

The Unbearable Thinness of National Citizenship in a Country Organized as a “Nation of Nations”: The Case of Ethiopia

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Abstract

Constitutions are meant to bind people together, to turn hard parameters into soft ones over time. Well-designed and well-structured constitutions seek to transform strangers to co-participants in a common project of building a political community that will endure. One important means of institutional binding is citizenship. Citizenship is meant to signal full membership and equal standing to those who possess that rank. The moral promise of equal respect for everyone is meant to be cashed out in the legal and social currency of equal citizenship. Citizenship is also meant to perform an integrative function such that citizens see themselves as co-participants in a common project. This article explores the scope and content of Ethiopian national citizenship under the current constitutional arrangement. It argues that, unlike in other federal systems, Ethiopian national citizenship is derivative and thin and provides neither full membership to nor equal standing for all members across the land. It does not provide a safeguard for the autonomy of all citizens to an equal degree. The Constitution transformed a nation of citizens into a nation of nations where the central source of affiliation is the “citizenship” in the several *ethnonations* rather than national citizenship. After a close examination of the Federal Constitution and the constitutions of some of the regional states, this article concludes that such an arrangement does not bode well for the long-term survival of the national political community, for under it differences will increasingly become fundamentalized and consequently the hope for an integrative (not assimilative) process of association will fade.

Introduction

This article explores the scope and content of Ethiopian national citizenship under the current constitutional arrangement both as a matter of text and political

practice. This inquiry seeks to understand the contents of national citizenship in the circumstances of an ethnically organized federal state where the constituent parts of the federation are referred to as “nations, nationalities and peoples”¹ and where all sovereign power is said to reside in them, not in “we, the Ethiopian people.” In fact, the Constitution itself is described as “an expression of [these ethnonations’] sovereignty.” Put differently, the issue explored here is the nature of national citizenship in a country reorganized and described as “a nation of nations,”² rather than a nation of citizens.

After a close and careful examination of the relevant text of the Federal Constitution and the constitutions of some of the regional states (and the political practices that accompany them), this article concludes that the constitutional and political incentives are organized in such a manner that under the current constitutional order Ethiopian citizenship is, and will continue to be, incapable of performing the important functions that national citizenship is meant to perform.

National citizenship, as a normative matter, is meant to guarantee *full membership* and *equal standing* to all members across the country. It is also meant to perform the important role of cultivating and sustaining political and social *integration* to the extent that citizens see themselves as co-participants in a common project.³

As will be apparent as we work through the constitutional arrangement, Ethiopian national citizenship does not seem to guarantee *full membership or equal standing*

¹ Eth. Const. pmb., art. 8. I will often use “nations” to save time when referring to “nations, nationalities and peoples.” After all, the Constitution itself gives the three terms the exact same description (art. 39[5]).

² Fasil Nahum, *Constitution for a Nation of Nations: The Ethiopian Prospect* (1997).

³ Bryan S. Turner, *Outline of A Theory of Citizenship*, 24.2 *Sociology* 188, 199 (1990): (“[C]itizenship is a strategy which brings about some degree of amelioration of social conflict and which is therefore a major contribution to social integration.”) See also Irene Bloemraad, *Theorising the Power of Citizenship*, 44 *Journal of Ethnic and Migration Studies* 4, 16 (2018). By full membership, I mean to refer to the fact that citizenship is meant to endow members holding that title with the most robust and highest status of membership. On the other hand, by equal membership or equal standing I mean to refer to the normative requirement that the rights, privileges, and responsibilities that come with citizenship be available to all with that title.

to all in every part of the country. In the various regional states, some Ethiopians are regarded as the primary stakeholders, while other Ethiopians are considered mere residents or second-class citizens. This phenomenon apparently takes its cues from the Federal Constitution.⁴ The political practices accompanying those basic documents (national and regional constitutions) show that a distinction is often made between members of the relevant ethnonation (ethnic group) and Ethiopian citizens who are deemed to belong to other ethnic or linguistic groups.⁵ The frequent identity-based murders and displacements of Ethiopians from one or another part of the country, carried out on the account that they “did not belong,” illustrate that Ethiopian citizenship is not sufficient—at least it is thought not to be sufficient—to guarantee full membership and equal standing to all in all parts of the country.

In relation to the *integrative function*, it seems clear that Ethiopian national citizenship has not fared well. Under the current constitutional order, ethnic differences seem to be increasingly *fundamentalized*, not softened. Ethnic identities have increasingly become hard parameters. Most issues are often viewed through the prism of ethnic identity. Indeed, for many, practicing politics has become nothing more than a process of affirming or defending the worth of one’s “nation” (ethnic group). Constitutions generally and citizenship specifically are meant to bind people together, to turn hard parameters into soft parameters over time. As has become apparent, the Ethiopian constitutional order has done exactly the opposite. It has set people apart by virtue of transforming soft parameters into hard ones and reducing people’s multiple and often hybrid identities into one overriding one (ethnic identity).

This intensification of the politics of difference and the thinning of national identity that we observe occur not despite the constitutional arrangement but because of it. The Federal constitutional order, reinforced by the constitutions of the several regional states, entrenches the conceptual and institutional limitations

⁴ Eth. Const. p.mbl., art. 8, art. 39.

⁵ *Infra* Constitution of the Regional State of Oromia, 1995; Constitution of the Regional State of Benshangul/Gumuz, 1995; Constitution of the Regional State of Harari, 2004.

of Ethiopian (national) citizenship. It shows, to paraphrase the political theorist Hannah Arendt in another context, “the abstract nakedness,”⁶ the unbearable thinness, of Ethiopian national citizenship under the current arrangement.

The narrative of the “ethnic Other” is told and retold in the context of a constitutional culture that has made ethnic identity the primary means through which politics is organized, understood, and practiced. The Ethiopian Constitution has become the main means of *sorting* people, not binding them together. Such an environment will not lend itself to democratic governance or even a minimally stable and durable national political community.⁷

This article is organized in the following manner. Section one briefly describes the nature of citizenship and the functions that it is meant to perform. Citizenship is the primary social good of membership to a state through which one has access to all other goods, material or social. It is the right to have all other rights, as Arendt would say.

Section two, which is the heart of the article, closely examines the nature of national citizenship in a country that is said to be a nation of nations rather than a nation of citizens. The section compares Ethiopian national citizenship to national citizenships of other countries which, like Ethiopia, have adopted a federal system. It shows that unlike the robust national citizenships in those other federal systems, Ethiopian citizenship is derivative and thin, resembling the citizenship in a confederal rather than a federal system. It seems closer to the citizenship of the European Union than it does to the citizenships of federal systems such as India, Nigeria, Germany, the U.S., or even Switzerland.

Sections three and four briefly examine two circumstances (internal displacement and the difficulty of entrenching a democratic culture) to show how ethnic

⁶ Hannah Arendt, *The Origins of Totalitarianism* 295 (1951).

⁷ I have made similar arguments in Adeno Addis, *The Making of Strangers: Reflections on the Ethiopian Constitution*, 38 *Journal of Developing Societies* (forthcoming, 2022). See also Adeno Addis, “The Making of Strangers: The Ethiopian Constitution as a Suicide Pact,” *Ethiopia Insight*, (September 18, 2020).

federalism is, in the way that it is entrenched in Ethiopia, a dissociative rather than an integrative order and, therefore, inherently unstable.

Section five concludes by noting that a constitutional order that has a chance of sustaining a stable and coherent national political community is one that establishes a nation of citizens rather than “a nation of nations,” one that puts the dignity of citizens at the center of the constitutional enterprise. But that has to be done in the context of a federal system which is sensitive to and accommodative of the country’s rich diversity. As I shall indicate later, despite common misunderstanding, integration and accommodation (not assimilation) are not contradictory or radically opposed principles or normative commitments. Indeed, they assume one another. And a federal system for a diverse society will have to gesture in both directions. My past work has attempted to show that to be the case.

1. Citizenship: A Brief Conceptual and Functional Description

One of the most important functions of constitutions is to indicate, either explicitly or implicitly, the conditions that define membership in the political community we call the state. Who is a member of the political community, what are the conditions for membership, and what are the privileges and responsibilities that attach to membership?

Citizenship—or nationality as it is referred to in international law⁸—is a core concept both as a matter of law and as a subject of political theory. It is the means by which a political community distributes the primary social good of

⁸ The nature of nationality was explained by the International Court of Justice (ICJ) in *The Notenbohm Case* (Liechtenstein v. Guatemala), Second Phase, 1955 I.C.J. Rep. 4 (Apr. 6). The current authority of the idea of a “genuine link” that was advanced by the Court as a standard by which to evaluate whether a particular individual had acquired the nationality of a country is unclear. Although I will use nationality and citizenship interchangeably here when writing about national citizenship, there are times when a distinction might be appropriate when one talks about the citizenship of subunits (nations, as they are confusingly referred to in the Ethiopian Constitution).

membership⁹ which in turn determines the rights and responsibilities that membership endows or entails.

Arendt famously described nationality as the “right to have rights.”¹⁰ By that she meant that the right to nationality gives an individual access to all other rights, whether those rights have an international or national origin. Even our rights as human beings (often referred to as “inalienable”), which are catalogued in international and regional human rights documents, will not amount to much unless we are members of a political community. It is in these political communities that those rights will be vindicated or enforced. It is to capture this reality that Arendt made the arresting observation that statelessness (the condition of having no nationality¹¹) shows “the abstract nakedness of being human.”¹² Rainer Bauböck flags this Arendtian point when he observes that “to put it positively: membership in a polity is a necessary condition for human autonomy and well-being.”¹³ It is important to note that Bauböck does not say it is a sufficient condition, but rather *a necessary* condition. It is not a sufficient condition because we know, and history amply illustrates, that *de jure* citizenship (legal membership) does not necessarily guarantee that as a matter of political practice (*de facto*) one is treated as a full citizen (full member). Often, the crucial question is not who *is* a citizen as a formal matter, but rather “what *makes* the

⁹ Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* 6-8 (1983).

¹⁰ Arendt, *supra* note 6, 294.

¹¹ Statelessness is defined in the Convention Relating to the Status of Stateless Persons thusly: “The term ‘stateless person’ means a person who is not considered as a national by any state under the operation of its law” (United Nations Convention Relating to the Status of Stateless Persons, art. 1[1], Sept. 28, 1954, 360 U.N.T.S. 117).

¹² Referring to the French Declaration of the Rights of Man, Arendt makes the following rather astute observation:

“The Rights of Man ... had been defined as ‘inalienable’ because they were supposed to be independent of all governments; but it turned out that the moment human beings lacked their own government and had to fall back upon their minimum rights, no authority was left to protect them and no institution was willing to guarantee them” (Arendt, *supra* note 6, 288). A few pages later, referring to the stateless who had been denationalized by the Nazi regime, she notes, “[t]he world found nothing sacred in the abstract nakedness of being human” (*Ibid.*, 295).

¹³ Rainer Bauböck, *Democratic Inclusion: Rainer Bauböck in Dialogue* 40 (2018).

citizen?”¹⁴ Citizenship is a way nationhood is experienced in practice. As we shall see later, in the case of Ethiopia both questions—who is a citizen as a formal matter and what makes a citizen?—are crucial, and the answers one gets to those questions are decisive.

If human rights (national or international) are meant to affirm the dignity and inviolability of the individual as a moral being, the argument goes, citizenship affirms the dignity of the individual as a member of a political community.¹⁵ Indeed, in the world in which we live (one almost entirely carved into states with mutually exclusive jurisdictions) the dignity of the citizen often makes the dignity of the individual, as a human, possible. Put in other ways, our human dignity is in large measure dependent on the dignity of being a citizen—being a full member of a political community both at the national and subnational levels.¹⁶ The protection of the political and social person is a necessary condition for the protection of the moral person. Citizenship as the right to have rights is the gateway to all other rights. It is because of the fundamental nature of citizenship,

¹⁴ Engin F. Isin, *Citizenship in Flux: The Figure of the Activist Citizen*, 29.1 *Subjectivity* 367, 383 (2009).

¹⁵ Immanuel Kant is one of the most important political philosophers who took seriously the dignity of citizenship. In *The Metaphysics of Morals* Kant observed: “[c]ertainly no human being can be without any dignity, since he at least has the dignity of a citizen” (Immanuel Kant, “The Metaphysics of Morals” in *Practical Philosophy* 471 (6:329) (Mary J. Gregor ed., 1999), 471 (6:329). Kant, of course, did not think about or imagine statelessness. I am working on a book-length manuscript on statelessness and internal displacement tentatively entitled “The Dignity of Belonging and the Indignity of Displacement.” Jeremy Waldron has penned a paper on the relationship between dignity and citizenship (Jeremy Waldron, “Citizenship and Dignity,” N.Y.U. Sch. of L., Pub. Rsch. Paper No. 12-74 [2013]).

¹⁶ Arendt, *supra* note 6, 289 (“[T]he loss of national rights [for the stateless] was identical with loss of human rights, that the former inevitably entailed the latter.”) Recognition of the person as a legal entity which citizenship provides ensures the integrity of the moral person. By “subnational” entities, I mean to refer to units in a federal system, such as the various states that make up the federation in countries such as Ethiopia and the United States of America. Of course, the Ethiopian Constitution refers to those units as “nations, nationalities and peoples” which might be confusing, but when I refer to subnational units, I mean to include those units that are referred to as nations, nationalities and peoples in the Ethiopian constitutional scheme as well.

its importance as the right to have all other rights, that I, following Michael Walzer, have referred to it above as a *primary social good*.¹⁷

As a normative matter, citizenship defines not just the relationship between the state and individual members but the relationship among members as well. As citizens, members are “one another’s equal,” to borrow a phrase that Jeremy Waldron uses in another context.¹⁸ At least, that is the general normative demand.¹⁹ Not only are they one another’s equal, but through citizenship individuals are directly linked as co-participants in a common project.

Often the details of how one becomes a citizen as a legal matter are specified through ordinary legislation,²⁰ but the general principles are often entrenched in, or implied by, the basic law (the constitution).

As I have already mentioned, two general principles are embodied in the notion of citizenship. First, citizenship is a status that signals that the person with that rank is a *full member* of the relevant political community. Citizenship signals the highest and most robust membership rank or category.

In a constitutional system where “we, the people” are sovereign, citizens are both the originators and the addressees of the law.²¹ They are the originators because

¹⁷ The notion of primary goods was made popular by John Rawls, See, for example, John Rawls, “Social Unity and Primary Goods,” in *Utilitarianism and Beyond* 159 (Amartya Sen and Bernard Williams eds., 1982); John Rawls, *Political Liberalism* 178-90 (1993). However, my use of primary social good is closer to Michael Walzer’s than it is to John Rawls’. See Walzer, *supra* note 9.

¹⁸ Jeremy Waldron, *One Another’s Equal: The Basis of Human Equality* (2017).

¹⁹ Some countries make a distinction among citizens for some purposes. Thus, for example, the Constitution of the United States provides that only “a natural born Citizen ... shall be eligible to the Office of President.” U.S. Const. art. II(1) cl. 5. That means that naturalized citizens are excluded from assuming the office of the president. But such constitution-based distinctions among citizens are, and ought to be, rare.

²⁰ Article 6 (3) of the Ethiopian Constitution says as much. See also art. 33, art. 51 sec.17, art. 55 (2) cl. e.

²¹ Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* 415 (William Rheg trans., 1996). See also *ibid.*, 449 “[C]itizens should always be able to understand themselves also as authors of the law to which they are subject as addressees.” See

citizens, through their elected representatives, adopt the laws that are meant to regulate their lives as member of the political community. They are addressees, because the laws so enacted are meant to respond to the needs and concerns of those very citizens. At least, that is the normative demand.

Second, citizenship, as a general normative matter, affirms the status of *equal membership*. Citizens are one another's equals, both as participants in the affairs of the political community and as beneficiaries of the rights and privileges recognized and accorded to those holding that rank. When people talk about "second class citizenship" it is not to indicate that there are legitimate ranks of citizenship, but rather it is a critique of the relevant political community's failure to meet the normative demands of citizenship—equal status among all those holding the rank of citizen. The critique contained in or implied by the notion of "second class citizenship" signifies that there is only one rank to which all those with the rank of "citizen" are admitted. A community of citizens is a community of equals.

A third (functional) principle that is often associated with citizenship is the role that citizenship plays in performing the vital function of *national integration*. Citizens are (or are meant to see themselves as) *co-participants in a common project*. An integrative function is not to be confused with an assimilative process. An integrative process is coordinative while an assimilative process, on the other hand, is subordinative. I pursue this in another paper on federalism for fractured societies.

As I shall show in the next section, under the Ethiopian Federal Constitution and the several constitutions of the regional states, however, Ethiopian national citizenship does not meet either the normative demand (full membership and equal standing) or functional role (integrative role) it is meant to play.

also Jürgen Habermas, *The Inclusion of the Other: Studies in Political Theory* 215 (1996). He writes: "The citizens are autonomous only if the addressees of the law can also see themselves its authors."

2. Citizenship in a Federal System

2.1. The nature of federal citizenship

Ethiopia is not unique in having a federal system where sovereignty (political authority) is split between a central government and the units of the federation, between the nation-state and “subnational” communities or “nations” in the confusing terms of the Federal Constitution. Indeed, there are about 25 countries, representing 40% of the world’s population, which have adopted a federal system.²² Nor is Ethiopia any different from other federal arrangements in recognizing a system of dual citizenships. There are many federal systems, including the United States, which recognize subnational citizenship in addition to the national citizenship. Switzerland in fact recognizes three levels of citizenship—Municipality, Canton, and Swiss citizenships—as a constitutional matter.²³

What makes the Ethiopian federal system and, consequently, the system of dual citizenship rather unique and perhaps dangerously destabilizing is the constitutional fact that the subnational units are called nations and organized along ethnic lines. Political affiliation to those ethnic nations is constitutionally affirmed as the primary political identity,²⁴ while national citizenship is implicitly regarded as derivative and secondary.

In most federal systems, the relationship between national and subnational citizenship is clear. Because almost all federal constitutions’ preambles open with “we, the people” or its variations (such as “the people of country x”) as the

²² They included some of the most populous nations such as Brazil, India, Mexico, Nigeria, and the United States.

²³ *Bunderversfassung [BV] [Constitution]* Apr. 18, 1999, art. 37 (1) (Switz.). The Swiss federation is composed of 26 cantons and over 2700 communes.

²⁴ Read the Preamble, Article 8, and Article 38 (5) together and that will be the conclusion you would be compelled to arrive at. *Eth. Const. pmbl.*, art. 8 and art 38 (5).

sovereign,²⁵ it is national citizenship that is regarded as the primary bond sustaining a political community of diverse peoples. The undifferentiated “we, the people” (singular) ordain and establish the constitutional order that is meant to regulate the life of the political community. Individual citizens are linked directly as coparticipants in a common project, unmediated by a subnational identity as the Ethiopian Constitution requires.

Take, for example, the nature of citizenship in the United States Federal Constitution. The Fourteenth Amendment to the Constitution provides that any person “born or naturalized in the United States, and subject to the jurisdiction thereof” is a citizen of “the United States and of the State wherein [she] reside[s].”²⁶ The order seems clear. One becomes a United States citizen and, by virtue of that, he or she also becomes a citizen of one (of the several) states in which he or she chooses to reside; that is made clear in the text itself. Putting it differently, state citizenship is dependent on U.S. national citizenship.

To be an American is the primary political identity.²⁷ Americans are meant to enjoy full, equal, and universal citizenship (equal standing), at least as a formal matter, regardless of where (in what state) they have decided to settle. The regulatory and political measures of states should be consistent with that central principle.²⁸ That, of course, does not mean that state citizenship is therefore empty. Each state governs its members directly, and it might develop its

²⁵ Even the Swiss Constitution, which some supporters of the current system of ethnic federalism in Ethiopia cite as support, recognizes (unlike its Ethiopian counterpart) the sovereignty of the Swiss people (singular). The preamble declares it is “We, the Swiss people and Cantons” who ordained and adopted the Constitution. The Swiss people as an undifferentiated whole are sovereign. Again, unlike the Ethiopian Constitution, which lodges sovereignty “in the Nations, Nationalities and Peoples [plural],” the Swiss Constitution declares that the federation is made up of the Swiss People and the Cantons.” (Bundersverfassung [BV] [Constitution], 1999, art. 1 [Switz.]).

²⁶ U.S. Const. amend. XIV. Note here, the Amendment does not say “where he was born,” but where he resides.

²⁷ Of course, it does not mean that Americans are not divided. They are—primarily ideologically. Each ideological group claims that he or she is a more faithful American.

²⁸ Equality is also reinforced by the equal protection clause of the Fifth and Fourteenth Amendments.

jurisdictional relationship with its citizens differently from other states in relation to various policy and administrative matters. The only point here is that that relationship has to be consistent with the demands of American citizenship. A state must treat all American citizens within its jurisdiction as one another's equal and treat them with equal concern, both as a matter of text and of political and administrative practice. There are no "indigenes" and "settlers" among citizens, at least as a formal and textual matter.²⁹

The reverse seems to be the position adopted by the Ethiopian Constitution. Ethnonational citizenship becomes the primary political, not just social, identity and a necessary condition for Ethiopian citizenship itself. Apparently, it couldn't be otherwise, given that all sovereign power is said to reside in the ethnonations. Members of those nations came to the union not as individuals but as nationals (members) of those ethnonations. Herein lies the resemblance to a confederation.

2.2. National citizenship in the Ethiopian constitutional scheme: Derivative and thin³⁰

Adopted in 1994, the current Ethiopian Constitution reorganized the country into a nation of *sovereign* "nations, nationalities and peoples,"³¹ a "nation of nations."³² As explained earlier, it is not "we, the Ethiopian people" who are sovereign but rather we "the nations, nationalities and peoples."³³ One is conceptually and often

²⁹ The issue concerning Native Americans (and the reservations in which they reside) raises a whole host of other questions that need not detain us here.

³⁰ By "thin" I mean to refer to the notion of citizenship as mere status (Chantal Mouffe, "Democratic Citizenship and the Political community," in Chantal Mouffe [ed.], *Dimension of Radical Democracy: Pluralism, Citizenship, Community* 225, 227 [1992]).

³¹ Eth. Const. pmbl., art. 8.

³² The author who coined this phrase made the observation in the context of explaining what the author believed was the document's innovative virtue.

³³ See Eth. Const. art. 8. Those three terms (nations, nationalities, and peoples) are defined in Article 39(5). *Id.* Apparently and confusingly, all three have the same meaning. Why the Constitution lists three different terms if they mean the same thing is never clear. At any rate, the Constitution defines those terms this way, "for the purpose of this Constitution," these terms refer to "a group of people who have or share large measures of a common culture or similar custom, mutual intelligibility of language, belief in a common or related identities [sic], a common psychological

institutionally required to belong to one of those nations if one is to be recognized as Ethiopian. That is so because there is no Ethiopian citizenship, at least for domestic purposes, that cannot ultimately be anchored in the constituent nations where all sovereignty resides. For the Constitution, there is no such thing as an undifferentiated Ethiopian people. That was precisely the message of the identity cards which were issued by many administrative units which required that one identify the ethnonation to which one belonged as a condition of recognition. “An Ethiopian” was not considered to be a sufficient mode of identification.

This constitutional transformation has had a significant impact on both what it means to be an Ethiopian citizen and the capacity of that citizenship to capture the three important ideals that citizenship is meant to embody and promote. In the following subsection, I shall examine selected articles of the Constitution in some detail to show how Ethiopian citizenship is derivative and thin.

2.2.1 The Preamble: Who is the sovereign?

Let us start from the beginning with the preamble to the Ethiopian Constitution, which tells us who the sovereign is who has adopted or granted the Constitution or on whose behalf the document was ordained and adopted. The preamble tells us that it is “We, the Nations, Nationalities and Peoples” in “full exercise” of their sovereign right that came together to build “a political community” and to live “as one economic community.”³⁴ The Constitution is said to be “an expression of their sovereignty.”³⁵ To think about “nations” as political communities is to imagine political entities with nationals as a social and political matter. People came together as members of nations, not as individuals and citizens, to reconstitute Ethiopia.

make-up, and who inhabit an identifiable, predominantly contiguous territory.” “[C]ommon psychological make-up” and “related identities,” are phrases that are not models of clarity.

³⁴ Eth. Const. pmb. l.

³⁵ Eth. Const., art. 8.

The preamble tells a story of an Ethiopia that is a federation—many would say a confederation³⁶— of sovereign nations.³⁷ These ethnonations formed the federation while also retaining the right to become fully sovereign countries if they decide that the federation no longer works for them. Under Article 39(1) of the Constitution, “[e]very Nation, Nationality and People in Ethiopia has an unconditional right to self-determination, including the *right to secession*.” All a “nation” needs to do is “demand” that the process of divorce begin, and the process shall start. The idea of *secession on demand*, which is a very rare concept in world constitutionalism,³⁸ makes sense only when one understands that Ethiopia is really a collection of “would-be” nation-states rather than a federation of sub-political entities. Indeed, it is not accidental that the only other two basic documents (constitutions) whose preambles begin “we, the peoples,” in the plural, are constitutions establishing international organizations whose members are nation-states.³⁹ In every constitution currently in force which has a preamble (and most do) the sovereign authority who adopted and ordained the constitution is “we, the people” [singular], not “we, the peoples” and even much less “we, the nations, nationalities and peoples.”⁴⁰

³⁶ See, for example, John Cohen, *Ethnic Federalism in Ethiopia*, 2.2 Northeast African Studies 157-58 (1995): (“[T]he term ‘federal’ is used even though some knowledgeable observers argue ... that even if the 1994 Constitution labels the new country as a federal state it is in fact based on a constitutional system more akin to ‘confederation’”).

³⁷ See note 33.

³⁸ See Tom Ginsburg & Mila Versteeg, *From Catalonia to California: Secession in Constitutional Law*, 70 Ala. L. Rev. 923 (2019). The authors list only five constitutions currently in force which have a secession clause and almost all of them were dealing with a one-off issue or issues very dissimilar from those Ethiopia faces.

³⁹ See, e.g., U.N. Charter, June 26, 1945, pmbl. (“We, the Peoples of the United Nations”) To be sure there is another national constitution which uses “peoples.” The Bosnia-Herzegovina Constitution refers to the Croat, Bosniac, and Serb peoples, but unlike the Ethiopian Constitution it also adds that the undifferentiated citizens of Bosnia-Herzegovina played an equal part in the adoption and ordaining of the Constitution (see Bosnia-Herzegovina Constitution, Dec. 14, 1995, pmbl. [Bosn. & Herz.]).

⁴⁰ Thus, for example, the constitutions of the three countries that are often said to have similar issues to those of Ethiopia, refer to a singular, undifferentiated people as being citizen sovereigns. The Indian Constitution starts with “We the People of India” (“Constitution of India,” 1976, pmbl.). The Nigerian Constitution similarly begins with “We the people of the Federal Republic of Nigeria” (“Constitution of the Federal Republic of Nigeria”, 1999, pmbl.). The Swiss

2.2.2 Article 47 and the making of strangers⁴¹

The regional states constituting the federation are not only organized along ethnic or linguistic lines, but most of them carry the name of the largest ethnic group within the territory of the state. In at least one instance, the ethnic group whose name the state carries is not even a majority in the territory designated as a state. Thus, even though ethnic Hararis are a small minority in the state, the Constitution names the state as the “State of the Harari People.”⁴²

Who precisely are the nationals of these ethnonations? All Ethiopian residents within the territory of the state? As a matter of logic and sound textual interpretation, it seems that only members of the ethnic group after which the ethnic state is named seem to be the nationals. One cannot, for example, claim that Oromos, Somalis, or Amharas are included in the nation denominated as the “State of the Harari People,” for a “nation” is defined in Article 39 of the Federal Constitution as essentially the same as an ethnic group.

The observation about the Harari regional state applies to all the regional states, with the exception of the Southern Nations, Nationalities and Peoples Regional State (SNNPRS) which has itself started to fragment along ethnic or linguistic lines, each seeking to establish its own ethnostate.⁴³ Ethnic and/or linguistic groups within the SNNPRS will continue to push for their own states. The march is to an imagined purer or authentic ethnic state. But what has also been clear and will continue to be clearer is that splitting a territorial community further down to approximate a purer

Constitution declares that the federation is made up of the Swiss People and the Cantons” (Bunderversfassung [BV] [Constitution], 1999, art. 1 [Switz.]).

⁴¹ Article 47 divides the country into nine regional states, almost all of which were organized along linguistic or ethnic lines. Pursuant to Article 47(2), which permits any “nation, nationality and people” within those regional states to establish its “own state” if it so desires, two more regional states have been established. So, currently, there are 11 regional states making up the federation.

⁴² See Const. of the Regional State of Harari, art. 47. Ethnic Hararis constitute a mere 9% of the State of the Harari People!

⁴³ This state was self-consciously established to include many southern ethnic/linguistic groups, several of which are now seeking to establish their own states named after their ethnic group. Two have succeeded in that effort, although one of them carries a geographic rather than ethnic-group name.

ethnonational community is like carving a crystal. The size gets smaller, but the same structure will be reproduced at that smaller level. There will be minority nations or peoples within the new structure with their own members. The same issues and questions will emerge with the same degree of intensity, albeit on a smaller scale.⁴⁴ The distinguished German social theorist, Jürgen Habermas, is right in his observation that every ethnonationalism “has almost always been accompanied by blood purification rituals, and it has generally exposed new minorities to new waves of repression.”⁴⁵ We see ample evidence of this in various parts of Ethiopia, and unfortunately as I write this article it seems to occur almost daily.

The current constitutional arrangement seems to envision a qualitatively different relationship between an ethnonational state government and co-ethnics on the one hand, and the government's relationship with members of other ethnic groups who reside within its territory on the other hand. Thus, to the extent that the State of the Harari People is the State of ethnic Hararis, a distinction is implicitly drawn between those who are considered indigenous and those who are not, those who are members of the “nation” and those who are mere residents with only Ethiopian citizenship to show, those who are the primary stakeholders and those who are not. The distinction is not simply linguistic and symbolic—it has had significant material and political consequences.

2.2.3 Constitutions of regional states and the affirmation of difference

A cursory look at the constitutions of some of the ethnonational regional states make this point even more clearly.⁴⁶ Take, for example, the Constitution of the

⁴⁴ Of course, there could be perfectly good administrative reasons for a more decentralized form of administration. I do believe Ethiopia will be better served by having more regional states, but it would be folly to think that the way to do it is to cut the ethno-crystal until we approximate a purer form of it. There is no such a thing.

⁴⁵ Habermas, *supra* note 21, 142. At another point, Habermas—referring to the drawing of boundaries—makes the point that every boundary (especially any boundary meant to create an ethnonation) will often give rise to new minorities: “The problem does not disappear, except at the price of ‘ethnic cleansing’—a price that cannot be politically or morally justified” (219).

⁴⁶ Regional States are given the authority under Article 52(2)(b) of the Federal Constitution to “enact and execute the state constitution and other laws.”

Oromia Regional State. Its preamble begins “We, the People of the Oromo Nation,”⁴⁷ not “we, the people of the Oromia Regional State,” which would presumably have included every Ethiopian citizen residing in Oromia, at least symbolically.⁴⁸ Recall that the Ethiopian Constitution defines a “nation” as “a group of people who have or share large measure of a common culture,” a common language, a common psychological make-up, and a common identity.⁴⁹ So, when the Constitution of the Oromia Regional State begins with “We, the People of the Oromo Nation,” it is clear who is included in the “we.” And to make things even clearer, the Constitution of the Oromia Regional State declares that sovereignty in Oromia “resides in the People of the Oromo Nation.”⁵⁰ Article 14 of the Constitution further affirms who is entitled to self-determination. It is “the people of the Oromo Nation” who are entitled to “a full measure of self-government.” What about those non-Oromo Ethiopian citizens who live (and perhaps have lived for generations) in the State? To what does Ethiopian citizenship entitle them? Do they exercise sovereignty and a full measure of self-government as well? That does not seem to be the case according to the Constitution of the State of Oromia. A nation here, as is the case with any cultural or ethnic idea of a nation, is not based on self-determination but on predetermination.⁵¹

⁴⁷ “We the People of the Oromo Nation ... [c]ognizant of the fact that ... the right of peoples to self-determination have [sic] been guaranteed by the Constitution of the Federal Democratic Republic of Ethiopia ... [h]ave ... proclaimed this Constitution ... as an instrument to bind us in a commitment to fulfil [the] objectives [outlined in the preamble].” Const. Regional State of Oromia, pmbl.

⁴⁸ Cf. The Constitution of the Amhara Regional State. Its preamble refers to “We, the Peoples of the Amhara National Regional State” and “we, the peoples, settling in the Amhara National Regional State” as the authors of the Constitution and, hence, as the ultimate sovereign, not “we the Amhara nation” (Const. Regional State of Amhara, pmbl.). This means that every resident in that state is part of “we the people”. Indeed, Article 8(1) makes that even clearer: “The supreme power of the national regional state resides in and belongs to the peoples of the Amhara Region.”

⁴⁹ Eth. Const. art. 39 (5). Interestingly, the same description is given to all three terms: nation, nationality, people. Why three different terms are listed separately when they apparently mean the same thing is rather unclear.

⁵⁰ See Const. Regional State of Oromia art. 8 (a).

⁵¹ See F. Meinecke, *Cosmopolitanism and the National State* 205 (1970).

The Constitution of the State of the Harari People explicitly codifies the proposition that sovereignty in the state rests in members of the Harari nation (ethnic Hararis). Article 48 of this Constitution provides that there are two chambers of the State Council (state parliament).⁵² Article 49 specifies membership to those chambers; it provides that the upper house is to be composed entirely of ethnic Hararis.⁵³ This is so, even though ethnic Hararis are only 9% of the regional state's population.⁵⁴

The Oromo and Harari Constitutions are not anomalies. Provisions that similarly entrench ownership and sovereignty among the “indigenous” group exist in other regional states' constitutions as well. All seem to draw their authority from the Federal Constitution, which lodges sovereignty and the full capacity to self-determination (including secession) in the ethnations rather than “we, the Ethiopian people”.

Take another example. The Constitution of the State of Benishangul/Gumuz,⁵⁵ while recognizing that members of other ethnic groups reside within the boundaries of the state, declares that ownership of the state rests in only five (presumably “indigenous”) “nations and nationalities”— Berta, Gumuz, Shenasha, Mao, and Komo.⁵⁶ Ethiopian citizens from other ethnic groups, some

⁵² See Const. Regional State of Harari art. 48.

⁵³ Article 49 (ለ)(3) of the Amharic version, the only version I have access to, reads thusly (in Amharic): “የሃረሪ ብሔራዊ ጉባኤ...የሚወክሉ 14 የሃረሪ ብሔረሰብ አባላት ይኖሩታል።” (Trans.: The Harari National Council shall have 14 members representing the Harari nationality.) (Const. Regional State of Harari art. 49 [ለ] [3]).

⁵⁴ Const. Regional State of Benishangul/Gumuz.

⁵⁵ For a more detailed exploration of the Benishangul/Gumuz, see Beza Dessalegn, *Wherein Lies the Equilibrium in Political Empowerment? Regional Autonomy versus Adequate Political Representation in the Benishangul Gumuz Region of Ethiopia*, special edition Acta Humana 31 (2015), AH_2015_S_E_Dessalegn_Beza.pdf (mtak.hu)

⁵⁶ Const. Regional State of Benishangul/Gumuz, art. 2. (“Recognizing that there are other peoples that reside within the state, ownership of the state remains in the following nations and nationalities: Berta, Gumuz, Shenasha, Mao and Komo.” [my translation]. Here is the Amharic version: “የክልሉ ባለቤት ብሔረሰቦች፡ በክልሉ ውስጥ የሚኖሩ ሌሎች ህዝቦች የሚታደቁ ቢሆንም የክልሉ ብሔር ብሔረሰቦች በርታ ጉሙዝ ሽናሻ እና ኮሞ ናቸው።”)

of whom might have lived in the territory for years or even generations, are not regarded as proper owners of, or sovereign over, the state.

So, the naming of a state after an ethnic or linguistic group is not only exclusionary in textual, symbolic, and conceptual terms, it has practical and substantive effects as well. It has a significant impact on how we understand the nature and scope of Ethiopian citizenship as it applies in the various ethnic states. It seems clear that Ethiopian citizenship is not a sufficient ground for ensuring that members of ethnic groups whose group's name does not grace the name of their state (and are thus not considered part of the "nation") are treated with "equal respect and concern," to use a Dworkinian description.⁵⁷

The political practice for the last 30 or so years has reinforced the grading of Ethiopian citizenship when some are treated as primary stakeholders (owners) and others as "second class citizens" in terms of how social and, at times, even material goods are distributed. Millions of people have been internally displaced, often with the accompanying message that they "didn't belong," regardless of how long they might have lived in that particular state.

What has been taking place in the State of Benishangul/Gumuz and some parts of Oromia is a good example. Ethnic or linguistic affiliation has become a marker of alienage. Even though this was the only place they knew and called home for their entire lives, some citizens were not considered primary stakeholders—indigens. Displacements and murders have occurred and still occur in other parts of the country as well.⁵⁸

Whether or not the constitutional claim of the prior existence of distinct nations is accurate as a historical matter is beside the point, although I must note here that Ethiopia has been more of a nation of hybridity for a much longer period of time

⁵⁷ Ronald Dworkin, *Taking Rights Seriously* (1977).

⁵⁸ As a result of the current conflict in the norther part of the country, millions of citizens have been displaced and have been subjected to an even worse fate. Such is the inevitable consequence of organizing a country as a nation of nations where some of those nations view one another as existential threats rather than as subcommunities engaged in a common project.

than the drafters and sponsors of the current Federal Constitution were willing to acknowledge. I will leave that issue to historians.⁵⁹ But what I think to be obvious is this: regardless of the historical accuracy of the preexistence of distinct nations, the preamble, Article 8, Article 39, and Article 47 of the Federal Constitution have constituted the several nations by the very fact of asserting their existence. That is what narratives do. They constitute the very things they claim to be merely describing. The assertion of the existence of different nations, nationalities, and peoples are perhaps normative claims disguised as descriptions of historical facts. But a 30-year narrative of preexisting nations (and an intense practice of the politics of difference over those years) has in fact been able to transform, at least partially, *the historical into the primordial, and the normative into the factual*.⁶⁰

2.3. The confederal dimension of Ethiopian citizenship

I noted earlier that for some people (and I include myself in this group) the federal constitutional arrangement resembles a confederation more than it does a federation. That observation applies to the nature of Ethiopian citizenship as well.

The secondary and derivative nature of Ethiopian citizenship seems to resemble that of the citizenship of the European Union (EU) introduced at Maastricht.⁶¹ EU citizenship is a derivative status in that one becomes a European citizen because one is a citizen of a country that is a member of the European Union. One needs

⁵⁹ Professor Bahru Zewde has recently penned an essay on the role of the Student Movement in the nationality question. See **ባሁሩ ዘውዴ፣ የኢትዮጵያ ተማሪዎች ንቅናቄ አሻራ በብሄረሰብ ጥያቄ ላይ** (Trans.: Bahru Zewde, Impact of the Ethiopian Student Movement on the Nationality Question), (unpublished, manuscript with author).

⁶⁰ One only need read the preambles of the various constitutions of the regional states to see the degree to which the ethnic group whose name the state carries goes to establish the historical nature of its nationhood. Those preambles are attempts at constructing a politically serviceable history.

⁶¹ The Treaty on European Union (informally known as the Maastricht Treaty), Feb. 7, 1992. See also Joseph Carens, *Culture, Citizenship and Community: A Contextual Exploration of Justice as Evenhandedness* 165 (2000).

to be, for example, a German citizen, before one can make a claim on European citizenship.

In the same way that all sovereign power in the EU rests in the various member states and not in an undifferentiated European people⁶² EU citizenship is dependent on the existence of a citizenship to one of the member states.

Similarly, since all sovereign power in Ethiopia rests in the various “nations” rather than “we, the Ethiopian people,” Ethiopian citizenship is dependent on and derivative of the citizenships to those sovereign “nations.” Ethiopian citizenship is mediated through the citizenships to the several ethnonations. One becomes an Ethiopian citizen by virtue of membership to one of the ethnonations or peoples that make up the federation. The Constitution does not imagine an undifferentiated Ethiopian people. It is the codification of difference. *Sorting* people is the business of the current constitutional order.

European citizenship is not only derivative but, as a matter of political identity, it is secondary and thin as well. One is German, French, or Spanish before one is a European citizen. It might not be accidental that the preamble to the Ethiopian Constitution claims that what convinced the various “nations and peoples” to come together to reconstitute Ethiopia (I suppose rather than fragmenting it into independent countries) was the necessity to be one “economic community”⁶³ to promote their interests. That was precisely the announced official reason for the establishment of the European Economic Community which morphed into the European Union. Ethiopian citizenship’s resemblance to EU citizenship suggests that the dual sovereignty that the Ethiopian constitutional arrangement recognizes is, as I noted earlier, closer to a confederation than it is to a federation.

In sum, if one were to read the preamble, Article 8, Article 39(5), and Article 47 of the Federal Constitution together (and takes them seriously), one would conclude

⁶² See Karl-Heinz Ladeur, ‘We, the European People . . .’ *Relâche?*, 14 European Law Journal 147 (2008).

⁶³ Eth. Const., pmb1.

that Ethiopian citizenship is contingent on, or assumes the prior existence of, an identity that links an individual to a particular ethnonation or people. A qualitatively different jurisdictional relationship is then imagined between the ethnic state and co-ethnics on the one hand and its relationship with other Ethiopians. As I tried to indicate earlier, the constitutions of the several regional states affirm this jurisdictional and political distinction.

Not only is Ethiopian citizenship secondary, but it is *thin* as well. A citizenship that can be discarded at any moment for any reason, as Article 39 provides, cannot be said to have depth. Constitutionalizing secession has a serious corrosive effect on the national body politic. The likelihood that the right to exit will be deployed by strident ethnonationalists in a never-ending strategic use of blackmail—to extort power or resources—is very high.⁶⁴ A fully ethnicised federal structure overlaid with the right to secession at any time for any reason will be a disincentive to collective life and an integrative process. The process of open and sincere deliberation about fair terms of cooperation, essential for collective life, will be a casualty of a constitutionalized right to secession and the process of strategic use in which that right will be deployed. Politics then degenerates into a struggle for domination.

2.4. Specific articles on citizenship in the federal Constitution: Do they make any difference?

To be sure, the Constitution specifically refers to Ethiopian citizenship in a couple of articles. Article 6(1) announces that an individual “shall be an Ethiopian national where both or either parent is Ethiopian.” Although it is not clear from the text, it would be reasonable to assume that the principle applies to children born outside the country as well, provided that one parent is an Ethiopian. The principle adopted here is referred to as *jus sanguinis*, “the law of the blood”—the

⁶⁴ Sunstein argues that constitutionalizing secession increases “the risks of ethnic and factional struggle; reduce the prospect of compromise ... create dangers of blackmail, strategic behavior, and ... most generally, endanger the prospects for long-term self-governance” Cass Sunstein, *Constitutionalism and secession*, 58 U. Chi. L. Rev, 633, 634 (1991).

idea is that a child becomes a citizen by virtue of descent. This is contrasted with another theory of citizenship, *jus soli* (law of the soil), which grants citizenship to a child born in the territory of the relevant country regardless of the status of the parents. Under *jus soli*, the place of birth rather than descent is the source of citizenship.⁶⁵ Much of the world follows the *jus sanguinis* principle.

As to the acquisition of citizenship by foreigners, Article 6(2) of the Constitution simply notes that “[f]oreign nationals may acquire Ethiopian nationality.” It leaves the particular process by which such citizenship is acquired or conferred to ordinary legislation.⁶⁶

While Article 6 is about acquiring Ethiopian nationality, Article 33 speaks to the question of when and how Ethiopian citizenship could be lost.⁶⁷ These two articles tell us about the process through which Ethiopian citizenship is gained or lost, but they do not tell us about its content and its relationship to the ethnonational citizenships that link individuals to the various ethnonations. I do not believe that the existence of these two articles undermines the argument that I made earlier that Ethiopian citizenship under the Federal Constitution is derivative and thin, at least for domestic purposes.

Let us take Article 6 first. Here, the Constitution simply tells us that there is such a thing as Ethiopian citizenship and it is another layer upon the citizenships to the

⁶⁵ The United States Constitution has codified the *jus soli* principle. U.S. Const. amend. XIV sec.1: “All persons born ... in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.” The United States, however, applies the *jus sanguinis* principle to children born of American citizens outside the country.

⁶⁶ Ethiopian Const. art. 6(3). See also art. 33(4): “Ethiopian nationality may be conferred upon foreigners in accordance with law enacted and procedures established consistent with international agreements ratified by Ethiopia.” Also, pursuant to Article 51(17), the Federal Government is given the power to “determine[] matters relating to nationality.”

⁶⁷ Article 33(1) prohibits the deprivation of Ethiopian nationality against the will of the citizen. The same section prohibits the deprivation of the nationality of a citizen merely by virtue of the person marrying a foreigner. And according to Article 33(3), a citizen could renounce her citizenship if she so desired.

various nations making up the federation.⁶⁸ When Article 6 announces that a child “shall be an Ethiopian national where both or either parent is Ethiopian,” does that mean that one becomes an Ethiopian citizen without first becoming a member of one of the nations or nationalities? Perhaps that is the case if a child is born of foreign naturalized parents. This is, of course, likely to be a rare event in a country such as Ethiopia, with little immigration. But as a general matter, Ethiopian citizenship is dependent on the assumption that one is affiliated to one of the nations, nationalities, or peoples, for there is no sovereign space capable of giving rise to Ethiopian citizenship outside those “nations, nationalities and peoples” where “[a]ll sovereign power resides.”⁶⁹

So, when Article 6 provides that if you are a child of an Ethiopian or Ethiopians, then you are an Ethiopian citizen, it assumes that the relevant Ethiopian parents had become Ethiopian citizens by virtue of their membership to one of the several nations (or is it peoples?). This means that ethnonational citizenship has primacy as a matter of domestic political identity. We are then back to the issue of what Ethiopian citizenship entitles one to when one moves into a state that is named after a different ethnic group. The existence of Article 6 does not alter the fact that Ethiopian citizenship does not entitle a person to full and equal membership if that person is deemed not to be part of the relevant nation or people. Perhaps premised on the proposition that the self-determination guaranteed to every nation by the Federal Constitution (and the right given to every State “to enact and execute the state Constitution”⁷⁰) allows it, constitutions of the several

⁶⁸ Will Kymlicka refers to this second-level citizenship as “post-national citizenship” (Will Kymlicka, *Multicultural Citizenship within Multinational States*, 11 *Ethnicities* 281, 290 [2011]). Kymlicka defined post-national citizenship in a multinational state such as Canada, Belgium, and the U.K. as one where immigrants are socialized not to the existing nations, but to the multinational state itself. In the case of the U.K., for example, rather than socialized as Scots, Welsh, English, or Irish, immigrants would be treated and socialized as UK citizens. Immigrants “would be encouraged ... to identify” with and manifest the national identity (as British) without any expectation or encouragement that they identify “with any of the constituent ‘home nations’” of the relevant country. (*Ibid.*) Opposed to that is the multinational approach to citizenship where immigrants would have to affiliate themselves to one of the existing constituent nations in order to see themselves as citizens of the country.

⁶⁹ Eth. Const., art. 8.

⁷⁰ See art. 52(b).

regional states make explicit distinction among Ethiopian citizens between primary stakeholders and the rest.

Let us now look at Article 33, which provides that every “Ethiopian national has the right to the enjoyment of all rights, protection, and benefits derived from Ethiopian nationality as prescribed by law.”⁷¹ This provision seems rather tautological. Ethiopian citizens are entitled to all the rights to which Ethiopian citizenship entitles them. But the question is: What are the contents of Ethiopian citizenship as a constitutional matter? That is, what sorts of rights are constitutionally required or even permissible on the account that one is an Ethiopian citizen in a country which is made up of nations (with their own nationals) with considerable sovereign authority?⁷² In such circumstances, are Ethiopian citizens one another’s equal in their relationship with the relevant state government regardless of their linguistic or ethnic origin or affiliation? The constitutional text and political practice seem to suggest that the answer to that question is “no.” The whole purpose of an ethnonational federalism is to sort people between natives and non-natives, and between indigenes and settlers.

To be sure, Article 38 of the Constitution, mirroring Article 25 of the International Covenant on Civil and Political Rights (ICCPR), provides that every Ethiopian has the right “to take part in the conduct of public affairs, directly, and through freely chosen representatives” and to “vote and [be] elected ... to any office.” This article does not tell us where and under what conditions that participation takes place, especially at the regional state level. It does not speak to the permissible requirements that the legislative or administrative bodies of the ethnic states could impose as a condition of such participation. While, apparently, exercising their full sovereignty, some of the regional states have imposed conditions which are exclusionary of those who are not considered as a part of the nation. One assumes that the incorporation of Article 25 of the ICCPR was not meant to affect the

⁷¹ Eth. Const., art. 33(2).

⁷² Eth. Const., art. 8(2).

constitutional structure that deemed ethnic identity the primary organizing principle of political practice and a source of sovereign authority.

2.5. The relationship between human rights and citizenship in the constitutional scheme: An uneasy coexistence

As I indicated in the last paragraph of the immediately preceding section, it is true that the Federal Constitution enshrines political and civil rights in its Chapter Three. The Chapter lists a catalogue of rights taken from international human rights documents to which the country is signatory (e.g., the International Covenant on Civil and Political Rights) or which the country apparently believes have become customary international law (e.g., the Universal Declaration of Human Rights). However, how these rights cohere with the political structure that the rest of the Constitution entrenches is never clear. Do these human rights vindicate the primacy of Ethiopian citizenship over the citizenships to the ethnations?⁷³

As I mentioned earlier, the right to citizenship or nationality is the gateway to all other rights. In a country which is organized as a nation of nations, the right to have rights at the state level (ethnonational citizenship) is precisely the right one needs in order to access all human rights listed in Chapter Three of the Constitution. To paraphrase Rainer Buböck,⁷⁴ in a political arrangement where some Ethiopian citizens are viewed as *primary stakeholders* and others not, Ethiopian citizenship cannot be said to be the right that gives access to the fullest menu of rights listed in Chapter Three of the Constitution.

The dynamics of politics in an ethnically-organized state is to give institutional expression to and firm up (make more salient) the primacy of ethnonational

⁷³ Perhaps, as a recent article shows, many countries adopt international human rights wholesale not so much to enforce the contents of those agreements but to increase their “international credibility” (Kim L. Cope, Pierre-Hugues Verdier, & Mila Versteeg, *The Global Evolution of Foreign Relations Law*, 116 Am. J. Int'l L. 1, 9 [2022]).

⁷⁴ Rainer Bauböck, *supra* note 13.

citizenship. That is the whole point. To sustain ethnonationalism, political actors will continue to practice the *politics of difference*. The consequence will continue to be that Ethiopian citizenship will fall far short of performing the important functions that nationality or citizenship is meant to perform: equal and full membership across the land and an integrative function capable of sustaining a national political community over a long period of time.

3. Internal Displacement⁷⁵ as a Form of Statelessness: Further Reflection

Many Ethiopians have been displaced internally for the last several years. Indeed, at one point, in the last couple of years or so, the country was said to have the highest number of internally displaced persons in the world.⁷⁶ Internal displacement continues unabated. To be displaced is to be uprooted forcibly or coercively from the place one has called home, sometimes for generations, because

⁷⁵ By “internal displacement” I mean to refer to the phenomenon of the forcible displacement of some citizens of a country from one or another part of the country. Unlike the case of refugees, the displacement here is within the state and not across international boundaries. The causes of displacement are many, but in the context of this article the relevant causes are conflicts, generalized violence, or, as is often the case, violence targeting a particular ethnic, linguistic, or religious group on the account that members of that group are thought to not belong there. Internal displacement, unlike refugee status, has not been a focus of the international community. The only international document that speaks to the problem is a soft law of guidelines rather than the hard law of treaties. See Guiding Principles on Internal Displacement, Internal-Displacement.org, (July 22, 1998), 199808-training-OCHA-guiding-principles-Eng2.pdf The African Union has adopted a convention for the protection of displaced persons. See Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), Internal-Displacement.org, (October 23, 2009), <https://www.internal-displacement.org/sites/default/files/publications/documents/200910-training-KC-AU-Convention-on-IDPs-Eng.pdf>

⁷⁶ Ethiopia was said to have the highest number of internally displaced persons in the world in the first half of 2018. See “IDMC Mid-Year Figures: Internal Displacement in 2018,” ReliefWeb, (Sept. 12, 2018), <https://reliefweb.int/report/world/idmc-mid-year-figures-internal-displacement-2018>. Given the size of the displaced population in the northern part of the country, the number of displaced persons will probably still put Ethiopia high on the list of countries with internally displaced populations.

those displaced are deemed to not properly belong to that part of the country. They are not part of the relevant nation.

The phenomenon of internal displacement can be analogized to statelessness. While statelessness signals that no country claims the particular person as a member of its national political community, internal displacement signifies that the displaced is not considered as a full member of the subnational unit (the “nation,” in the confusing language of the Ethiopian Constitution). In each case, the person loses the important *right to have rights* and the *idea of home*. In the case of statelessness, the existence of international human rights is of no consequence since those human rights will need to be enforced by a political community, the very entity to which a stateless person has no right or opportunity to belong. Similarly, in an ethnically-organized country such as Ethiopia, national citizenship doesn't seem to provide the same level of access to the effective application of rights that ethnonational citizenship does, at least in some parts of the country. The quality of one's citizenship is a function of the strength and quality of one's ability to participate in the relevant political community. In Ethiopia today, national citizenship does not seem to be capable of performing that function.

Just as the phenomenon of statelessness can be considered a “pathogen ... that illuminated the anatomy of the [nation-]state”⁷⁷—the sovereign ability to decide who shall be a member and who shall not—internal displacement is a “pathogen” that illuminates the nature of ethnic federalism, whose basic requirement is that one be a member of the relevant “nation” if one is to be regarded as a full-fledged member of the community.

Displacement is, of course, a great tragedy for those who have been uprooted simply because they thought they could live in any part of their country, but it is also an ominous sign that a political community in which this occurs with some degree of regularity is in grave danger of unravelling. When Ethiopian citizenship

⁷⁷ Mira L. Siegelberg, *Statelessness: A History* 158 (2020).

is too thin to guarantee the rights of residence and full participation, the long-term survival of the country is in serious doubt.

4. Ethnic Federalism and the Challenge of Building a Democratic Culture

One of the challenges that a “nation of nations,” rather than a nation of citizens, will face is that even if it were to survive as a political community, it will have difficulty building a democratic culture. There are several reasons for thinking that ethnic federalism will make the adoption and entrenchment of a democratic culture rather difficult.

First, in an ethnically-organized federal system where there is not equal membership for citizens across the land, the possibility of people viewing themselves as engaged in a common project increasingly fades. What makes a democratic culture is a circumstance where citizens see themselves as equal participants, both as the originators and addressees of the law. An examination of the constitutions of the various regional states shows that not to be the case.

Second, ethnic federalism will increasingly rigidify ethnic identity as the central organizing principle not just in political life but in all dimensions of life. Most issues or disputes will increasingly be viewed as disputes about identity, about the worth of the group itself. Identities, not interests, become the arbiters of disputes. Under those circumstances, the possibility of compromise (essential for a democratic culture) becomes harder. Who would compromise on the very worth of one’s group and the very essence of one’s identity? The fundamentalization of ethnic identity will be accompanied by the thinning of common national identity, contributing to the difficulty of making necessary compromises and making

sacrifices in the name of a shared project.⁷⁸ The discourse of citizenship confined to one central and narrow notion of ethnocitizenship has failed Ethiopia.

Third, one of the tragic consequences of ethnic federalism in its Ethiopian version has been that it has seriously diminished the possibilities or odds of the emergence of civic associations across ethnic lines as a check on governments at all levels. The primacy of ethnic identity has shaped civic, not just political, organizations. The highly ethnically segmented private media is a good example. Some of the media view their role as boosting the interest of the nation or ethnic group to which they view themselves as belonging rather than disseminating accurate information and checking administrations at all levels of government. Ethnicity's status as the primary organizing principle of political and social life has seriously diminished (some might say closed off) the possibility of the private sphere influencing the course of public affairs in a positive manner.

Fourth and perhaps most importantly, since the current constitutional arrangement (organized along ethnic lines) is tilted toward dissociation, it will continue to lead to conflicts and instability.⁷⁹ A recent study shows that, although there are many factors that predict civil wars and instability, only two factors prove again and again to be highly predictive. Barbara Walter, in her recent book *How Civil Wars Start and How to Stop Them*, notes that one of those two factors is whether a society has started to organize itself primarily or exclusively around identity, whether those identities are ethnic, religious, or racial.⁸⁰ In a *Washington*

⁷⁸ Some think that the current constitutional system, if allowed to proceed for a few more years, will necessarily lead Ethiopia to the position that Switzerland finds itself now—a nation with strong national identity. The evidence from the last three or so decades suggests exactly the opposite. At any rate, any level of familiarity with Swiss history will show that the country developed its Swiss identity not passively but after a deliberate and sustained campaign to foster national identity, especially in the 19th century. Myths of origin and the resurrection of heroes like William Tell were what led to the current strong Swiss common national identity that supersedes linguistic, religious, and cantonal identities. For an account of the building of Swiss national identity, see H. Kohn, *Nationalism and Liberty: The Swiss Example* (1956). Also, let us remember that Cantons were not organized along linguistic lines, nor was there any intention to so organize them. The number of Cantons (26) far exceeds the number of linguistic groups (four) that inhabit the land.

⁷⁹ Conflicts about borders, about the treatment of one's kin in another state, etc.

⁸⁰ Barbara Walter, *How Civil Wars Start and How to Stop Them* (2022).

Post interview, Walter observes that “every year those two factors continue, the risk increases.”⁸¹ Indeed, she compares it to smoking. In the same way that the risk of serious health issues increase every year that a person continues to smoke, the risk of serious conflict (civil war) will increase every year that a country continues with identity politics.

Such circumstance will give a reason (an excuse?) for national leaders to assume more (and less accountable) power in the name of maintaining the stability and integrity of the country. The presence of a strong (and perhaps unaccountable) federal government (executive) will be required to keep the lid on constitutionally-induced conflicts. At least, that is likely to be the perception of national leaders. The hope for democratic governance will continue to be one of the casualties of the current constitutional order. It is the height of irony that a constitutional order that was said to have been adopted to decentralize and pluralize power may perversely (if logically) lead to the emergence of centralized power and even autocracy!

5. The Dignity of Citizenship: Unity in Diversity

A constitution is an expression of a political community’s desire to establish a mode of politics for collective life. That is, a well-designed and well-structured constitutional order has an integrative function. National citizenship is one vital integrative mechanism, for it signals that members of the political community are one another’s equals and are engaged in a common project. As Habermas put it, “the *moral promise* of equal respect for everybody” that the notion of human

⁸¹ K. K. Ottesen, “*They are Preparing for War*”: *An Expert in Civil War Discusses Where Political Extremists are Taking This Country*, Wash. Post, March 8, 2022. The second factor that the author thinks is highly predictive is what she refers to as “anocracy,” the middle zone between democracy and autocracy: “[F]ull democracies almost never have civil wars. Full autocracies rarely have civil wars. All of the instability and violence is happening in the middle zone.” For another view of the danger of ethnic politics see Lars-Erik Cederman, *Blood for Soil: The Fatal Temptation of Ethnic Politics*, 98 *Foreign Affairs* 61 (2019): “Should ethnic nationalism continue its march, it risks fueling destabilizing civil unrest in multiethnic states around the world — and even violent border disputes that could reverse the long decline of interstate war.... Those who toy with ethnic nationalism are playing with fire.”

dignity signals “is supposed to be cashed out”⁸² in the social and legal currency of equal citizenship. At another point, Habermas makes this case even more directly when he observes that “the concept of human dignity transfers the content of a morality of equal respect for everyone to the status order of citizens who derive their self-respect from the fact that they are recognized by all other citizens as *subjects of equal actionable rights*.”⁸³

Under the current constitutional arrangement, Ethiopian national citizenship does not seem to be capable of performing that function. Shaping the Constitution to strengthen integrative institutions while also accommodating the rich diversity of the country is the task ahead.

I intend to argue in subsequent essays that integration and accommodation are not opposed to normative or policy commitments. Rather, the two assume one another. There cannot be proper accommodation in an environment that is defined by constant identity-based conflicts where each nation sees other nations as existential threats. Accommodating difference is not only normatively desirable but, in a diverse country such as Ethiopia, it is also necessary for building a durable national political community. Federalism is often taken as the arrangement that stands the best chance to provide the conditions for a more successful integrative and accommodative process, and I have argued in several earlier articles to that effect.⁸⁴ A great deal can be said for the potentials of federalism, but unless one is willfully blind, it is clear that the current “federal” structure has proven utterly incapable of ensuring either integration or accommodation. A fully ethnicized

⁸² See Jürgen Habermas, *Human Dignity and the Realistic Utopia of Human Rights*, 41 *Metaphilosophy* 470 (2010).

⁸³ Habermas, *ibid.*, 472 (emphasis in original).

⁸⁴ In several earlier works, I have attempted to sketch the manner in which both integration and accommodation could be institutionally entrenched: in relation to ethnic minorities (see *Individualism, Communitarianism, and the Rights of Ethnic Minorities*, 67 *Notre Dame Law Review* 615 [1992]); in relation to the deliberative process (*Deliberative Democracy in Severely Fractured Societies*, 16 *Indiana Journal of Global Legal Studies* 59 [2009]); in relation to the language issue (*Cultural Integrity and Political Unity: The Politics of Language in Multilingual States*, 33 *Arizona State Law Journal* 719 [2001]). I have variously referred to the principle that allows us to manifest both integration and accommodation in my earlier works as “pluralistic solidarity” or “critical pluralism.”

federal structure overlaid with the right of secession at any time for any purpose⁸⁵ will continue to be a disincentive to collective life and the integrative process.⁸⁶ Furthermore, a constantly destabilized national life will be far from conducive to accommodating diversity, as we have seen in the last several years. Ethnic minorities within the various ethnonations have become the victims of the current ethnicized political and constitutional order. By dividing the country into ethnic states (where the only means of sorting among the many variables is “descent”), the Constitution is purported to have liberated nations from the yoke of a unitary state, but alas many of the ethnic states have become as profoundly unitary as the central state from which they were “liberated.” The fate and conditions of many minorities in the ethnostates is a testament to that irony. A legal order and a structure of governance are legitimate only to the extent that they “safeguard the autonomy of *all citizens* to an equal degree.”⁸⁷ The moral promise of equal respect for everyone is meant to be cashed out in the legal and social currency of equal citizenship.⁸⁸ The Federal Constitution and the constitutions of some of the regional states appear to provide no such safeguard.

DISCUSSIONS

Dr. Shimelis Mulugeta - Discussant

The paper is a sober and damning critique of the Ethiopian Constitution as it relates to citizenship. It also provides a very rich definition of citizenship. Even if

⁸⁵ Rare in world constitutionalism.

⁸⁶ And interestingly the right of secession is considered such an essential part of the constitutional identity of the nation that it has been made rather difficult to amend (see Article 105). It is close to what constitutional scholars refer to as “eternity clauses,” those frequently unamendable provisions of constitutions that mirror the deepest historical roots of a constitution-making process. This is no different.

⁸⁷ Habermas, *supra* note 21, 215.

⁸⁸ See Habermas, *supra* note 82, 469. In this article Habermas makes the argument that the dignitary rights that are meant to accompany the notion of citizenship are important if members of the political community “are to be able to *respect* one another as members of a voluntary association of free and equal persons” (470, emphasis in original).

the focus of the paper is on citizenship under the Ethiopian Constitution, it also discusses some broader issues, for instance how citizenship facilitates and, probably, is a necessary precondition for dignity. It also considers how the Constitution is alienating the citizen and even erasing them from the political public discourse. In my own paper, I discussed the issue of Ethiopian modernization and the mass importation of Western ideas and ideals, and showed how that has brought about an identity crisis and led to self-alienation of Ethiopians. So, I found your paper complementing my thoughts in a very concrete way. Professor Adeno's paper concludes that Ethiopian citizenship is derivative and thin and that "Ethiopian national citizenship does not meet either the normative demand, which is full membership and equal standing, or the functional role", i.e., the integrative role it is meant to play; so, it fails in both of these tests.

Although the issue of citizenship or the lack thereof in the Ethiopian Constitution has been the subject of scholarly debate, it has mainly been doctrinal. Professor Adeno's paper is starkly different in that, not only does it speak to the issue of citizenship from a political-legal perspective, it also addresses the constitutive effects of a constitution, which is very important. For example, the paper addresses how the law can constitute particular narratives that in turn have the potential to change reality on the ground, and how the law makes who we are. It also addresses how, in the case of our own constitution, politics, or as you put it, "the politics of difference" is conducted, and how identities, not interests, become the arbiters of disputes owing to the fact that the Constitution grants thin citizenship.

I have a few questions for you. The first question relates to the redeemability of the Ethiopian Constitution. For instance, in the context of the U.S. Constitution, there is what is called "the original sin" of slavery. However, due to the aspirational aspects of the U.S. Constitution, such as liberty, equality, etc., the U.S. Constitution has redeemed itself of its original sin by expanding the moral circles in which it applies. My question is: do you see how something potentially similar could happen to the Ethiopian Constitution? To be more specific, is there any way to get full citizenship within the current constitutional arrangement? I ask this

question because there is a strong belief, especially within the legal community, that the Constitution is quite generous when it comes to human rights provisions, and that the kinds of problems that are raised in your paper could be addressed through these provisions. So, do you see hope within the present Constitution?

The second question is a request to flesh out a point implicitly made in the paper. You state: “The Constitution does not imagine an undifferentiated Ethiopian people. It is the codification of difference. Sorting people is the business of the current constitutional order.” So, what do you think is the status of people with mixed ethnic identities or those who wish not to identify themselves with any ethnic group, either by choice, due to their mixed ethnic heritage, or for any other reasons?

Reply by Professor Adeno Addis to remarks made by the Discussant

In response to the first question by Dr. Shimelis, yes, the Constitution could come into its own and redeem itself. But as long as we have the ill-conceived, ill-defined, and ill-thought-out concept of nations as a central organizing element of the document or structure, it is going to be very difficult to move forward. As long as ethnic identity remains a hard parameter through which all issues and concerns are viewed and analyzed, distrusts and conflicts will remain common features of political and social life. And injustices that are not easily seen or recognized through the ethnicity prism will remain unattended to. In relation to my concern that the current arrangement is likely to encourage conflicts, let me give an example. A border adjustment between regional or provincial administrative units that might have been seen as innocuous and uncontroversial becomes highly contentious when that adjustment is made in the context of a country organized as a nation of nations where those nations have an unconditional right to secede from the union. The regional states are not mere administrative units but nations entitled to political divorce under Article 39 of the Constitution. The idea of “nations” is becoming a hard parameter and the nations themselves are becoming increasingly stronger, resembling mini-countries. This worrying development will continue to foster the politics of difference and domination (nations attempting

to dominate other nations) rather than the condition where citizens see themselves as engaged in a common project.

The second question is about the fact that the Ethiopian Constitution does not refer to the undifferentiated “we, the Ethiopian people”. What is amazing is that in this regard the Ethiopian Constitution stands alone among national constitutions currently in force. While the Ethiopian Constitution refers to “nations, nationalities and peoples,” almost all other constitutions refer to the undifferentiated “we, the people” [singular] in their preambles. What the Ethiopian approach of differentiated peoples (nations, nationalities and peoples) does is force or incline citizens to think of themselves primarily as members of this or that ethnic group (this or that nation) in the way they present themselves, they view one another, and perceive and approach issues. This politics of difference will increasingly make ethnic identities hard parameters, turning the contingent into the primordial and the normative into the factual. This is no way to forge a stable national political community or a community of citizens

Now the question about federalism. In a very diverse country such as Ethiopia, federalism is in my view the best way of structuring governance. But the current arrangement is closer to a confederation than it is to a federation. It will continue to lead to conflicts and instability. What we need is a federalism that views integration and accommodation as two sides of the same coin rather than as opposed institutional commitments. That is what I hope to show in the paper I am working on.

Dr. Adem Kassie Abebe

One of the key issues in need of addressing is the fundamentalism the designers of the Constitution implemented when formulating self-determination, as they essentially wanted to bring it to its logical conclusion. It can be said that one of the features of fundamentalism is its purity and singularity. Therefore, the drafters, in order to recognize ethnic identities like Amhara, Oromo, or Somali, had to deny the existence of an Ethiopian people at that particular time, even though theoretically, normatively, and practically, it was possible to recognize both

identities: people of Ethiopia and people of particular region; they both could have co-existed. Through closer observation we can see this fundamentalism, and that is a feature not just only of the politics apparent in the making of the current constitution, but also of the politics of our political class since political pluralism emerged in the 1940s. We have this tendency to look at things from a single perspective and try to push it to its logical conclusion when, in reality, there are diversities not just across identities or linguistic groups but perhaps, just as strongly, within each of the groups. At the time this Constitution was being configured, it was not just being constituted; it had to define who the people were. Every constitution before crediting sovereignty to a people must define it. So, we have a constitution that claims to be defined by the people but, in reality, it defines who the people are.

Dr. Yonatan Fessha

Professor Adeno, in your paper you address the concept of a differentiated political citizenship, the fact that people, both in law and in practice, are treated differently based on their ethnic identity; that, I think, is about political citizenship. But you also try to make a link with legal citizenship. I think that is somewhat problematic, in the sense that these two concepts are different. Yes, the fact that we have a differentiated political citizenship might undermine legal citizenship; however, it does not, in my opinion, affect the basis upon which a person becomes legally a citizen. In your paper you ask the question: “Does that mean that one becomes an Ethiopian citizen without first becoming a member of one of the nations or nationalities?” So, you are asking whether being a member of a nation or being a member of one of the ethnic groups is the basis for the apparent legal citizenship. I thought the answer to be a definite “no”. But you seem to assert the opposite. For me, legal citizenship as it is now is not affected by the political citizenship observed in the country that emanates from the Constitution we have. I would appreciate it if you could elaborate on this point.

Dr. Getachew Assefa

My own paper is about disputing whether the national question upon which the constitutional framework is designed was a correct diagnosis of the problem of Ethiopian society, and so I want to take issue with that. But what troubles me is that those who want to champion the rights of ethnolinguistic communities want these issues to be at the center of constitutional discourse and institutional design in the country. Therefore, how can we accommodate these interests? If we had the time and opportunity to revise the Constitution, how can the right balance be struck? Maybe a solution could be inferred by considering Marxist-Leninist definitions for nations, nationalities, and peoples. Would using the term nationalities rather than nations solve the problem if we stick to the definition the Marxists suggested?

Dr. Semir Yusuf

We have talked about the defects of the current ethnic federalism, the fact that it has not lived up to citizenship's aspirations, individual rights, etc., for decades. It is time to move on in the sense of asking the more fundamental question of how to reconcile contending visions. This requires moving on from debating federalism—whether federalism is good or bad, or whether the current regions should be redrawn—and consider other alternative institutional mechanisms to accommodate divergent perspectives in our country. This is where we should talk about the possibilities, the deficiencies, the advantages, and disadvantages of systems like consociationalism, centripetalism, liberal consociationalism, corporatist consociationalism, feasible ways of combining centripetalism with consociationalism, etc. These are the kinds of debates ethnically divided societies around the world are now having and trying to implement in their respective countries. We have to take stock of all experiences and consider the extent to which they could be applicable in our case.

So, we should note two things here. First, we have to move a bit beyond debating federalism and try to explore other ways of accommodating ethnonationalist and nationalist demands in this country. This requires us to consider other alternative

forms of accommodation, including federalism and federal units, but more so going into the question of electoral systems, government types (presidential or parliamentary system), proportional representation, and majoritarian systems. These are the kind of systems divided societies adopt to accommodate divergent views. Second, at the heart of this debate is the question of reconciling contentious nationalist mobilizations.

Dr. Abadir M. Ibrahim

I want to add to the points made by Semir. One of the things that we wanted to focus on in this conference is the kind of solutions that can be imagined. The problems of the system, at least a good part of them, have been identified and discussed in the literature. We have talked and published about them for three decades. What is lacking is literature on the potential solutions. So, as potential solutions, or to put some things on the radar, let me add to Semir's list: redrawing borders, the secession issue, whether democracy is structurally possible at all, transitional justice, and political party structures and systems.

Prof. Adeno Addis

Regarding Dr. Adem's observation, I understand it to mean that the peoples and nations that are said to have come together to adopt the Constitution are in fact themselves creatures of the Constitution. I agree. That is the argument that I make in the paper. The Constitution (more precisely, the drafters of the Constitution) determined who counts as a nation and who the relevant nations are who were entitled to ordain and adopt the Constitution. Some scholars argue that in constitutional designs the people and the constitution they adopt are co-constitutive. That is, the people define the scope of the document as the document also defines or constitutes who those people are. In the Ethiopian case, nations, nationalities and peoples are constructs of the document itself. The constitutional assertion of their existence is the primary means through which they were given life. One of the interesting things about "nations, nationalities and peoples" is that those three terms are described in exactly the same way in the Constitution. Why

one would choose to appropriate three different terms that apparently mean the same thing is not clear.

In regards to Dr. Yonatan's question, the distinction between political and legal citizenship seems to me not as sharply defined as he suggests. After all, the paper shows how the states relying on the power of sovereignty that the Federal Constitution grants them have imposed distinctions and restriction both in their constitutions and in their ordinary laws. Is the Harari Constitution's restriction of membership to the upper body of its parliament not a denial of equal membership of Ethiopian citizens? Distinction among Ethiopian citizens, between indigens and others, exist in other states' constitutions. At any rate, often the right question is not who is a citizen as a formal legal matter (*de jure*), but what makes a citizen and as a factual matter whether those rights and privileges that define citizenship are or can be factually provided. Citizenship is how nationhood is experienced practically.

To address Dr. Getachew's question of how to strike the proper balance between honoring the country's rich linguistic diversity and ensuring a stable and durable national community, yes, we can think of various spheres of deliberation in fractured societies. My past work has attempted to show the possibility of deliberative democracy in fractured societies. I am a big supporter of linguistic groups retaining, cultivating, and enriching their languages. Language is not just a medium of communication, but an important cultural software as well. It gives access to one's history and it is the means through which one gives significance to important cultural rituals. But the way that Ethiopia has organized itself as a constitutional matter is not the only way that one could ensure that linguistic minorities are given the right and resources to cultivate and enrich their languages. Indeed, the current arrangement does not even fully ensure the rights of minorities within the various regional states. The irony is that the nations that were said to have been liberated from a unitary state are themselves unitary, non-accommodating or even hostile to the rights of minorities amidst them. We will have to imagine other ways of accommodating diversity, for the current dissociation constitutional model will, in the long term, guarantee neither the

rights of linguistic minorities nor even the very survival of the country as a viable political unit.

Let me respond briefly here to the worries that Dr. Semir and Dr. Abadir have expressed that we are not engaged enough in suggesting alternative arrangements or, in Dr. Abadir's words, "potential solutions." That is a fair point and a reasonable worry. I think many people, including myself as I noted in the last paragraph, are working on alternative arrangements. Some alternatives are already out there, although we may not like those solutions, or we may not think that they have a good chance of success. But I think it would be a mistake to think that there are infinite number of alternatives (imagined or otherwise) that we have not explored. The fact is that the solutions are few and well-known. The problem is finding the political and societal will to adopt a process to get us there. But there is one alternative Dr. Semir included in his list of possible alternative solutions that I am highly skeptical of and hope we will not embrace as a solution. I am referring to consociation. I have argued in several articles that consociation will continue to fundamentalize rather than heal fractures. It will put our current ethnic fracture on steroids. Wherever it has been tried, consociation has not worked well.

