

Ethnic Federalism as a New State-Building Approach in Post-1991 Ethiopia: Its Pitfalls and the Way Forward

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Abstract

In contrast to the imperial and the Derg regimes which were based on assimilation and authoritarian repression policies against ethnonational demands for autonomy and self-rule, the post-1991 regime instituted “ethnic” federalism as a new state-building approach to respond to the demand for accommodation of diversity and equality of all ethnic groups. Notwithstanding some positive contributions of the new system in terms of the promotion of cultural rights and the use of local languages in state bureaucracies, the new system has exacerbated the politicization of ethnic identity which is inimical to societal integration and state-building. This paper examines the pitfalls of ethnic federalism as a state building process by focusing on the organization of regional states and political parties along ethnic lines. Using a qualitative research methodology and data collected from primary and secondary sources, this study found that ethnic polarization has increased as a result of the structural and socio-political emphasis on ethnic identity and ethnic mobilizations by ethnic-based political parties. Hence, de-politicizing ethnicity through regional state boundary re-adjustments, along with designing political and legal mechanisms to control the activities of political parties and prevent them from using ethnicity and other identity markers in their political campaigns, are crucial for smooth relations between ethnic groups and effective state-building endeavors.

Introduction

Ethiopia, the second most populous country in Africa next to Nigeria, is an extraordinarily diverse country in terms of ethnic, linguistic, cultural, and religious identities. It hosts more than 85 ethnic groups, 75 languages, all major

world religions, and variety of cultures¹—this diversity is well-captured in the words of Italian Ethiopianist historian Carlo Conti Rossini, who called it “*un museo di popoli*” (a museum of peoples). Despite these bare facts, most of the imperial rulers of the country (1855-1974) were known for their policies of assimilation and their disregard for diversity in the name of nation-building. This policy continued unabated until the overthrow of the socialist-oriented Derg military regime which ruled from 1974 to 1991.

Multiethnic countries like Ethiopia often face difficulties when dealing with issues of how best to bring about national unity and build the state. In broad but simplistic terms, they might have two options: either 1) Elimination (to follow a policy promoting assimilation to the mainstream dominant culture, language and religion), or 2) Accommodation (to recognize diversity by establishing a nation under the notion of multiculturalism and a multinational governance arrangement).² In the former category, countries often use certain litmus tests to check whether the groups to be assimilated or otherwise integrated are ready for that process. Among others criteria, language, culture, religion, etc. were employed to screen out “fit and unfit candidates.” Historically, nation-building was used to mean religious, cultural, and linguistic homogenization to the extent where a “nation-state,” or any state for that matter, was understood to mean a country inhabited by communities with one language, one religion, and a similar culture.³

The litmus test for being included in the Ethiopian nation during the imperial periods was subscribing to the three homogenizing/nation-building elements: Amharic language, Orthodox Christianity and the Semitic culture.⁴ These tests

¹ Central Statistics Agency, “Summary and Statistical Reports of 2007 Population and Housing Census: Population Size by Age and Sex,” (FDRE Population Census Commission, Addis Ababa, December 2008).

² Wayne Norman, *Negotiating Nationalism: Nation Building, Federalism and Secession in the Multinational State* 39 (2006).

³ Sanghamitra Bandyopadhyay & Elliot Green, “Nation-Building and Conflict in Modern Africa,” 6 (The Suntory Centre, London, 2008).

⁴ See, for example, Eric Horace Gilchrist, “Haile Selassie and American Missionaries: Inadvertent Agents of Oromo Identity in Ethiopia,” (MA Thesis, North Carolina State University, 2003); John

were widely used despite the presence of more than 85 ethnic groups and varieties of cultures and religions in the country. As some scholars have noted, among all African leaders, Emperor Haile Selassie of Ethiopia was the most aggressive in forging linguistic and religious homogeneity by declaring Amharic as the sole language of the country and the Orthodox Church as the only national church, discouraging and/or banning all other “pagan” languages and religions.⁵ Languages, cultures, and religions other than the specified core identities were seen as antithetical to the Ethiopian nation. Hence, all forms of hyphenated identities (e.g., Oromo-Ethiopian, Gurage-Ethiopian, Tigre-Ethiopian, Sidama-Ethiopian, Somali-Ethiopian etc.) were associated with subversion and disloyalty to the nation-state agenda. Consequently, they were ruthlessly suppressed.⁶ This was the dominant view at the time and continued unabated right up to the 1974 Revolution.

The “melting pot” model of the Ethiopian “nation-state” under the umbrella of Semitic culture, the Amharic language, and Orthodox Christianity, as envisioned during the imperial regimes and to a lesser extent during the Derg regime, failed to materialize in the wake of the rise in ethnic consciousness and mobilization that the world has witnessed at the close of the 20th century. Various political elites and community leaders not only resisted assimilation and marginalization but mobilized their respective ethnic groups (both on primordial and instrumental bases) to overthrow their assimilators and oppressors. Hence, the broader and more abstract/imagined “Ethiopian identity” failed to override ethnic divisions in the country. Due to a combination of factors including ethnic suppression, alienation, and exclusion—partly on the basis of their identity and partly because of social and historical factors—ethnic resentment grew and stood against the oppressive regimes, to an extent that resulted in the restructuring of the “rules of

Markakis *Ethiopia: Anatomy of a Traditional Polity* (1974); and Sara Vaughan, “Ethnicity and Power in Ethiopia,” (Doctoral Dissertation, the University of Edinburgh, 2003).

⁵ Bandyopadhyay & Green, *supra* note 3, 6-7.

⁶ Christopher Clapham, *The Ethiopian Experience of Devolved Government*, 1.1 Ethiopian Journal of Federal Studies 24 (2013).

the game” from assimilation to “ethnic accommodation” under the ethnic-based federal system post-1991.

Since 1991, effort has been made by the ruling party, the Ethiopian People’s Revolutionary Democratic Front (EPRDF), to reverse the notion and practice of nation-building through assimilation. By making ethnicity/identity a core criterion for state formation, it heralded the formal institutionalization of ethnic politics and governance in the country. This official policy has heightened ethnic consciousness and the politicization of ethnicity. Nowadays, it is not uncommon to observe that a person’s ethnic identity impacts their day-to-day activities, ranging from holding a kebele⁷ identification card, to admission to higher educational institutions, occupying a high-ranking government position, being elected to the legislature, or forming/joining political parties. As a consequence of the ethnic-based political engineering of the Ethiopian state, almost all regional states, zones, and districts are named after the dominant ethnic group living in these areas. Several of the political parties—both the incumbent and the opposition—are exclusively organized along ethnic lines. Inevitably, the policies set by these ethnic parties and self-ruled regional states reflect ethnic interests, which often contradict or fail to incorporate the interests of other ethnic groups and national interests that are vital for state-building.

This paper argues that the structural and sociopolitical emphasis on ethnic identity is a core challenge for the country’s peace and stability, its state/nation-building process, and the peaceful coexistence of different ethnic groups. There is abundant evidence that ethnic groups are often fighting for their members to occupy higher government offices by any means at their disposal, including violence and uprising. Citizens are often discriminated against because of their ethnic origin in the context of the job market, educational opportunities, access to public services, political appointment, and recruitment in the military and the police force. The notion of the “son of the soil” is widely applied in different ethnic-based regional states, zones, and districts to exclude “non-indigenes”

⁷ Kebele, an Amharic term, denotes the lowest level of state administration in Ethiopia.

despite the constitutional provisions for non-discrimination on the basis of, *inter alia*, ethnicity, social origin, and place of birth.

When politics is played out and maneuvers are made under ethnic terms, unhealthy competition and distrust among ethnic groups is bound to occur. The hegemonic impulse unavoidably pushes political elites to control the state apparatus to “benefit their ethnic groups” at the exclusion of others. Though the federal government is trying to balance ethnic representation at the national level, again inevitably dissatisfaction among ethnic groups remains a fact of life. Some are over-represented while others under-represented, if not absent. This under- and over-representation in turn creates grievances on the part of the former. Even those represented are dissatisfied with the importance of the positions to which their co-ethnics are appointed.⁸

In politicized ethnicity, literature confirms that political elites mobilize their respective ethnic groups to control the state machinery.⁹ The dominant ethnic group(s) and ethnic-based political parties may not negotiate for key positions to be occupied by other ethnic groups or political parties (who are perceived to be dangerous enemies rather than simple opposition). It comes as no surprise, therefore, that people in Ethiopia are counting their co-ethnics at the government offices and “calculating” the weight of the positions held for the benefit of their ethnic groups. Public perceptions are rising alarmingly that few ethnic groups

⁸ The positions of the Prime Minister (Head of the Government) and the President (Head of the State), for instance, cannot be considered equal or equivalent as the authority of the latter is only nominal. All the powers and functions of the President listed under article 71(1-7) are only nominal. Opening the joint session of the Upper House and the Lower Chamber of the Parliament, proclaiming laws and international agreements approved by the House of People’s Representatives (HPR) in the *Federal Negarit Gazeta* through his/her signature, appointing ambassadors and other envoys upon recommendation of the Prime Minister, receiving the credentials of foreign ambassadors, etc. are all just ceremonial powers. The Prime Minister, on the other hand, is a real power holder in the country because he/she is the chief executive and the commander-in-chief of the national armed forces (article 74).

⁹ Donald L. Horowitz, *Ethnic Groups in Conflict* (1985).

control the political apparatus and many feel alienated. As a consequence, public protests and ethnic violence are swiftly spreading across the country.

Now, after three decades of the ethnic-based federal experiment (1991-2022), the adverse effects of ethnicized politics are clearly felt. What is lacking is a research-based alternative solution to the problems. This paper is intended to fill this gap.

1. Ethnicity, Identity Politics, Political Parties, and Their Link with State-Building

1.1. Ethnicity and politics: The link

Scholars have not reached consensus on a universally-accepted definitions of the terms 'ethnicity' and 'ethnic group'.¹⁰ The term ethnicity is used to mean "the essence of an ethnic group or the quality of belonging to an ethnic community or group."¹¹ Gurr defines ethnic group as "people who share a distinctive and enduring collective identity based on a belief in common descent and on shared experiences and cultural traits."¹² Max Weber defines ethnic groups as "those human groups that entertain a subjective belief in their common descent because of similarities of physical type or of customs or both, or because of memories of colonization or migration, this belief is important for the propagation of group formation. Conversely, it does not matter whether or not an objective blood relationship exists."¹³ Hutchinson and Smith define ethnic group as "a named human population with myths of common ancestry, shared historical memories,

¹⁰ John Hutchinson & Anthony D. Smith, *Introduction* to John Hutchinson & Anthony D. Smith (eds.), *Ethnicity* 1 (1996).

¹¹ *Ibid.*, 4.

¹² Sabine Carey, "A Comparative Analysis of Political Parties in Kenya, Zambia and Former Zaire" 4-5, *Parties, Party Systems and Democratic Consolidation in the Third World*, Workshop 13, Grenoble, 2001.

¹³ F. O. Ottoh, "Ethnic Identity and Conflicts in Africa," in S. O. Oloruntoba & T. Falola (eds.), *The Palgrave Handbook of African Politics, Governance and Development*, 338 (2018). https://doi.org/10.1057/978-1-349-95232-8_17

one or more elements of a common culture, a link with a homeland and a sense of solidarity.”¹⁴

Ethnicity can also be defined either from primordialist or instrumentalist viewpoints. The primordialists define ethnicity on the basis of social bonds such as religion, culture, language, blood, etc., that are “over-powering and ineffable.”¹⁵ Based on this theory, ethnicity is fixed at birth and, hence, permanent. Because biological bonds are so strong, as primordialists believe, the best way to resolve ethnic conflicts is to allow such groups to live in their state of choice, even allowing them to secede from an existing state. Forcing ethnic groups who are driven by identity politics to remain within the existing state by any means possible would inevitably result in civil war and, at worst, state collapse.¹⁶

Instrumentalists, on the other hand, argue that ethnicity is more of a “social, political and cultural resource for different interests” and, hence, can be changed on the basis of rational calculations.¹⁷ As per their argument, ethnicity is “rooted in ‘historical’ and ‘symbolic’ memory created, used and exploited by leaders and others in pragmatic pursuit of their own interests.”¹⁸ According to this instrumentalist theory, ethnicity is something subject to change for pragmatic considerations. Identity politics, for the instrumentalists, is not about biological determinants but a result of structural social inequalities. In this situation, the elites from the excluded groups mobilize people to control power and change the social structure or decide their own fate themselves. Hence, identity politics is the result of an elite mobilization of marginalized ethnic groups for political power or a struggle over changing the structure of the state that anchored marginalization and discrimination. In this case, ethnic conflict is not caused by ethnic differences but by politics. Since ethnic conflict is caused more by politics than biological or

¹⁴ *Ibid.*

¹⁵ Hutchinson and Smith, *supra* note 10, 8.

¹⁶ Mesay Kebede, “The Nature and Challenges of Ethnicity: The Case of Ethiopia,” paper presented at *Ethiopian Forum: Challenges and Prospects for Constitutional Democracy in Ethiopia*, Michigan State University, 2019.

¹⁷ Hutchinson, and Anthony D. Smith, *supra* note 10.

¹⁸ Ottoh, *supra* note 13, 339.

cultural identification, the solution lies in political arrangements (in the form of power-sharing or a federal system) that guarantee fair political representation and resource-sharing for all concerned actors.

These two schools of thought offer diametrically opposed explanations for the relationship between ethnicity and conflict. While the primordialists argue that ethnic differences by themselves are causes for ethnic conflict—as it creates mutual fear and distrust among in-group and out-group members¹⁹—the instrumentalists argue that ethnic differences by themselves cannot be a cause for ethnic conflict but can only be a cause when ethnicity is politicized or manipulated by elites.²⁰ The primordialists are criticized for only focusing on objective elements of ethnicity and ignoring other subjective factors and in their claim that mere biological differences can cause ethnic conflicts. The instrumentalists are also criticized for only emphasizing the subjective elements of ethnicity by ignoring the inevitable ties between people through blood, culture, religion, and language inherited from their ancestors. Although the rational calculation of elites and ethnicity's resulting instrumentalization for the purposes of mobilization can cause ethnic conflicts, these theories fail to explain how the masses simply follow them to fight without having some affectional relations.²¹

In Ethiopian, both definitions are manifested in the 1995 Constitution (Article 39(5)), though it never uses the term “ethnic group”—but instead nation, nationality, and people. It defines nation, nationality, and people (NNP) as “a group of people who have or share a large measure of a common culture or similar customs, mutual intelligibility of language, belief in a common or related identities, a common psychological make-up, and who inhabit an identifiable, predominantly contiguous territory.”

Many political scientists and analysts believed at one point that ethnic bonds will disappear and be replaced by modern liberal democracy as a result of

¹⁹ Horowitz, *supra* note 9.

²⁰ *Ibid.*

²¹ Mesay Kebede, *supra* note 16.

modernization, urbanization, globalization, and improvements in mass communications. They assumed that ethnicity will no longer influence the political processes.²² Nonetheless, these assumptions remained unrealized. Ethnic mobilizations occurred in several Western liberal democracies including the UK, France, Spain, and Belgium, as manifested by the territorially concentrated linguistic mobilizations of Celtic-speaking populations, Bretons and Corsicans, the Basque Independent Movement (ETA), and Flemish-Walloon cleavages, respectively.²³ The Catalanian referendum for independence from Spain on October 1, 2017, the secessionist referendum of Scotland in the UK, and the separatist movements of Quebec in Canada are real, high-profile examples of the growing sentiment of ethno-nationalism and identity politics. In consequence, there is a shift of focus and attention in the 20th century surrounding the relationship between ethnicity and politics. Particularly since the 1990s, a considerable amount of literature has been produced that has influenced state responses when either devising a mechanism of ethnic repression or opening up state institutions for the official recognition and accommodation of ethnic groups and special ethnic representation for effective state/nation-building undertakings.

1.2. State-building versus nation-building: Conceptual clarifications

In the study of political science, the state is an abstract entity that can be felt only through its institutions and organizational structures. A state, according to Bratton, is “the set of fixed administrative institutions that claim legitimate command over a bounded territory” using its “coercive arms—army, police, courts, ... [and] specialized bureaucracies governed by norms of law and reason.”²⁴ State-building is, therefore, very much connected with the

²² Peter Vermeersch, “Theories of Ethnic Mobilization: Overview and Recent Trends” 3, CRPD Working Paper No. 3, University of Leuven, 2011.

²³ *Ibid.*

²⁴ Michael Bratton, “State-building and Democratization in Sub-Saharan Africa: Forwards, Backwards, or Together?” 1, Afrobarometer Working Paper No. 43. (2004).

establishment of institutions by the government to deliver services for society in order to earn legitimacy.

In some instances, there is a tendency to use the terms state-building and nation-building interchangeably, equating the word “state” and “nation” as if they are synonymous. Notwithstanding some similarities, the two concepts are different. State-building is about the construction of institutions for establishing a functioning state. Nation-building, on the other hand, is about the construction of a national identity, of course, for the purpose of creating a functioning state. They converge in their ultimate goal of creating a functioning state. According to Dinnen, state-building is “the task of building functioning and durable states capable of fulfilling the essential attributes of modern statehood,” which includes “providing security from external threats and maintaining internal order, raising and collecting taxes, delivering essential services such as health and education, the provision of transport and communications infrastructure, and the prudent management of the economy.”²⁵ Nation-building, on the other hand, is “the process of developing a shared-sense of political community that is capable of binding together a population of a given state.” Nation-building requires the coordinated efforts of different stakeholders in the country; the government being the major one. In comparison, while state-building focuses on establishing or strengthening state institutions, nation-building concerns the character of relations between society and state.

Although they are distinct in some respects, they are related to one another in that both are concerned with creating mechanisms of societal integration. Building effective state institutions is one important condition for strengthening nationhood. Put simply, the fundamental attributes of statehood mentioned above are necessary foundations for “nation-building” processes. Nation-building often stands for the construction of national identity, while state-building refers to the institutions and infrastructural capacities of the state.²⁶ Beyond the orthodox

²⁵ S. Dinnen, “The Twin Processes of Nation-building and State-building” 2, ANU Briefing Note. Number 1. (2007).

²⁶ DFID Practice Paper, 12, Building Peaceful States and Societies, U.K. (2010).

“state-building” components, nation-building presupposes shared characteristics of identity, values, and goals. In a multiethnic context, nation-building is not so much the homogenization of these characteristics through nation-state logic, but rather the recognition, acceptance, and toleration of heterogeneity and the facilitation of inclusion, or “unity in diversity.” For our analysis of the pitfalls of ethnic federalism as a model for the state-building approach in Ethiopia, both are relevant and may sometimes be used interchangeably. This paper takes up the state-building process in Ethiopia in two interrelated dimensions: both enhancing the capacity of the state to function, and as regards the political processes that underpin state-society relations or the creation of one political community with shared vision and goals.

1.3. State-building approaches: Theory and practice

Comparatively, there are several approaches for state-building and nation-building. McGarry & O’Leary have identified four major long-practiced approaches.²⁷ The assimilationist and secessionist approaches are found at the two extremes of the nation-building spectrum, while the integrationist and accommodationist are found in between. While the first two deal with the elimination of diversity, the second two deal with possible ways to balance unity with diversity.

The first approach, an *assimilationist approach* wherein citizens are expected to assimilate to a particular national language, religion, and political culture, is guided by a nation-state theory.²⁸ This nation-state building approach is aimed at conferring indivisible citizenship and a single national identity. This approach could in turn be divided into Jacobian republicanism (e.g., France) and a cultural difference-blind or liberal nationalism approach (e.g., the U.S.). For Jacobins,

²⁷ J. McGarry & B. O’Leary, “Federation, conflict-regulation and national and ethnic power-sharing,” Paper prepared for delivery at the Annual Meeting of the American Political Science Association, 2003.

²⁸ The nation state theory presents the principle that each nation, embodying a shared community of culture and blood, is entitled to its own state. Here, the formation of nations preceded the establishment of states.

nationalism and federalism were mutually exclusive. They viewed federalism as antagonistic to cultural and linguistic homogenization, a roadblock in the path of authentic, indivisible, monistic popular sovereignty. The Jacobins were deeply hostile to all forms of accommodation that inhibited this goal, including federalism. The *Jacobian approach* views federalism as a state-destroying instrument and unfit for state nationalism and civic equality, while the *liberal nationalism approach* or American Model promotes individual liberty and a difference-blind approach to nation-building processes.

The second is an *integrationist approach* which tries to provide incentives for mixing ethnic identities and establishing umbrella parties (e.g., Nigeria). For Nigeria, though the country is said to be in perpetual search for federalism,²⁹ federalism is said to be a search for national integration,³⁰ or an “effective way of achieving and preserving both integration and stability in deeply divided societies.” This mechanism focuses in particular on engineering electoral institutions to create disincentives for political mobilization based on identity, with the aim of establishing a common identity and balancing multiple interests; it is basically a project of integrating the interests of members of the majority with those of the minority in policymaking.

The third is the *accommodationist* approach, which comes in different forms: consociationalism, power-sharing, territorial autonomy, or multinational federalism (e.g., Canada, Belgium, Spain). This approach institutionalizes and aims to protect at least two national or ethnic cultures on a durable basis. Here, federalism is viewed as a political and institutional arrangement to accommodate national/ethnic groups within the boundaries of a given state. This approach does

²⁹ D. Babalola, “Nigeria: A Federation in Search of Federalism,” 50 Shades of Federalism (2017) <http://50shadesoffederalism.com/case-studies/nigeria-federation-search-federalism/>

³⁰ National integration in a plural society is when “component parts are reasonably contented in the polity vis-à-vis equity and justice in resource allocation cum access to equal opportunities.” See Emmanuel O. Ojo. (2009). *Federalism and the search for national integration in Nigeria*, 3.9 African Journal of Political Science and International Relations 384, 386 (2009).

not aim to avoid ethnic differences but to alleviate ethnic grievances by granting territorial self-rule to geographically concentrated ethno-national groups.

Based on the method of accommodating nationalism and ethnic diversities, two types of federations—mono-national and multinational—could be identified.³¹ From this perspective, while the U.S., Australia, Germany, and Mexico are mono-national federations, Canada, Switzerland, India, Belgium, South Africa, and Ethiopia are classifiable as multinational ones.³² Multinational federations are polities that hold together at least two constituent national partners; they are based on the principle that accommodated groups represent people who might be entitled to rights of self-determination.³³ Put simply, a multinational federation is “a nation of nations” having one polity but several peoples.³⁴ In principle, the purpose of multinational federalism is to enhance people’s sense of ethnic membership in the state, not to abandon the ethnic or people’s sense of identification with the overarching state. Such a model of federalism admits the ethnic or cultural element of the multidimensional concept of national and state identity.

Such federations not only maintain that dual or multiple national loyalties are possible and indeed desirable, but conceive of the federation as uniting people “who seek the advantages of membership in a common political unit, but differ markedly in descent, language, and culture.”³⁵ Multinational federations “seek to express, institutionalize, and protect at least two national or ethnic cultures, on a durable and often on a permanent basis.”³⁶ In a multinational federation, a number of different nations exist, each with their own values, customs, language,

³¹ McGarry & O’Leary, *supra* note 27. B.

³² *Ibid.*, 4.

³³ *Ibid.*

³⁴ F. Requejo, *Multinational Federalism and Value Pluralism: The Spanish Case* (2005).

³⁵ *Ibid.*

³⁶ McGarry & O’Leary, *supra* note 27.

interpretation of history, and sense of their political, economic, and cultural role.³⁷ The multinational federation falls in line with the view that the state cannot be ethnically neutral in choosing a language—a key marker of group identity—for parliaments, courts, education, and the media;³⁸ and “individual elites do not come to a polity building culturally naked.”³⁹ Given that multinational federalism endorses national pluralism, it is explicitly opposed to the integrationist or assimilationist objectives of mono-national federalism.⁴⁰

From this perspective, despite limitations in the process by which it was formed, the federation of Ethiopia was established to respond to the “nationalities questions” raised by the Student Movement of the 1960s. It can be regarded as an instance of multinational federalism because it grants sovereignty to every “Nation, Nationality or People,”⁴¹ along with an unconditional right to self-determination that includes the right to secession.⁴² Inasmuch as there is no significant distinction between the “nation,” “nationality,” or “people” and an “ethnic group,” the Ethiopian federation has *ipso facto* endorsed ethnic pluralism and, with it, ethnic federalism as a state-building approach. It not only recognizes ethnic diversity but also made ethnicity the organizing principle for state formation and political party organization, both of which have a bearing on state-building processes and the unity of the Ethiopian state and people.

1.4. Political parties and state-building

Despite the lack of a universally agreed definition, a political party can be defined as “a group that is publicly organized with the intention of gaining control of

³⁷ W. Kymlicka, “Emerging Western models of multination federalism: Are they relevant for Africa?” in D. Turton (ed.), *Ethnic federalism: The Ethiopian experience in a comparative perspective* (2006).

³⁸ W. Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity* (2007).

³⁹ Assefa Fiseha, *Constitutional Adjudication through Second Chamber in Ethiopia*, 16.3 *Ethnopolitics* 295 (2018)

⁴⁰ McGarry & O’Leary, *supra* note 27, 5-6.

⁴¹ Article 8 of the FDRE Constitution.

⁴² Article 39(1) of the FDRE Constitution.

government to realize certain aims or to obtain personal advantages or both” with a possibly longer life-span than other forms of societal organizations.⁴³ One of the key features of political parties, according to Alan Ware, is that “they seek to represent more than a single, narrow interest in a society.”⁴⁴ There are different theories of the relationship between ethnicity and political parties or party systems. All major theories on the determinants of voting behavior relate with social affiliations.⁴⁵ In this regard, ethnicity can be easily integrated with such affiliations. For example, the micro-sociological approach argues that “a person thinks politically as he is socially,”⁴⁶ implying that ethnic voting is one component. The macro-sociological cleavage approach strengthens this argument.⁴⁷ The socio-psychological approach asserts that party preferences are very much related to social ties.⁴⁸ The rational choice theory is also related to ethnic voting as voters calculate the benefits of getting better services if they elect a candidate with the same ethnic affiliation.⁴⁹

In postcolonial Africa, both organizing political parties along ethnic lines and multi-partyism itself were discouraged, and many of the renowned liberation movement leaders suggested one-partyism as a means for effective nation-building. From Ghana to Kenya, Tanzania to Zambia, Zimbabwe to Angola, and Mozambique to Senegal, all proposed having a single party system as having several parties would increase ethnic, religious, and regional polarizations and hinders the process of economic development, social integration, and nation-building. Jomo Kenyatta of Kenya, Julius Nyerere of Tanzania, Kwame Nkrumah of Ghana, Robert Mugabe of Zimbabwe, Kenneth Kaunda of Zambia—to mention only a few—all either discouraged or prohibited multi-party system in general and

⁴³ Osita Agbu, *An Overview of Party Formation in Nigeria, 1960-1999* 27, Elections and Governance in Nigeria’s Fourth Republic, CODESRIA (n.d.).

⁴⁴ Carey, *supra* note 12, 9.

⁴⁵ M. Basedau and A. Stroh, *How Ethnic are African Parties Really? Evidence from Four Francophone Countries*, 33.1 International Political Science Review 5, 6 (2011).

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

ethnic parties in particular. Nyerere, for example, contends that “the consolidation of statehood nation-building required the elimination of polarizing tendencies.”⁵⁰

However, though many African states and leaders shied away from institutionalizing ethnic politics in their legal systems fearing aggravated ethnic competition, violence, and state disintegration, politics often plays out along ethnic lines.⁵¹ By analyzing the roles of ethnicity in politics in some African countries, Sebastian Elischer argues that the salience of ethnicity in the political system is high in countries lacking a core ethnic group, while it is lower in countries having one core ethnic group.⁵² Mbatia, Bikuru, and Nderitu argue that nationalist movements and popular ideologies lost appeal in many African states, prompting politicians to appeal to ethnic identity for political mobilization. If not checked, they fear that majority ethnic groups will use their numeric advantage to influence political processes and resource allocation.⁵³

Post-1991 Ethiopia is an exception in this regard insofar as its supreme law officially acknowledges ethnic diversity and the institutionalization of ethnic politics through an ethnic-based federal system. In response to this institutional set up, parties in Ethiopia—both the incumbent and the opposition—are more regional and ethnically divided, and are very much fragmented, producing negative impacts on the state-building process and societal integration.

Scholars argue that the structures of political parties and the way they operate determines the normal functioning of the institutions of a state.⁵⁴ The way the political parties organize and operate affects the unity or division of peoples and

⁵⁰ Dima Neggo Sarbo, “Contested Legitimacy: Coercion and the State in Ethiopia” 72 (PhD Dissertation, University of Tennessee. 2009).

⁵¹ Lydia Ludgren, Saul Cunow, & Devesh Tiwari, *Beyond Ethnic Politics: An Empirical Test of Patron-Client Theory in Sierra Leone 2* (2013).

⁵² Sebastian Elischer, *Political Parties in Africa: Ethnicity and Party Formation* (2013).

⁵³ Paul Mbatia, Kennedy Bikuri & Peter Nderitu, “The Challenges of Ethnicity, Multiparty Democracy and State Building in Multiethnic States in Africa,” in Kabiri Ngeta, Kimani Njogu, & Mary Wanjau (eds.), *Ethnic Diveristy in East Africa* 183 (2010).

⁵⁴ Aalen Lovise, *Ethnic Federalism in a Dominant Party State: The Ethiopian Experience 1991-2000* (Chr. Michelsen Institute, Development Studies and Human Rights, 2002)

ethnic groups. If political parties are organized along ethnic lines and their electorate is concentrated in ethnically organized constituent units, it is more likely that regional leaders will play ethnic cards to challenge the unity of the state and peaceful ethnic co-existence. Moreover, political parties serve as institutions and structures for identity politics. Whenever party organizations are allowed, if not required, to be based on ethnicity, identity politics and ethnic polarization will be further aggravated. Proliferation of ethnic political parties in Ethiopia, for instance, resulted in parties manipulating ethnic differences to obtain votes and control state power.⁵⁵ Ethnic parties, in this instance, are organized not for championing democracy and the equality of individuals but as a platform to struggle for controlling political power in the name of their respective ethnic group; this ultimately endangers the country's survival and ethnic coexistence, as will be discussed in the subsequent parts of this paper.

1.5. Identity politics and state-building

Eisenberg and Kymlicka define identity politics as “a process whereby an array of identity groups have become politicized and mobilized on the basis of gender, race, language, ethnicity, indigeneity, religion, and sexuality”⁵⁶ Identity politics can be shaped by “aspects of belonging and social organizations” that focus on the interests and perspectives of groups.⁵⁷ As explained by Check, identity politics “relates directly towards a tendency for people of a particular ethnic group, religion or social background to form exclusive political alliances moving away from mainstream political and broad-based political party politics.”⁵⁸

Despite the belief of many scholars that ethnic identification and its attendant identity politics disappears with modernization and urbanization, the relevance of identity has increased dramatically. The actions of individuals, groups, and parties

⁵⁵ Arriola, R. Leonardo, *Ethnicity, Economic Conditions, and Opposition Support: Evidence from Ethiopia's 2005 Elections*, 10.1 North Eastern African Studies 115 (2008).

⁵⁶ N. A. Check, “Identity Politics and Wars of Secession in Africa,” in S. O. Oloruntoba & T. Falola (eds.), *The Palgrave Handbook of African Politics, Governance and Development* 321 (2018).

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

based on an identity-based worldview have mounted. In conflict and other precarious situations in particular, groups and individuals alike want to align with their in-group members for security reasons by dissociating themselves from potential or actual rivals. In such situations, political actors and elites manipulate the in-group in a politically calculated manner to gain an advantage over other ethnopolitical opposition groups. Scholars argue that “the instrumentalization of cultural difference stems in most cases from the temptation of power-conscious leaders to justify differences of position in the struggle for material advantage or for defending ‘inherited privileges’ or to assert material claims against ‘others.’”⁵⁹

In multicultural contexts such as Africa, people are divided along different identity lines and they attach different weights to such identities. Moreover, people unavoidably face different forms of inclusion and exclusion because of their identities. Because of the fallout from identity politics in many countries in Africa, tragic genocides and mass killings happened. The most extreme events, from genocide in Rwanda, to civil war in Somalia, to ethnic violence in Kenya, were related to identity politics. Moreover, several secessionist attempts, with their attendant negative impacts on state stability, also occurred in Nigeria, Congo, Uganda, Senegal, and Djibouti.⁶⁰

The way differences are managed further exacerbates or moderates identity politics and conflict in many parts of Africa. Some states followed a policy of assimilation to create a homogenous nation-state whereas others attempted to craft institutions for accommodating diversities. Obviously, the methods of repression and assimilation—more than their undemocratic nature—did not produce the intended outcome of homogenized states in Africa. Accommodation of diversity through institutional arrangements like (ethnic) federalism also did not produce the intended results of ethnic equality and political stability, since this

⁵⁹ R. Tetzlaff, “Globalization and Nation-building – Not in Contradiction in Terms,” in Jochen Hippler (ed.), *Nation-building: A Key Concept for Peaceful Conflict Transformation?* 19 (2005).

⁶⁰ *Ibid.*

is either implemented as a “divide-and-rule” tactic inherited from the colonial powers or suffers from weaknesses related to its implementation.

Ethiopia, despite being unique in the African continent as it successfully resisted colonial rule, did not escape the colonial influence that affected its neighbors. It followed a policy of assimilation in a state-building project copied from that which colonial powers practiced in their colonies. Later, however, due to resistance from different ethnic groups, it reconfigured the state along ethnic lines which resembles the “divide-and-rule” tactic of colonial powers. Those who controlled state power in post-1991 Ethiopia—a minority from Tigray, the TPLF—saw ethnic federalism as the best way to govern the majority with this tactical division.⁶¹

There are scholars who argue that the Ethiopian ethnic-based federal system is not a genuine response to the self-determination quest of the different national groups but is instead simply a “divide-and-rule” policy on the part of the TPLF-led EPRDF regime.⁶² For example, Aalen Lovise contends that; “as a minority-based government, the Tigray People Liberation Front (TPLF) saw ethnic federalism as the best means to retain a leading position in an Ethiopian State, as an efficient tool to ‘divide-and-rule.’” She further argues that “the launch to ‘self-determination for nationalities’ was not primarily an outcome of ideological conviction or a desire to pacify ethnic wars, but served essentially as an instrument in securing the new power holders’ control of the state apparatus.”⁶³ Merera also argues that “the easiest way to maintain minority hegemony is to use the time-tested divide and rule policy.”⁶⁴

⁶¹ See, for example, Aalen Lovise, “Institutionalizing the Politics of Ethnicity: Actors, Power and Mobilization in Southern Ethiopia under Ethnic Federalism” (PhD Dissertation, University of Oslo, 2007); Merera Gudina *Ethiopia: Competing Ethnic Nationalisms and the Quest for Democracy, 1960-2000* (2003).

⁶² *Ibid.*

⁶³ *Ibid.*

⁶⁴ Gudina, *supra* note 61, 88.

By default or design, the Ethiopian ethnic federal system—the divide and rule tactic of the minority TPLF-led EPRDF regime—pitted ethnic groups⁶⁵ against each other and laid the foundations for disunity. It negatively affected the state-building project wherein ethnic groups are struggling to maximize their benefits at the expense of others. Political parties are fragmented along ethnic lines and citizens are treated differently because of their ethnic background.

Today, Ethiopian politics has graduated from identity politics to “ethnic nationalism” which ultimately seeks for a sovereign existence as an independent state separated from Ethiopia. What we can observe as a state of separation from other ethnic groups—be it at a woreda, zonal or regional level—is a desire for independent existence from others.⁶⁶ There is a persistent quest for statehood by every ethnic group in the country. Moreover, those ethnic groups which are granted statehood as per Article 47 of the 1995 Constitution are competing with the Ethiopian state for sovereignty. Some of them acquired official names that are equivalent with a nation/country recognized as sovereign under international law. Article 47(2) lists them as the “State of Tigray, the State of Afar, the State of Amhara, the State of Oromia, the State of Somalia, etc.” in a similar fashion that independent countries are named. This has emboldened some of the ethnic groups and political elites who owned such states to demand independent statehood or secession. The recent war (from November 2020 onwards) between the federal government of Ethiopia and the TPLF, wherein the latter—former governing party of Ethiopia—is touting secession is, one manifestation of this process.

⁶⁵ The TPLF elites worked hard in pitting the Oromos against the Amharas to keep them apart and prevent them from creating solidarity against the oppressive TPLF-led EPRDF regime. They propagated the oppression of the Oromos and the suppression of their culture and language by the previous Amhara-dominated regimes. The state media was encouraged to rehash the historical domination narrative and, even in some cases, erected statues that commemorate the brutal nature of the previous regimes against the Oromos.

⁶⁶ Several zones in Southern Nations, Nationalities and People's Regional State are demanding establishment of their own ethnic-based regional states and secession from the existing state. The Sidama ethnic group succeeded in forming their own regional state in 2020. Wolaita, Gedeo, Gurage, and other ethnic groups are demanding statehood.

2. State-Building Approaches in Ethiopia: Past and Present

The present state of Ethiopia is formed by war and conquest of various previously autonomous territories and peoples across time and space. Rulers, particularly from the northern part of the country, conquered large areas in the southern, western, and eastern parts of present-day Ethiopia. As a result, various ethnic, linguistic, religious, and cultural groups were brought together, which makes the country a “museum of nationalities.”⁶⁷

Emperor Menelik II (r.1889-1913) is credited for forging the present version of Ethiopia in its current geographic shape and ethnic make-up. However, it was Emperor Haile Sellassie I (r.1930-1974) who institutionalized his rule by introducing a constitution and centralizing power in his hands. With the purpose of effective centralization and portraying the country as a modern or civilized state, he introduced the 1931 Constitution. This Constitution contained about 55 Articles, most of which emphasized the semi-divine nature of the Emperor and the unquestionability of his power. Nothing is said about the different ethnic, linguistic and religious groups of the country. The Emperor also revised his constitution in 1955 following the federation of Eritrea with Ethiopia in 1952. No further improvement has been made to the previous constitution except for the inclusion of some sort of separation of power (legislative, executive, and judiciary) and principles of human rights. It even further strengthened the power of the Emperor. The two constitutions introduced by the Emperor did not recognize the rights of the different ethnic groups that *de facto* existed on the ground, as Ethiopia had to face the heavy-handed centralization and homogenization policies of Emperor Haile Selassie I. The centralization and homogenization effort of the Emperor was multifaceted—political, religious, economic, linguistic, and cultural. In fact, he owed much of the work in these fields to his predecessors. However, the homogenization efforts of the previous emperors were comparatively superficial and lacked institutional frameworks. Emperor Haile Selassie embarked on a more systematic and aggressive process of centralizing and homogenizing the country’s diverse societies because the unity of the country was believed to be

⁶⁷ Markakis, *supra* note 4.

buildable on the graveyards of such diversities. This conviction of the Emperor can be seen clearly from the following quote from Bahru Zewde;

The strength of a country lies in its unity, and unity is borne of [common] language, customs, and religion. Thus, to safeguard the ancient sovereignty of Ethiopia and to reinforce its unity, our language and our religion should be proclaimed over the whole of Ethiopia. Otherwise, unity will never be attained ... Amharic and Geez should be decreed official languages for secular as well as religious affairs and all pagan languages should be banned.⁶⁸

He declared Amharic as the national language and Orthodox Tewahedo Christianity as the official religion of Ethiopia.⁶⁹ Despite apparent diversities, the Emperor tried to construct the Ethiopian nationhood based on this narrow but supposedly “core ethnic identity, core religion and core language.”⁷⁰ Abebe Fisseha, illustrates the Emperor’s policy of homogenization under the three “pillars of unity” when he writes;

[Haile Selassie] began pursuing the goal of transforming the heterogeneous empire into a homogenous state based on three concepts, which were translated into the notion of ‘one nation, one people’. These concepts were [*ye haimanot andinet* (religious homogeneity), *ye kuankua andinet* (linguistic uniformity) and *ye zer medebalek* (ethnic intermixing)].⁷¹

Like his predecessors, Emperor Haile Selassie believed that “Amharaization and Christianization of the periphery” would be the prerequisite for national unity.⁷²

⁶⁸ Vaughan, *supra* note 4.

⁶⁹ Revised Constitution of Imperial Ethiopia, articles 125 & 126 respectively.

⁷⁰ Wudu Tafete Kassu, “The Ethiopian Orthodox Church, the Ethiopian State and the Alexandrian See: Indigenizing the Episcopacy and Forging National Identity, 1926-1991” (PhD Dissertation, University of Illinois, 2006).

⁷¹ Quoted in *Ibid.*

⁷² For almost all Ethiopian emperors consecrated with the blessing of the Church, unity and uniformity were seen as one and the same, as if the unity of the country were impossible without homogeneity in language, religion, culture, and political outlooks.

Despite his many legal and practical measures to impede the flourishing of diversity, Haile Selassie was very ‘ingenious’ as a leader insofar as he never displayed the policy of ethnic and religious assimilation as a public concern. Instead, he tried to show these differences to be irrelevant for devising public policies. What matters more, as he said himself, was the holistic conception of ‘ኢትዮጵያዊነት’ (*ityopeyāwinate*)—literally meaning “*Ethiopian-ness*”—rather than the particularistic conception of Muslim or Christian, Oromo, Tigray, or Amhara.⁷³

Due to popular protest, opposition from the different sectors of the society and the Ethiopian Student Movement, the Emperor was deposed by the Military Regime (Derg) in 1974. However, the military regime, was not less oppressive than the imperial regime. Although constitutionally speaking,⁷⁴ the provisions of self-determination for nationalities and the equality of languages, cultures, and religions among the different nationalities was introduced in 1987, it was not implemented in practice.⁷⁵ Those who demanded the implementation of their constitutional rights to self-determination were labelled reactionaries (against the Socialist Revolution) and narrow nationalists. Hence, they were both publicly and systematically eliminated from the scene. Except some concessions in the form of recognition of multi-religious and multiethnic Ethiopia, the Derg’s policy towards the accommodation of diversity was more or less similar to the imperial regime. It promoted Amharic and the indivisible Ethiopian identity at the expense of other languages and ethnic identities.

The policy of assimilation seems to have been reversed following the adoption of a federal system of governance *de facto* since 1991 and *de jure* in 1995. The new system, with its constitutional federal state structure, not only recognizes but also

⁷³ *Ibid.*

⁷⁴ Article 2 of the 1987 Constitution of the People’s Democratic Republic of Ethiopia provides the right to self-determination of the different ethnic groups of the country. It states that the nationalities are equal and ensured the equality of nationalities through combating chauvinism and narrow-minded nationalism. It advanced the claim that this can be achieved by enhancing the equality and respectability of the languages of nationalities as well as through equal participation in economic, social, and cultural fields and the realization of regional autonomy.

⁷⁵ Gudina, *supra* note 64.

uses ethnicity and language as the bases for state formation. The previous core identities used as foundations for nation-state building just became one component of the “multi-linguistic, multicultural, multi-religious and multiethnic state of Ethiopia” under the umbrella of ethnic-based federalism.⁷⁶

3. The Legal Framework for Accommodating Diversity in Post-1991 Ethiopia

Under the new Ethiopian federal system, the importance of ethnicity is on the rise. In sharp contrast to the policies of the former regimes, the new system recognizes and even rewards ethnic-based organizations (be they political, social, or economic). The new Constitution constituting the ethnic-based federal system envisaged a “mother-state” for all the ethnic groups of Ethiopia by dividing internal sovereignty between the central (federal) government and regional states.⁷⁷

To reiterate the official idiom, ethnic federalism is intended to redress past injustices and cultivate a sense of unity in diversity by granting ethnic groups a full measure of the self-rule rights manifested through establishing one's own state. In principle, the Constitution guarantees all NNPs of Ethiopia their own home-state within the federation. If we take this constitutional declaration seriously, the country will be divided into at least 85⁷⁸ ethnic-based regional states for achieving various purposes: 1) to fulfill their unconditional right to self-determination up to and including secession; 2) to guarantee the right to a full measure of self-government in their own territory; 3) to realize the right to speak, write, and develop their own languages and express, develop, and promote their

⁷⁶ The Ethiopian variant of federalism is sometimes termed as ethnic federalism as it uses, among other things, ethnicity as the basis for establishing constituent units of the federation.

⁷⁷ Articles 50, 51, and 52 of FDRE Constitution.

⁷⁸ Following a political reform in 2018 under the leadership of PM Abiy Ahmed, several ethnic groups are claiming their constitutional rights to establish their own state. The Sidama ethnic group has attained its own regional state status. Wolaita, Gamo, Gofa, and Kambatta ethnic groups are also heading towards the same end. Others will definitely follow suit after taking into account the benefits they could get from establishing their own state.

culture and preserve their history; and 4) to reduce ethnic tensions and conflicts by creating homogenous states. In practice, however, only nine regional states⁷⁹ are in place for the more than 85 ethnic communities in the country; all others subsumed under these states with the status of zone, wereda (district) or kebele⁸⁰ administrations.

The desire to create a homogenous administrative state for each of the more than 85 ethnic groups in the country is impractical, if not impossible. Hence, it failed to create autonomous and homogenous regional states for each and every ethnic group in Ethiopia. It is not a surprise therefore that none of these regional states are homogenous. Almost all states have a minimum of more than one ethnic group. Some of them, such as the Southern Nations, Nationalities and People's Regional State (SNNPRS) are even extraordinarily diverse and called a "museum of ethnic groups" or a "federation within a federation" themselves.⁸¹ The SNNPRS alone consists of 56 ethnic groups (more than half of the country's ethnic communities).⁸²

Apart from the impracticability of granting a home state to all ethnic groups, the territorialization of ethnicity resulted in the exclusion of a large portion of the Ethiopian people who are residing outside of their so-called home-state from political and economic benefits and stirred up tensions and conflicts across the country. It also exacerbated the politicization of ethnicity, dichotomizing people as owners and outsiders, newcomers and indigenes, titulars and non-titulars, etc.

⁷⁹ At the time of the writing this paper, the number of regional states most recently reached 11 with the establishment of Sidama and the South-West Ethiopia Peoples' Regional States in June 2020 and November 2021, respectively. Both are separated from the multiethnic Southern Nations, Nationalities and Peoples' Regional State. All other major ethnic groups, such as the Wolaita, Gedeo, and Gurage are making similar moves for their own independent statehood within the federation. The federal government is planning to divide the region into different clusters but faces stiff resistance from the local population and the political elites.

⁸⁰ Kebele is the lowest level of state administration in Ethiopia

⁸¹ Assefa Fiseha *Federalism and the Accommodation of Diversity in Ethiopia: A Comparative Study* (2007).

⁸² Central Statistics Agency, *supra* note 1.

The “son of the soil” criterion is being applied throughout the regional states where access to services is given to the “indigenes” at the expense of “settlers” or “outsiders.” It has increasingly become difficult for an Amhara, Tigray, Oromo, Wolaita, Gurage, or a member of any other ethnic group to access political appointments, jobs, or educational opportunities in “other” ethnic-based regions, zones, or woredas other than their “own.” Because of the notion of “the son of the soil” adopted in the ethnic-based regional states, one cannot be considered “indigene” irrespective of the number of years, or generations for that matter, he may have lived in that particular area. The primacy of the indigene and non-indigene categorization is made salient by the regional state constitutions wherein there is no way for the latter to be converted to the former to benefit from citizenship entitlements. In other words, the regional state constitutions exacerbated ethnic differences and the indigeneity versus non-indigeneity dichotomy by inscribing cleavages that ended up dividing instead of uniting the various sections of the society.

The troubling dimension of identity politics in Ethiopia is that it became the basis for inclusion and exclusion in the regional states’ body politic. In this case, the designation of indigeneity is the basis for citizenship rights, entitlements, and access to opportunities. A substantial number of Ethiopians who are residing outside of their so-called home-states are confronting the deliberate denial of job opportunities, political appointments, and economic opportunities. As a result of the propagation of identity politics in ethnic-based regions, there is rising tension and hostility between the indigenes and non-indigenes.⁸³ The hostilities and violence against non-indigenes has taken an ethnic form. Non-indigenes are being singled out and attacked by organized groups. This, ultimately, strengthens ethnic solidarity, which undermines national integration. As elaborated below, the scale, intensity, and frequency of identity/ethnic conflicts increased in post-1991

⁸³ A study conducted by the FDRE Identity and Boundary Commission (2021) across the country confirm that conflicts between Gumuz and highlanders in Benishangul-Gumuz; Aynuaa, Nuer and highlanders in Gambela Region, and indigenes and non-indigenes in other regions formed along ethnic lines.

Ethiopia following the adoption of ethnic-based federalism.⁸⁴ The conflicts range from so-called indigene versus indigene conflicts, to indigene versus non-indigene conflicts and are widespread across the country from the east to the west and from the north to the south. Evidence is abundant showing that many of the conflicts are identity-based and manipulated by political leaders, either from the incumbent or opposition parties, affecting not only the state-building process but also communal and peaceful co-existence.

4. Implications of Politicized Identity on Ethnic Coexistence: Evidence from the Regions

Despite the 1995 FDRE Constitution provisions for non-discrimination⁸⁵—be it on the basis of race, nation, nationality or other social origin, color, sex, language, religion, political or other opinion, property, birth, or other status—several regional states constitutions, if not all, inserted provisions that discriminate against people on the basis of, *inter alia*, ethnic origin.

The preamble of the 2003 Revised Constitution of the Gambela People’s National Regional State, for instance, begins with “We, the Anyuua, Nuer, Majang, Opo and Omo nationalities (ethnic groups),” excluding other ethnic groups that constitute around a quarter of the region’s population. It confirms that these ethnic groups, using their right to self-determination and with their full consent, ratified the constitution believing it to redress the historical, economic, and social injustices imposed by previous Ethiopian regimes. In this inscription, it is understandable that only the five ethnic groups are the owners of the region. They are entitled to

⁸⁴ This does not mean that there were no conflicts in Ethiopia before the adoption of ethnic federalism. There were conflicts across the country but they were mainly related to either controlling natural resources or political power. However, after the adoption of ethnic federalism, conflicts took the form and shape of ethnic conflict as the manners to control resources and power came to be shaped by ethnic identity. Conflicts arise when political elites appeal to ethnic support either during election campaigns or whenever they feel themselves losing political legitimacy. As a result, those resource-related conflicts in the past changed into ethnic conflicts as the rules of the political game dictate the organizations and struggles to be along ethnic lines.

⁸⁵ 1995 FDRE Constitution, Article 25.

different opportunities offered by the region at the exclusion of other ethnic groups. An Amhara, Oromo, Tigray, Wolaita, Gurage, or any other ethnic group other than the five expressly mentioned “indigenous ethnic groups” is always to be considered an “outsider” or “settler,”⁸⁶ if not oppressor, in the region because the constitution already identified and accorded “indigenous ethnic group status” to the five ethnic groups. The political power is exclusively controlled by the indigenous ethnic groups.

The instrumentalization of identity is applied by organizing and mobilizing the so-called indigenous ethnic groups against so-called oppressors, highlanders/settlers, or non-indigenes. Although the five ethnic groups speak different languages, they are merged together as “indigenous and oppressed.” This narrative is used as justification for “special entitlements” to political appointment, job opportunities, political representation, and other benefits offered by the regional state. These ethnic groups themselves compete with one another for control of the political powers in the region and the available natural resources such as land and pasture.⁸⁷ The Anyuua, for example, claim to be the original inhabitants of the region while the Nuer are considered newcomers who emigrated from South Sudan during the Sudan Civil War.⁸⁸ However, when it comes to the struggle against outsiders, they come together to exclude the non-indigenous.

Contrary to the equality of citizens provided under the 1995 Constitution of Ethiopia, any political appointment and representation is exclusively provided for the five indigenous ethnic groups to the total exclusion of settlers/highlanders or non-indigenous groups. In this sense, the mobilization of ethnic groups is not

⁸⁶ All ethnic groups or individuals other than the five indigenous ethnic groups are named differently, which means the same thing for the purposes of inclusion or exclusion in the political and economic opportunities of the region. The most commonly used terms include, among others: non-indigenous, outsiders, settlers, highlanders, non-titulars, newcomers, the red (referring to their light skin compared with the dark skin of the indigenous), non-natives, etc. In this paper, I use all of these terms interchangeably to mean the same thing with regard to special constitutional entitlement or exclusion.

⁸⁷ Dereje Feyissa, *Playing Different Games: The Paradox of Anyuua and Nuer Identification Strategies in the Gambela Region, Ethiopia* (2011).

⁸⁸ *Ibid.*

about the recognition of equal rights or the protection of individual rights but the ultimate goal is to control and own the state.⁸⁹ The ethnic criterion is simply set to disqualify other ethnic groups who do not share the same ethnic background or speak a similar language. Moreover, the sense of victimhood is heightened in this mobilization to instrumentalize their identities for the purpose of excluding so-called oppressors. The political parties organized along ethnic lines and select elites further stir up anger against outsiders/non-indigenes. Even worse, members of the ruling party in the region are accused of involving themselves in chasing the newcomers by supporting the local communities.

Similarly, the 2003 Revised Constitution of the Benishangul/Gumuz Regional State lists the “owners of the regional state.” Article 2 of the Constitution, captioned “owner nationalities (ethnic groups) of the region” provides that “notwithstanding the presence of other ethnic groups, regional ownership right belongs to Berta, Gumuz, Shinasha, Mao and Komo.” This dichotomization is often accompanied by preferential treatment in all aspects of publicly funded resources (education opportunities, job provision, political representation, linguistic rights, and the provision of other public services). The so-called settlers in the Benishangul/Gumuz Regional State, for example, account for about half of the Region’s population. They were excluded from the political representation altogether until the issue was later solved by the House of Federation through its power of Constitutional adjudication or interpretation.⁹⁰

The constitutions of other regional states which are considered relatively homogenous, are not better than the constitutions of heterogeneous states as regards dichotomizing individuals or groups into “insiders” and “outsiders” or

⁸⁹ Mesay Kebede, *supra* note 16.

⁹⁰ This case was initiated by a group of persons from the Bambasi and Assosa woredas of the Benishangul-Gumuz Regional State who claimed to belong to and represent the Amhara, Oromo, Agew, and Tigray residents of the area. They contested the constitutionality of both a decision by the Election Board—banning them from running for election on grounds of not speaking the language of the electoral district—and Article 38 of Proclamation 111/95. In delivering its final verdict the HoF declared the alleged proclamation constitutional and the decision of the Board to exclude those candidates running for the federal parliament unconstitutional.

“indigenes and non-indigenes.” They are designed in a way intended to create “nation-states” at the local level, in sharp contrast to the multiethnic and multicultural nature of the Ethiopian state and people. The 2002 Revised Constitution of Oromia National Regional State, for example, begins with “We, the Oromo People,” in sharp contrast to the “We, the Nations, Nationalities and Peoples of Ethiopia” of the 1995 Ethiopian Constitution that recognizes and acknowledges diversity. The Constitution of Oromia recognizes only the Oromo people as “holders of sovereign power,” ignoring, if not excluding, members of other ethnic groups and individuals residing in the region.⁹¹

Due to factors related to the constitutional exclusion of other ethnic groups and the mobilization of the Oromos against so-called oppressors, attacks and killings happened in several parts of the region. The Bedeno and Arbagugu killings, mostly targeting Amhara and Christian settlers in Oromia National Regional State at the beginning of the EPRDF era, was an early signal that the politicization of ethnicity was a “threat” to Ethiopia’s future stability and peaceful coexistence among different ethnic groups.⁹² It was believed that the Oromo Liberation Front (OLF), an ethnic-based faction that occupied some key positions during the Transitional Period (1991-1994) and left the stage in 1992 due to disagreement with the EPRDF on power sharing arrangements, has encouraged the local Oromo people to rise up against the Amharas. The Oromo People’s Democratic Organization (OPDO), a member of the EPRDF coalition, later took it farther and manipulated ethnic differences to instigate ethnic conflicts directed against “newcomers” or “settlers.” The Amhara settlers were often depicted as oppressors and even colonizers who came from the north to subjugate and plunder the resources of the Oromo people.⁹³ The federal government intervened very late with reluctance and little vigor to stop the mass killings. Several people were killed and evicted, leaving their homes and properties behind. Attacks and killings targeting other ethnic groups,

⁹¹ According to the 1994 Population and Housing Census of Ethiopia, about 15% of the population in the region belong to non-Oromo ethnic groups (9.1% Amhara, 1.3% Gurage, and 4.6% others) (CSA, 1994).

⁹² Moresh Wogenie Amhara Organization, *A Study Summary on the Crime of Ethnic Cleansing Perpetrated on The Amhara of Ethiopia, 1991-2016*, (2016), <https://moreshwogenie.org>.

⁹³ Asafa Jalata, *Oromia & Ethiopia: State Formation and Ethnonational Conflict, 1868-1992* (1993).

particularly the Amharas in Oromia, continue to this day. In a more recent ethnic-based attack, scores of Amharas were killed in the East Wollega Zone of Oromia region. The government of Ethiopia blamed the OLF-Shene, while the OLF rebel group implicated the Ethiopian government for the killings.

Similarly, the 2002 Revised Constitution of Somali National Regional State confers sovereign power to the Somali people, excluding other ethnic groups or individuals belonging to non-Somali ethnic groups. It tries to create a Somali “nation-state” at the regional level, contradicting the multiethnic and multinational nature of the Ethiopia. The list goes on. Other constitutions of the regional states such as the SNNRS, though aiming to embrace the rights of all ethnic groups, designates the zonal & woreda units exclusively for the “owner ethnic groups” at the exclusion of others. In sum, the way regional constitutions are designed and operationalized violates the rights of ethnic groups or individuals who do not belong to the so-called indigenous ethnic groups. This dichotomization ultimately resulted in discriminatory treatment of Ethiopian citizens across regions and damaged social cohesion and the state-building project in the country.

Conclusion the Way Forward

As shown in this paper, identity politics or the politicization of identity in the current Ethiopian ethnic-based federal system is inimical to the state-building process and the societal integration necessary to develop one political community with shared vision and goals. Respect for one’s cultural and linguistic rights is desirable and commendable. However, in the Ethiopian context, it goes beyond this and became a source of contestation and a basis for inclusion and exclusion in the Ethiopian body politic that has exacerbated conflicts that take ethnic form. Ethnicity and other primordial elements of differences are instrumentalized by political elites to gain material and psychological advantages over perceived or real “enemies.” Ethnic differences are sentimentalized and manipulated by political elites to secure cheap political popularity and advantage at the expense of societal coexistence, political stability, and state-building. As long as ethnic-based regional

states and ethnic political parties continue in their present form and shape, Ethiopia's state-building efforts and the peaceful co-existence of ethnic groups will remain negatively affected.

The real choice here is not between a return to the imperial regime that envisaged a homogenized nation-state through assimilation or an authoritarian Derg-like government that denies the right to self-determination of ethnic groups. That has already brought devastating consequences to the country. The real question rather would be: How can we optimally use the benefits of a federal state arrangement to accommodate the demands and preferences of various ethnic groups without politicizing identity and endangering the unity of the country and its people? It can be done in different ways. Without necessarily imposing it by law, the government, in consultation with the general public and opposition parties, can discourage party organizations along ethnic lines. There is an attempt by the PP to make ideology and national outlook a basis for political party organizations. To make parties' ideology and organization transcend ethnic boundaries, the electoral system can be devised in such a way that it encourages them to be non-ethnic. The final option would be prohibiting ethnic parties by law.

As Ethiopia is recognized as a multiethnic state that requires ethnic federalism to guarantee autonomy and self-rule rights for all ethnic groups, all regional states and subnational units should follow its footsteps. Adopting a 'nation-state model' at regional levels is not only at odds with the overall principle of the Ethiopian ethnic federalism that entertains multinationalism and multiculturalism but also discriminates against ethnic groups or individuals who are different from the owner ethnic groups of the regional states. If Ethiopia is multiethnic, then by implication the constituent units/regional states that form the Ethiopian federation are multiethnic. Hence, regional states are required to respect the autonomy and self-rule rights of other ethnic groups or individuals residing in their jurisdictions.

As the way forward to make the present federal system workable for the benefit of the Ethiopian people as a whole, the implementation of the following recommendations is suggested:

- Amendments to some of the regional state constitutions and the federal constitution are required. Those provisions that encourage ethnic polarization and secession need to be amended.
- Design institutions that require the cooperation of ethnic political parties that aspire to occupy higher political positions. In this case, any political party aspiring to control power at the federal level needs to appeal to other ethnic groups for support in order to win election. The Nigerian case is a good example in that anyone aspiring to be president needs to secure the support of the majority of states and ethnic groups, implying that he/she has to work hard to earn the support of the majority of ethnic groups other than his/her own ethnic group. Shifting to a presidential system is one such institutional arrangement. Unlike the parliamentary system, where members may be elected by the various ethnic groups in their localities, the presidential election requires universal suffrage where all ethnic groups are directly involved in the election of the president. Universal suffrage and majority vote guarantees both group and individual rights and pressurizes the president to be a moderate candidate who can appeal to all ethnic groups in the country. Prohibition of political party organization along ethnic or other sectarian lines by law is the last option if the other measures do not work.
- Appropriate mechanisms should be put in place to control the activities of politicians and government officials who use ethnicity and other identity markers in their political campaigns to create hostilities and divisions among different communities.
- Regional state boundaries need to be redrawn so as not to align with ethnic or any other primordial division among people. In this regard, those larger ethnic groups and regional states should be redrawn to avoid the temptation of acting as a sovereign state and to minimize the tendencies of

secession. Put simply, reform is needed in the administrative boundaries of regional states/zones or woredas so as to respond to changing circumstances and depoliticize ethnic identity. Nigeria is an example where regional state boundaries are not necessarily intertwined with ethnic identity. Some bigger ethnic groups are divided into several regional states. Switzerland is another example in that Cantons' boundaries are not matched with linguistic identifications. The German-speaking community are divided into several cantons. The same is true for French-speaking Swiss community. An ongoing effort by the government to investigate problems related to boundary demarcation and the implementation of self-government rights at local levels via the Identity and Boundary Commission is a good start. The findings could serve as a steppingstone for boundary adjustments that would reduce politicized identity and ethnic conflicts associated with boundary related disputes.