

INTRODUCTION

The conference that led to this publication was held at a time when Ethiopia was facing enormous challenges. In addition to armed conflicts and inter-communal violence across the country, the nation was faced with the militarization of state and non-state institutions, high population density accompanied by youth unemployment, food insecurity, real and perceived inequality and discrimination among ethnic groups, ethnic and political polarization, and widespread human rights abuses, including war crimes and crimes against humanity. At the core of these challenges lay a state-building process which either alienated major constituencies, forced their acquiescence, or coopted their participation. Unable to derive political legitimacy from democratic participation, successive governments largely relied on coercion and neopatrimonialism, modulated by constitutional narratives and reform efforts including the imperial regime's attempts to establish a constitutional monarch, the Derg's abolition of the ገብር (*gabār*) system, and the EPRDF's recognition and prioritization of linguistic and cultural rights.

Despite an initially promising political, legal, and institutional reform initiatives undertaken by the incumbent regime, Ethiopians remain divided in their views about what kind of constitutional structure has the greatest potential to unify the country without compromising its diversity. In the end, in no small part due to another missed opportunity to reform, neither a stable political system nor peace have been achieved. Whereas the wars that were taking place in the northern and western parts of the country were the most notable, political and inter-communal violence continued to affect significant numbers of Ethiopians in almost every regional state of the country. The pervasiveness of volatility and violence was partially illustrated by how there was at least one person in common whom most of the participants knew or worked with and who had perished in the war, many had contacts who personally joined the fighting, some had lost or were cut off from friends and family, some were in detention when the conference was being planned, and a couple could not attend fearing persecution. The venue and date of the conference were changed several times because of the same underlying context. To borrow a collage of descriptions from conference participants, the country was in 'a state of war', 'a political unsettlement', 'a

revolutionary situation', 'an inflection point', 'a transitional moment', and 'a state nearing failure'.

With this moment in the background, the conference proceeded with two main priorities. In this time of upheaval and polarization, a modest, but by no means uncomplicated, hope of the conference was to create a safe space for academic dialogue. Despite the fact that all of the participants were personally affected by the regrettable state of affairs, and despite some challenges that sought to directly target the conference itself, the conference was successful in creating a space conducive to the free expression and exchange of ideas. From a substantive point of view, the conference aimed at facilitating an academic conversation about the social and political challenges that ought to be addressed in Ethiopia, the strengths and weaknesses of its constitutional structures as pertinent to these challenges, and ways of building a resilient polity. This publication is meant to bring this dialogue, including the specific insights, conclusions, disagreements within it, into the public sphere hoping that it will infuse nuance into the broader political discourse.

This publication contains the papers and essays presented at the conference, as well as two transcribed and edited speeches, followed by transcripts of the discussions that proceeded from the presentations. Some of the presentations were followed by dedicated discussant presentations, which are included in the publication as well. The range of the topics discussed is not amenable to easy categorization. The discussions covered a broad range of topics and traversed several disciplines and theoretical orientations. Although the order in which the discussions were held followed common themes and subjects during the conference itself, the order was also affected by extraneous factors such as scheduling needs. The publication thus reorganizes the papers and discussions to fit together thematically rather than presenting them based on the chronology in which they took place. It is also important to note that authors were given an opportunity to revise their submissions as per feedback they received through the discussions.

Two of the papers which make up the first part focused on the creation of a resilient political community through deliberations that take place outside the state apparatus.

Semeneh Ayalew's presentation, in addition to turning to the emotive, affective, and sentimental, proposed recentering the social field as a site of politics. Starting with a critique of liberal democracy, and therefore also the social contractarian assumptions behind the conference, Semeneh proposed mobilizing social assets and virtues, most notably pointing to **ርኅራኄ** (*reherāhe*), which he translated as radical compassion, to humanize Ethiopian politics from outside of the state. Zelalem Mogessie Teferra's presentation, which followed Semeneh's in not making the state a central feature, sought to center political and historical discourse on understanding and empathy. Zelalem's proposals targeted elite discourse which, if successful in transcending a politics of victimhood and resentment, he hoped would create space for a broad-based elite bargain.

The second part contains the discussions of two panels centered on specific social groups within the context of hypothesized transitional constitutional moments. Tigist Shewarega Hussen and Teguadda Alebachew Sete argued that the use of an intersectional approach to women's rights should lead to the reconsideration of what they rendered as the current Ethiopian constitution's phased liberation approach. They argued in favor of reframing the Constitution around citizenship that does not take ethnicity as an organizing principle. Juweria Ali and I, approaching intersectionality from another angle, directed our attention towards minority and indigenous groups and their marginalization on the basis of multiple identity markers. Taking Somalis as a case study, and resorting to both legal and Foucauldian discourse analysis, we contended that a constitutional (re)negotiation will most likely disadvantage minorities and indigenous groups unless special measures are taken to avert such an outcome.

The most common theme that featured in the discussions was that of the management of diversity, or more specifically the interaction between ethnic, linguistic, and cultural heterogeneity and the political system. Unsurprisingly then, six of the 14 papers, which make up the third part, focused on different facets of federalism in Ethiopia. Yonatan Fessha and Berihun Adugna Gebeye outlined some of the contradictions in the current constitutional system which can be hyper-(con)federal and/or hyper-unitary depending on time, circumstance, or topic. From this baseline, Yonatan went on to underline the need for constitutionalism and the rule of law while Berihun, in

addition to pointing out aspects of the Constitution that ought to be rectified, pointed to the difficulties behind establishing constitutional democracy under the current system. Assefa Fiseha, noting the extreme levels of centralization under a federal constitution, supported the implementation of the current federal constitutional system, while Adeno Addis argued that the current system provided too thin a basis for citizenship to achieve the goals of national integration. Mohammed Dejen Assen reached a conclusion that overlapped with that of Adeno Addis, but concentrated specifically on the organization of political parties and state boundaries along ethnic lines. Zemelak Ayele, touching upon the salient features of the current system, concluded that a negotiated settlement is unlikely to lead to a revision of the ethnic-based organization of states while a top-down authoritarian approach is going to risk exacerbating political conflict and violence.

Not moving away from the discussions of the intersection between diversity and politics, but instead shifting the attention from federalism to shared rule and the representation of ethnolinguistic groups and regional states at the center, two panels considered the potential of consociational arrangements. Assefa Fiseha, noting that Ethiopia is a typical example of a deeply divided society in which identity politics is salient, suggested the implementation of legislative and executive power-sharing arrangements at the federal level. Adem K. Abebe made a case for a liberal, as opposed to a corporatist, consociationalism in which political parties that win a pre-set share of the vote are assigned a pre-set number of cabinet positions. In addition to leaving to voters the question of whether they want to vote along identity lines, he noted that such a system would also have the added benefit of strengthening opposition parties. The papers and discussions that featured in these two panels constitute the fourth part of the publication.

While history featured in most of the presentations and discussions, historical analysis played a sizable role in bringing out the conclusions of three papers contained in the final part. Getachew Assefa Woldemariam captured millennia of Ethiopian political history which he contextualized within another historical moment—the debates within the Ethiopian Student Movement. He concluded that the failures of successive regimes lay in their inability to establish an inclusive and democratic system of governance. Shimelis Kene, utilizing postcolonial methods, problematized key

assumptions behind attempts at state building which he cast in light of Ethiopia's modernization project. Semir Yusuf identified two dominant perspectives on Ethiopia's political history, which he critiqued for focusing too much or too little on the role of the state in the (re)production of ethnic divisions. He contended that understanding the dialectical relationship between state and non-state actors is key to breaking out of the recurring cycles of political unsettlement. Semir also proposed that finding a way out of Ethiopia's current predicament requires a new experiment, an inclusive and participatory approach, and a departure from the heretofore unsuccessful precedents of winner-commandeered political settlements.

On balance, there was concordance among participants on many of the strengths and weaknesses of the current constitutional system, and on the advantages and disadvantages of alternative constitutional configurations discussed. Some of the specific issues on which there was broad agreement included the historical and social underpinnings of the status quo, the need to see processes of constitutional reform as more than just legal or state-centered phenomena, and the need for a participatory and inclusive constitution-making process. Although readers will not find polemical vitriol in the discussions, it is also important not to read too much into the moderation and civility with which the conference proceeded. The discussions assumed that not all variables can be taken into account when discussing one topic—this fact, together with intellectual humility, prevented discussions from being disposed to excessiveness. Although agreement on policy prescriptions would have been welcome, the conference was not designed to conduct exercises that would lead to, or test out the possibility of, agreement on specific conclusions. Thus, the contents of this publication should be seen as an exploration of potentialities, an exploration and a conversation that has continued after the conclusion of the conference. This publication will be made widely available to politicians, civil society organizations, the media, and the public both online and in print so that the conversation continues outside the physical confines of the conference.

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