this would lead the remaining nationalities to ask for the same*"[100] The ruling party also made strategic changes in the regional

[96] Aalen, Institutionalizing the Politics of Ethnicity, supra note 19, p. 163.

[97] *Ibid*.

[98] *Ibid*.

[99] Van der Beken, Federalism and the Accommodation of Ethnic Diversity, supra note 73, p. 18. Citing Asnake Kefale, 'Federalism and Autonomy Conflicts in the Benishangul-Gumuz Region, Ethiopia,' in Eva Brems and Christophe Van der Beken (eds.), *Federalism and the Protection of Human Rights in Ethiopia* , Münster: Lit Verlag, (2008), pp. 192-193

[100] Aalen, Institutionalizing the Politics of Ethnicity, supra note 19, p. 163.

administration, rewarding the leaders Sidama who had changed their stance by appointing them to higher position.[101] Having said this about the Sidama Nation's demand to form its own state, the response from the government, and the way the claim was handled, let us look into a similar claim from of the Berta Nation in Benishangul-Gumuz regional state.

4.1.2 The Berta Nation

In terms of ethnic configuration, the Benishangul-Gumuz regional state is composed of the Berta, Gumuz, Shinasha, Mao and Como and other peoples residing in the region.[102] Geographically, the Benishangul-Gumuz National Regional State (BGNRS) came into being by merging parts of the former Assosa and Metekel administrative regions. The first regional government of the Benishangul-Gumuz region was established in 1993 under the leadership of a newly formed regional party called the Benishangul North West Ethiopia People's Democratic Unity Party (BNWEPDUP) which was under the control of the BPLM (Benishangul People's Liberation Movement).[103] The Berta dominated in the first years after the transition, but were outnumbered when a new political party was established with assistance from the EPRDF in 1998.[104] This party was a result of a merger between different ethnic parties, representing the major ethnic groups in the region.[105]

When the inaugural conference of the BGNRS convened in 1993, there were disagreements between the Gumuz and the Berta over the sharing of political and economic resources; specifically, the naming of the president and the capital of the new region. The major disagreement, however, was that the Berta (who is larger in population than the Gumuz) had a lesser number of representatives in the regional council. After some bickering, "the two groups finally reached a compromise that gave the office of the presidency to the Berta and the capital to the Gumuz. Nevertheless, the interethnic conflict that emerged between the Gumuz and the settlers in and around Pawe necessitated moving the regional capital to Assosa."[106] The regional government faced factional infighting which was a source of instability in the region.

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[101] *Ibid*, p. 164.

[102] See the third Population and Housing Census, which was held in 2007.

[103] Asnake Kefale, Federalism and Ethnic Conflict in Ethiopia: A Comparative Study of the Somali and Benishangul-Gumuz regions, PhD Dissertation, University of Leiden, (2009), p. 160. [hereinafter Asnake, Federalism and Ethnic Conflict in Ethiopia]

[104] Aalen, Ethnic Federalism in a Dominant Party State, supra note 86, p. 69.

[105] Asnake, Federalism and Ethnic Conflict in Ethiopia, supra note 103, p. 162.

[106] *Ibid*, p.160.

The lack of unity within the BPLM challenges the administrative positions the Berta's have in the region and undermines their ability to administrate the region effeciently. In other words, the Berta, who have political ascendancy in the region cannot sustain its political dominance, mainly because of internal divisions during the formative years of the new region.[107] As a result, the "EPRDF decided to restructure the political landscape in the region."[108] All the ethnic parties of the region underwent purging to from the new EPRDF affiliated front. Under the pressure of the EPRDF, they formed one common front and brought it under the Benishangul Gumuz People's Democratic Unity Front (BGPDUF).[109] After the 1995 regional elections, the office of the presidency went to the Gumuz at the instigation of the EPRDF.[110] This, however, displeased many of the Berta who controlled the regional government in the formative years.

Again, in September of 2000, there was conference in Assosa to elect the executive officers of the regional government.[111] There was dispute between the Berta and Gumuz over distribution of executive posts; specifically, the nominee for regional president. As a result, the Berta members of the regional council demanded an informal consultation among the members of the executive committee before the regional council proceeded to elect the new president. In an informal consultation, the Berta demanded the offices of the president and the secretary. They justified their claim by indicating their contribution to the struggle against the Derg and its population size compared to the other titular ethnic groups of the region.[112] The Gumuz and the other executive committee members of the BGPDUF, however, rejected this claim and insisted that both the chair and secretary should be elected by majority vote in the regional parliament.[113] The Berta, who lost political ascendancy in the region, claimed they would establish a new regional state. This is to mean that the impotence of the Berta in the politics and their inability to maintain ascendancy in the regional administrative positions were some of the key reasons that led the Berta to look for other alternatives to remain in the dominant position. As a result, they presented their exit demand of new regional state formation as an opportunity that would provide them a chance

[107] *Ibid*.

[108] *Ibid*, p. 162.

[109] *Ibid*.

[110] *Ibid*.

[111] *Ibid*, p. 163.

[112] *Ibid*.

[113] *Ibid*, p. 163.

to administer themselves in their own geographic area and help them to develop their culture and language pursuant to the Constitution.[114] The Constitution made it clear all NNP may exercise their right to establish, at any time, their own states and administer themselves in their respective territory. There is hardly any standard criterion mentioned in the Constitution to determine the validity of self-determination claims. Although this is what is stated under the Constitution, the claim of the Berta nation was duly entertained neither in the regional council nor in the concerned federal house; that is, the House of Federation (HOF).

The regional council, which was composed of the five ethnic groups, rejected their demand.[115] Equally, federal officials first dismissed the demand arguing that the claim of the Berta nation for new state formation was unpopular and merely reflected the wish of the Berta political elite rather than a genuine demand of the people.[116] After having discredited the demand, federal officials ordered all regional parties to undertake evaluation ('gimegema') and appointed the HoF to mediate the two groups, Berta and the Gumuz.[117] With these decisions, the move to form Berta's regional state administration was unsuccessful. Hence, one can safely conclude that the frequent conflict that emerged with the Berta not only affected their aim to play a prominent role in the politics of the region but also undermined their claim to form the new regional state.

To recap, both ethnic groups have the right to unconditional self-determination. Their claim is legitimate and in conformity with the constitutional provisions. It was the will of the drafters of the Constitution that the right to self-determination would be exercised through constitutionally established procedures.[118] Looking at the legitimate efforts these ethnic groups have made and the steps they have taken, Asnake argued that the federal authorities were not committed to the demand to establish one's own state.[119] Others characterize the response of the federal officials as the hegemonic experience of the ruling regime and its centralized party rule

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[114] *Ibid*, p. 164.

[115] Berhanu Gutema, Restructuring State and Society: Ethnic Federalism in Ethiopia, SPIRIT PhD Series Thesis, No. 8, (2007), p. 119. Actually, it was only the four ethnic groups, which decided against the Berta, but Berta's have already boycotted the council. [hereinafter Berhanu, Restructuring State and Society].

[116] Asnake, Federalism and Ethnic Conflict in Ethiopia, supra note 103, p. 164.

[117] *Ibid*.

[118] Henrard & Smis, Recent Experiences in South Africa and Ethiopia, supra note 16, p. 44.

[119] Asnake, Federalism and Ethnic Conflict in Ethiopia, supra note 103, p. 164.

which tends to disregard the constitutional right to self-determination.[120] One may even have the impression that the right to state formation in Ethiopia has only symbolic value.

In the existing situation, it would be unrealistic for the NNP to exercise their right to establish, at any time, their own states and administer themselves in their respective territories. The ruling party, EPDRF, made substantial effort against both ethnic groups to not exercise their right. As Berhanu Gutema argues, when the Sidama and Berta requested the establishment of their own regional state, it was rejected by the EPRDF. He claims that the resistance and reluctance of the ruling party against the claim to form of a new regional state is an indication of the unwillingness EPRDF to accept the full consequences of the constitution's emphasis on ethnic rights.[121] Others even argue that "the question of self-determination of nations, nationalities and peoples which is prescribed in the Constitution as one of the most significant articles proving the truly democratic character of Ethiopia but...this principle remains an illusory one and serves only as a rhetorical theory."[122]

Federal soldiers and police regularly take measures against ethnic organizations fighting for the establishment of their own constituent unit.[123] For this reason, until now neither the right to form one's state nor the right to secede has been exercised.[124] As Tegaye describes, "the federal option, its bases for carving out the constituent units and the constitutional recognition of the unconditional right to self-determination were among the most contested points as a result of which federalism remains to be a controversial subject in Ethiopia to date".[125]

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[120] Kinkino, The Right to Form One's Regional State under the Ethiopian Federation, supra note 74, p. 12.

[121] Berhanu, Restructuring State and Society, supra note 115, p. 119.

[122] Jan Záhořík, Ethiopia between Constitutional Principles and Reality, in the Scale of Globalization, *Think Globally Act Locally, Change Individually in the 21st Century*, available at, http://conference.osu.eu/globalization/publ2011/374-378_Zahorik.pdf, p. 371, last accessed on 24, March, 2016 [hereinafter Záhořík, Ethiopia between Constitutional Principles and Reality].

[123] Kinkino, The Right to Form One's Regional State under the Ethiopian Federation, supra note 74, p. 12.

[124] Christophe Van Der Beken, Ethiopian Constitutions and the Accommodation of Ethnic Diversity: The Limit of the Territorial Approach, in Tsegaye Regassa, (ed.), *Issues of Federalism in Ethiopia: Towards an inventory of legal Issues*, AAU Printing Press,(2010), p. 269. [hereinafter Beken, Ethiopian Constitutions and the Accommodation of Ethnic Diversity].

[125] Tsegaye, Learning to Live with Conflicts, supra note 14, p. 91.

With this statement of fact in mind, one has to say the following: the recognition of the right to unconditional self-determination would make it more difficult to reach just and peaceful resolutions. Although this is incorporated to express equality of various ethnic groups and promote the right to self-determination, little has been done in terms of ensuring the enjoyment of such rights. While both levels of governments have displayed their will to enforce equality of various ethnic groups in their respective constitutions, they are, at the same time, faced with the challenging task of promoting the right to establish one's own state. As long as the federal policy process is mainly channeled by and through the ruling EPRDF, this seems to be an insignificant development for promotion of the right to establish one's own state.[126]

5. The Right to Full Measure of Self-governance

Another promise of the FDRE Constitution is the right to full measure of self-government within the already established regions. The Constitution vividly states that the nations, nationalities and peoples have the right to self-government. It also lays down what constitutes the full measure of self-government. It reads as follows: "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."* (Emphasis added.)[127]

It is clear from this provision that the right to full measure self-government has two components. The first component is the right to establish government institutions with the three branches: executive, judiciary and legislative, in the territory the NNP inhabit. The second component is the right to equitable representation in government institutions. "These components of the right to self-government are a requirement in federal state for achievement of national unity, which requires genuine regional autonomy, and the political participation of the diverse ethnic groups at the federal level."[128] In this regard, it can be argued "Ethnic federalism in Ethiopia involves not only the structure of the state, but a constitutional mandate to give self-rule to Ethiopia's many nations, nationalities, and peoples."[129] The

[126] Pätz, Ethiopia (Federal Democratic Republic of Ethiopia), supra note 83, p. 144.

[127] The FDRE Constitution, Article 39(3).

[128] Van der Beken, Federalism and the Accommodation of Ethnic Diversity, supra note 73, p. 16.

[129] *Ibid.*

question is: Is this promise of the Constitution fulfilled? The following section assesses the achievements of the Ethiopia federal system and its pitfalls.

5.1 The Right to Self-Governance and Determination of Ethnic Identity

As stated above, the Constitution clearly recognizes the right of all the NNP to a full measure of self-government. Obviously, the essence of self-rule encompasses the right to establish government institutions. While noting this, the Constitution gives the NNP more privileges and authorities that they can exercise independent of the federal government.[130] But the central issue here is: How can the NNP exercise their right to full measure of self-government in reality?

The Ethiopian federal system established nine regional states. This implies that most ethnic groups do not have their own region.[131] The logical extension is how these ethnic groups who are subsumed in the nine regional states exercise their right to self-governance? As a solution to this, the Constitution dictates and empowers the regional government to sketch the state structure in the way that best advances the self-rule right of the NNP who are residing in their respective territories.[132] The logic derived from the principle embodied in the notion of self-determination is that, the Ethiopian federal state has devised the possibility for groups to obtain small administrative district (Wereda) status within the regional state they are residing.[133]

Hence, those ethnic groups who are not able to establish a state within the regional state they inhabit attain self-administration of their own, in conjunction with the regional government administrative hierarchy, and this is applicable especially for small or medium-sized ethnic groups.[134] For example, in the SNNP regional state, in which there are fifty-six ethnic groups, it is highly unlikely that they could all find establishment of their own states a feasible option. For this reason, Aalen argues that since Ethiopia has more than 80 officially recognized ethnic groups, many of them very small, the right to self-determination is most likely to be enforced practically by giving groups

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[130] The FDRE Constitution, Article 39(3).

[131] Van der Beken, Federalism and the Accommodation of Ethnic Diversity, supra note 73, p. 16.

[132] The FDRE Constitution, Article 52(2) (a).

[133] Jon Abbink, The Ethiopian Second Republic and the Fragile "Social Contract", *Africa Spectrum*, Vol. 44, No. 2, (2009), P. 15. [hereinafter Jon, The Ethiopian Second Republic and the Fragile "Social Contract"]

[134] Aalen, Ethnic Federalism and Self-Determination, supra note 56, p. 257.

their own zones or special Woreda (district) administration within the member states of the federation.

Administrations below zonal level have no legislative powers.[135] For this reason, it can be argued that the SNNPR state structure advances self-administration to nearly two dozen of NNP out of the 56 NNP recognized in the region.[136] The remaining 42 NNP who are residing in the region are allowed to have local government institution (Wereda administration) which consists of Wereda council, Wereda administrative council and Wereda court that functions at the local level. However, unlike the Zonal council, the Wereda council has no lawmaking power. Therefore, it may be argued that for the remaining 42 NNP of the region the constitutional promise for full self-determination is yet to be realized. In this regard, Getachew comments the following

> *... 'the rest recognized minorities in the state, numbering more than 35, do not have self-government apparatus, in the sense of a zone or special Wereda, owned by them individually or in few groups. They are either subsumed with in above zones or special Weredas, or are lumped together in two other mosaic zones called south Omo and Segen Peoples'*.[137]

This is perhaps one possible reason for a frequent quest for the formation of one's own Zone or special Wereda, which comes from various NNP of the SNNP region.[138]

Another point, which goes together with self-determination, is the issue of identity determination. It is clear that the entire regional states are characterized by extreme ethnic diversity. The quest for internal self-determination and to have separate identities is quite a frequent question in a region that is comprised of various NNP. The mandate to see identity based claims and self-governance issues are given to the state council in which the

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[135] *Ibid.*

[136] There are 56 ethnic communities that are recognized ethnic groups within the region for representation purpose. Each ethnic group has one representative in the council of Nationalities. With this formula, the 56 ethnic groups will have at least one representative, which counts to 56 representatives. Due to their population size some ethnic groups such as Sidama, Hadiya, Wolayita and Gurage Nations are representative by one additional representative. Therefore, the council of Nationality has total numbers of 64 seats.

[137] Getachew Assefa, Constitutional Protection of Human and Minority Rights in Ethiopia: Myth v. Reality, PhD Dissertation, Melbourne University, (2014), p. 102. [hereinafter Getachew, Constitutional Protection of Human and Minority Rights in Ethiopia].

[138] One can mention the Gofa Nation's claim to get its own Zone.

community concerned inhabits and House of Federation.[139] Moreover, identity based claims and self-governance claims are expected start from state council. As a result, the quest for identity and equality remains one of the biggest concerns among the various ethnic groups since this has already been granted and promised by the Constitution.[140]

Therefore, when regional states establish state administration that best advances self-government within their territory, they are expected to take into account the language, settlement pattern and identities of the community who are entitled to self-determination. It is also crucial for the states to determine the identity of every community in the region before setting the government structure. Thus, the mandate to determine identity of a given community is left to regional states where the community concerned inhabits.[141] Questions of identity determination that are submitted to a State Council shall be decided within one year.[142] However, in practice, a number of identity claims submitted to State Council have not received a decision in due time.[143]

Looking at these trends, Getachew commented, *"[t]he (sic) Southern state is completely against the recognition of both new ethnic groups and new self-government structure in the form of zones or special Weredas."* The recent speech of the Prime

[139] This mandate is given for the state council by HoF which it interprets the constitution following the Identity claim of Silte community decision. See, The House of Federation of Federal Democratic Republic of Ethiopia Decision of House of Federation on Identity claim of Silte community, *Journal of Constitutional Decisions*, vol. 1, No. 1, (2000) p. 41.

[140] The constitution grants and promises any community, which fulfills the requirement, stated in article 39(5). Article 39(5) of the FDRE constitution enumerates different elements the need to be fulfilled by a given community to be considered as Nation, Nationality or People. The entire parts of this sub provision read as follows: "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".

[141] Such mandate is given for the regional council following the identity quest of the Silte case by the House of Federation. The House on its decision made it clear that the made to determine identity question is the power of the state council. On its decision, the House indicated that the regional state council to whom the claim is submitted is expected to, in the process of determination of this issue, conduct with direct participation of the community that raises the question, by secret ballot, in a free and fair manner and is attended by impartial observers. However, if community who invokes identity claim dissatisfied with decision of the state council or feel the decision of the state Council contradicts with the Constitution, they can appeal to the House of Federation.

[142] Decision of House of Federation on identity claim of Silte community, supra note 139, p. 41.

[143] Getachew, Constitutional Protection of Human and Minority Rights in Ethiopia, supra note 137, P. 147.

Minister also reinforces the same view. The primer on the statement he made during the meeting with academic staff gathering from various universities underscored that the quests for identity issues are long resolved.[144] In the presence of ample identity-related cases filed before the state council registrar, such a stand of the government tends to cast doubt on political commitment towards maintaining the initial objective of ethnic federalism plans and the promise of the Constitution to protect ethnic identity.

5.2 The Right to Equitable Representation in State Administration

Another component of the right to full measure of self-government is the right to equitable representation of the NNP in the government institutions, be it federal or regional state. Beyond the right, the federalism principle of shared power and federal union are achieved when federation units/ ethnic groups/ can exert sufficient influence in the federal institutions.[145] The Ethiopian federal system presents limited experience on the provision of equitable representation of the various ethnic groups in the executive line. The Constitution is silent regarding how this equitable representation can be achieved. In this regard, Abera observes

> *…the nation nationalities and peoples are entitled to fair representations in proportion to their numerical size in the country. Thus, in their structure, the different institution at the federal level including the executive and the federal civil services should mirror image of the ethnic profile of the country.*[146]

To prove the validity of such an assertion, one may look to the 2010 and 2015 executive cabinet appointments. The practice in those periods have disclosed that the executive is dominated by few nations irrespective their population size. These are Tigray, Amhara, Oromo, Wolayita, Gurage, Silte, Sidama, Hadiya, Somali, Afar nations.[147] The numbers of representative from NNP are presented in the table below.[148]

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[144] A speech made by Prime Minister Haylemariam Desssalgen during his meeting with academic staffs of various universities, on March 15/2016.

[145] Van der Beken, Federalism and the Accommodation of Ethnic Diversity, supra note 73, p. 16.

[146] Aberra Dagafa, The scope of Rights of National Minorities under the constitution of the Federal Democratic Republic of Ethiopia, Ethiopian Constitutional law Series, Vol.1 (2008), p. 132. [hereinafter Aberra, The scope of Rights of National Minorities].

[147] This observation is deduced from the information provided on the EPRDF website, available at, http://www.eprdf.org.et/, last accessed on 24 March 2016.

[148] *Ibid.*

No	Nationality	2010	2015	Change
1	Tigray	3	5	2
2	Amhara	7	8	1
3	Oromo	7	10	3
4	Wolayita	1	1	0
5	Gurage	1	1	0
6	Sidama	1	1	0
7	Silte	2	3	1
8	Hadiya	1	1	0
9	Somali	1	1	0
10	Afar	1	0	-1
Total		23	31	

It is true that of all the more than 80 ethnic groups in Ethiopia, all of them cannot be appointed as ministers. This triggers readers to ask the following question: In what way should power be shared among the different ethnic groups? An incidental question one may raise at this juncture is: Among those nations who are represented in federal executive offices, who outnumber those nations residing in the Benishangul-Gumuz and Gambella regional state, since those NNP who are residing in these regional states are not represented in the ministerial posts? Simple mathematical comparison of population size of Somali nation and Tigray or Silte reveals inverse relation between population size of nations and their representation in federal offices.

According to the 2007 Housing and Census, the total population of the Somalia region was 5.3 million; whereas, the total population size of the Tigray and Silte were about 4.9 million and 877,251 respectively.[149] With such population sizes, the Somali nation has one representative in the executive whereas the Silte nation, that counts one fifth of the Somali nation, has two representatives. This simply shows the allocation of ministerial posts and appointment for executive branch is not carried out based on population size of the NNP. This perhaps goes against one of the pillars of self-government enshrined in the Constitution, which points out that all NNP has the right to equitable representation in the government institutions, which includes the executive branch.

In this regard, Christophe Van der Beken argues that "executive is dominated by the four EPRDF affiliate regional states, i.e. the Tigray, Amhara, Oromia

[149] See the third Population and Housing Census, which was held in 2007.

and SNNR regional states."[150] He further argues that, "more than 19 of the 21 ministers (excluding those posts which have ministerial status) are from these regional states. The remaining two ministers are from Afar and Somali regional states. The other regional states such as Benishangul-Gumuz and Gambella have no representation in the federal ministerial positions."[151] According to Van der Beken, the constitutional guarantee for equitable representation of all NNP is limited to the parliament and the second chamber, HoF.[152] In this regard, the existing political context prevents a full operation of the constitutional provisions.[153] Hence, the constitutional indoctrination that entitles equitable representation the NNP in all branches of government including in the executive branches is less practiced.

Distribution of ministerial posts based on party affiliation and for regional states, rather than for the NNP, is in sharp opposition with the Constitution. The circulation of the executive lines within few ethnic groups goes against the promises of Ethiopian federalism. Emphasizing the same point, Getachew concludes the constitutional claim to have equable representation at the federal institution has not been brought into practical effect.[154] In sum, the above arguments show cabinet membership is allotted based on the party membership, loyalty to the EPDRF and the roles played in the party politics. For that matter, it is a noticeable fact that those personnel who are once in the cabinet post, remain in the executive for more than two terms. This could be among the major factors causing many of the NNP to be denied equitable representation.

The right of NNP to have equitable representation is not only limited to federal institutions, but also equally applies at regional state institutions too.[155] In this regard, the author of the piece presents the experience of the SNNPR state.[156] The council of the SNNPR state consists of two chambers: the State Council and Council of Nationalities.[157] The members of the first

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[150] Van der Beken, Federalism and the Accommodation of Ethnic Diversity, supra note 73, p. 16.

[151] *Ibid*.

[152] *Ibid*.

[153] *Ibid*, pp. 17-18.

[154] Getachew, Constitutional Protection of Human and Minority Rights in Ethiopia, supra note 137, p. 78.

[155] The FDRE and Revised SNNP Regional State constitutions, Article 39(3).

[156] The SNNP regional state which is presented in this section was purposely selected for investigation on the basis of its accessibility of the area to the writer of this piece.

[157] The SNNP Regional state constitution, Article 48.

chamber, the state council, are elected by universal and direct elections by means of the plurality system.[158] Like the HoPR, this electoral system results in the larger (more densely populated) state administrative district having many more representatives in the state council than the smaller ones. On the other hand, because of its specific composition, the Council of Nationality offers relatively equitable representation. Article 58(2) of the SNPPR state constitution stipulates that all the NNP have the right to be represented by at least one person in the state council. Article 58(2) adds that the NNP have the right to one additional seat for every one million of their population. These representatives are elected from the zones and special council. Pursuant to this provision, there are 56 recognized ethnic communities in the region that are entitled to representation. Each of these ethnic groups has at least one representative in the Council of Nationality. Based on this, the 56 ethnic groups have 56 representatives. Due to their population size, some ethnic groups such as Sidama, Hadiya, Wolayita and Gurage Nations are represented by additional representatives. Therefore, the Council of Nationality has a total of 64 seats.

This shows, like the Federal Houses, there is equitable representation of the NNP in the state councils. As far as the ethnic composition of executive council of the SNNP is concerned, two representatives each represent Sidama, Wolayita, Kefa and Gurage nations. The remaining, Silte, Halaba, Bench-Maji, Gamo, Hadiya, Yeme and Gediyo have one representative each.[159] The allocation of executive council posts seems fairly distributed across the NNP. The logical extension of this is that NNP are equally represented in the state administration.

6. Composition of the Military

Given the importance of a federal system in enhancing public participation, its institutional development should mirror the entire community, including minorities, in its legislature, executive and judiciary.[160] Consistent with this argument, Assefa argues that federal institutions should reflect existing diversity in the legislature, judiciary, civil service and the army *(Emphasis added)*.[161] This creates the impression that the more the ethno-nationalist

[158] The Revised SNNP Regional state constitution, Article 50(1).

[159] Interview with Aynekulu Gohtsebah, Information officer at Southern Natations, Natationality, Peoples Regional State, state council, Hawassa, (27 May 2016).

[160] Nigussie Afesha, Dual Constitutions and Concurrence of Constitutional Powers in Ethiopia: Who Has the Mandate to Determine Particulars by Law? *Bahir Dar University Journal of Law*, Vol. 4, No.2, (2014), p. 30.

[161] Assefa, Ethiopia's Experiment in Accommodating Diversity, supra note 17, p. 464.

forces see their image at the federal level, the more they will have the impression that they are part of it, and this makes various ethno-nationalist forces to remain loyal to the system.[162]

It is with this objective that the Constitution dictates the composition of the national armed forces to reflect equitable representation of NNP of Ethiopia.[163] The aim of the Constitution was primarily to establish an army, which would represent ethnic composition of Ethiopia. Very much linked to this point, the federal Constitution recognizes the fact that the military is kept appropriately distant from the politics by laying the ground for how government power is exercised and lost.[164] The assertion of the Constitution regarding how power is held and armed force to be headed, at least for administrative and political purposes, by a civilian minister, are indications for the divorce between the politics and the military in Ethiopia.[165]

The Constitution further indicates the overall responsibility of the armed force. The main responsibility of the armed force is to protect the sovereignty of the country and carry out any tasks, as may be assigned to them under any state of emergency declared in accordance with the Constitution. The Constitution warns the armed forces to carry out their functions free of any partisanship to any political organization(s).[166] Leenco Lata, in this regard, argued that "Making the composition of the officer corps as inclusive as possible is equally necessary in the experience of the states of the Horn of Africa because it could go a long way to dispel the current suspicion that the military favors a particular ethnic, religious or regional group."[167] A similar idea is indicated under the defence establishment proclamation. The proclamation reads "Defence Forces safeguard the country's sovereignty; embody a fair representation of Nations, Nationalities and Peoples and carry out their functions in a manner free from, political loyalties"[168]

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[162] *Ibid*.

[163] The FDRE Constitution, Art 87(1).

[164] Tsegaye Regassa, *Issues of Federalism in Ethiopia: Towards an Inventory of Legal Issues*, in Tsegaye Regassa (ed.) Issues of Federalism in Ethiopia: Towards an inventory of legal issues, Ethiopian Constitutional Series, (2009) p. 7. [hereinafter Tsegaye, *Issues of Federalism in Ethiopia*]

[165] *Ibid*.

[166] See article 87(3) of the FDRE Constitution.

[167] Leenco Lata, Constitutionalism, Self-determination and the African Union, constitutionalism and Human Security in the Horn of Africa conference, (2007), p. 43.

[168] Defense Forces Proclamation, Proclamation No. 27/1996, *Federal, Negarit Gazetta,* preamble of the Proclamation

Moreover, the proclamation consists of the major powers and functions of the minister and General Chief of Staff.[169] Despite laying down the major powers and functions of the minister, the proclamation is mute on the point that the composition of the military shall reflect the images of all the ethnic groups. It is unclear whether the system uses quota mechanism or proportional representation based on population size.

Having such a general remark in mind, if one looks at the practice with respect to composition of the officer corps of the Ethiopia army, two important aspects turn out to be crucial. The first one is the composition of the national defence force in general, and the second relates with the composition high-ranking officers. With regard to the ethnic composition of the entire military, there is an effort made to mirror the ethnic groups in the military. The table below shows the 'rough' configuration of regional states in the military of Ethiopia rather than equitable composition of the NNP.[170]

No	Regions	Year 1996/97	Year 2011
1	Amhara	25,111	30,343
2	Oromiya	21,357	25,205
3	SNNP	9,800	22,842
4	Tigray	39,896	18,580
5	Afar	0,963	0,449
6	Somali	2,361	1,289
7	Gambella	0,002	0,020
8	Harari	0,030	0,013
9	Benshangul-Gumuz	0,480	1,259
		98,525	99,518

Source: HornAffairs.com[171]

In relation to the composition of high ranking military Officers, Neamin argues there has been domination of minority ethnic elite in military,

[169] Defense Forces Proclamation No. 27/1996, Articles 23 and 24.

[170] The writer of this piece wants to bring one point to the attention of the reader that this table does not reflect the ethnic composition of the military at the grassroots level. This implies that one can make an inference how the military is composed of ethnically taking the ethnic composition of the regional states.

[171] HornAffairs.com (last visited on 5/24/16). NB: Here, I would like to bring two things to the attention of the reader. First, the source itself doubts completeness of the data which is presented in the table. Second, the website notes that "The size of active military personnel was estimated 138,000 in year 2008, according to the latest available data on the Stockholm International Peace Research Institute (SIPRI) and the World Development Indicators (WDI) databases."

intelligence and security services.[172] Citing Berhanu, Neamin claims that the single ethnic domination, which has been observed in the military, is contrary to the rule of the Constitution, which claims that the composition of military should reflect all the NNP. He refers to a comprehensive list of the key and commanding positions held by Tigreans in the military as an evidence for his contention. The list shows an ethnic group, which constitutes 6% of the total population controls 95% of the command posts in the military. He further adds

> *It is not possible by any kind of qualitative measurement for promotion – merit, experience, education and other criteria – that a single and minority ethnic group would have what it takes to hold 57 out of the 61 key and mission critical positions within the national military. Nothing can be further from the truth; the only thing that they have is their ethnicity and political loyalty to be able to totally dominate the military in such grossly disproportional ratio. This is the penultimate and most central point that comes out very loud and clear indeed.*[173]

In the same way, Getachew argues that "Due to the absence of rule and principles for ... defense, security, intelligence and economic institutions of the federal government are currently controlled by the powerful TPLF, catering for the Tigre ethnic minority, constituting only about 6% of the national population"[174] (emphasis added)

A potential reason for holding commanding positions in the army by Tigreans could be that the greatest number of the revolutionary fighters belonged to the Tigray during war with the previous regime, and they started struggle against the Derg regime earlier than others. The logical extension of this argument is that they already hold the commanding posts before other fighters joined them and they therefore continue in their dominance.

In informal dialogue with a retired higher military commander, the interviewee mentioned that the government decided those higher military commanders to be lowered by two ranks.[175] This was done to create the

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[172] Neamin Zeleke, Minority Ethnic Domination of the Military in Ethiopia, (2016), available at,

www.nazret.com/blog/index.php/tigres_dominate_the_military_in_ethiopia last accessed on 24 May 2016.

[173] *Ibid.*

[174] Getachew, Constitutional Protection of Human and Minority Rights in Ethiopia, supra note 137, p. 13.

[175] Informal discussion with a retired army personnel (Name, age and position remain confidential).

opportunity for other ethnic groups to appear in the higher military position. Despite this claim, many people still think that one ethnic group dominates the military. This is in sharp contrast with the principle of the Constitution, which promises the military to reflect the image of all the NNP.

Concluding Remark

During the last half of the 20th century, Ethiopia has witnessed three regimes: the Imperial, Derge and post 1991 regime. Each of them have had different policies with regard to ethnic and religious equality, accommodation of diversity, decentralization and building one economic and political community. Their policies and what they promise to the public are reflected in their respective constitutions. For instance, the FDRE Constitution rules out the keeping of the country together by force and provides the various ethnic groups the right to self-expression. The Constitution also promises all NNP may establish their own state, at any time, in their respective territory; promote their culture; have equitable representation in the state institutions (both federal and regional); and the military is also expected to mirror in its composition the image of all NNP of Ethiopia.

Although there are positive efforts that promote national unity, sideline moves, which shadow the aim of the Constitution to form one economic and political community, are also witnessed. On a positive note, *inter alia*, there are improvements in access to education, health and infrastructure in the entire regional states, which may be cited as the best moves to maintain one political community. However, despite such success stories and achievements in maintaining national unity, there are incidents that repudiate the moves to form one economic and political community. In this regard, the celebration of the martyrs of Chelenko in Harari regional state realm might, in some cases, give rise to internal tensions.

The Constitution promised that all the NNP may promote, develop and use their own languages for education and self-administration. As a result, out of some 80 local languages spoken in the country, 19 are now used for such purposes. This is clearly a major achievement that strengthens the argument that the Constitution is living up to its promise. Conversely, although the Constitution has promised that all NNP, which do not yet have their own region, may establish their own regions, the political environment on the ground is not conducive for smooth exercise of this constitutional right. One can see the frequent requests of the Sidama Nation in the SNNP and Berta Nation in Benishangul-Gumuz regional states for the formation of their own regional states.

Another promise of the FDRE Constitution is the right to full measure of self-government of the NNP, which encompasses the right to establish government institutions and receive equitable representation in government institutions. Once the federal system is established, the Constitution dictates and empowers the regional government to sketch the state structure in the way that best advances the rights of the NNP who are residing in their respective territories. In so doing, those ethnic groups who are not able to establish a state within the regional state they inhabit could attain self-administration of their own below the regional government. This particularly applies to small or medium-sized ethnic groups. In this regard, the Ethiopian federal system has some achievements as it establishes self-government at the zonal level for around 30-40 NNP across the nine regional states. The other recognized NNP have no self-government apparatus at the zonal and special Wereda levels.

As far as composition of the Ethiopian army is concerned, there are two ways of looking at the matter. The first aspect is the composition of the entire military at grassroots level, and the second concerns the composition of general officers. In relation to the composition of the higher rank military officers, there has been a domination of minority ethnic elite in military. This is in sharp contrast with the principle of the Constitution, which promises the military to should reflect the image of all the NNP.

To recap, there are constitutional promises which are enforced reasonably and those which remain largely in theory. The promises that fall under the latter (those which remain only as promises) are new regional state formation, equitable representation in the federal and state government institution, composition of national defence. Leaving these constitutional promises unfulfilled will hinder the move to establish a multiethnic community founded on equality and rule of law. The government should tackle the aforementioned limitations in the following ways. With regard to new regional state formation, the government has two options to handle the matter: either it allows the NNP to exercise the right to unconditional state formation as vividly promised by the Constitution, or it shall amend the Constitution that claims to allow unconditional new state formation. Therefore, the Constitution shall incorporate some conditions like "serous cause", the fulfillment of which is required to the exercise of the right to establish one's own regional state. As far as equitable representation in the federal and state government institution is concerned, there should be legislative measures that clearly show how various NNP are well represented in all levels of the government institution, be it through quota system, on base of population size or a sum of the two. Yet another very central issue is the

ethnic composition of the military. Where the composition of army is concerned, there should be quota system to make the composition of the officer corps as inclusive as possible and to bring several NNP in the administration position of the army and hold key and commanding positions. In doing so, we can dispel the current suspicion that the military favors a particular ethnic group.