Is the Ethiopian Federalism in Trouble?

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Ethiopia is a country of a cultural and linguistic mosaic. Paradoxically, the political and bureaucratic system of the country has failed to accommodate the ethno-linguistic and religious diversity of the society. The Ethiopian monarchical system and the military dictatorial government have had pursued a policy of national unity and territorial integrity of the state often at the expense of ethno-linguistic and religious diversity. In effect, the different ethnic and religious groups had suffered from domination and injustice. This has led to the birth of ethno-nationalist movements taking arms against the strong central government demanding self-administration. In 1991 the ethno-nationalist forces led by the Tigray People's Liberation Front (TPLF) have won the battle against the military government which led to the establishment of the Federal Democratic Republic of Ethiopia. However, since its inception, there has been a widespread disagreement among Ethiopian political groups, scholars and even the public at large about the origin, structure and function of the federal system and its constitution. This particular paper aims at critically analysing the risks associated with the Ethiopian federal system in light of Ronald Watts's six principles of federalism: disposition to democratic procedures; non-centralization as a principle; checks and balances to limit the concentration of political power; open political bargaining for making collective decisions; genuine group power-sharing within central institutions, often consociational and respect for constitutionalism and the rule of law while using literature and document analysis as data collection procedure and research methodology. In effect, secondary data sources have been reviewed including various types of relevant books, journal articles, government and non-governmental reports, government implementation plans and progress reports and lastly they have been carefully scrutinized and analysed to secure their reliability, suitability and adequacy. Finally, even though the aforementioned principles are embedded in the Constitution, the paper has found out that the government has practically failed to implement them. Consequently, the federal system in Ethiopia is mainly regulated by the policies of the ruling party rather than by the merits of the Constitution. In effect, the country is facing a multifaceted crisis and the federal system and its constitution are under imminent threats. In the end, the paper recommends that under the present scenario, the situation necessitates the government to carry out a deep structural and system reform focusing on the political and economic imbalances that are observable in the coalition ruling party and among the different ethnic groups in the country. Furthermore, since there is a widespread

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disagreement about the origin and development of the federal system and its constitution among different groups in and outside the country, holding a national reconciliation and political referendum on the federal system and its constitution is fundamental to fix ethnic driven conflicts and political instability in the country.

Keywords: *consociation, democracy, political bargaining, constitutionalism, non-centralization*

Introduction

Ethiopia is a diverse nation with more than 80 ethnic groups. No single ethnic community in Ethiopia constitutes more than 50% of the country's population. However, the Oromo, Amhara, Somali and Tigre are the major ethnic groups with significant proportions, according to the 2007 census 34.5%, 26.9%, 6.2% and 6.1% respectively. [1] There are also diverse religions coexisting in the country including Orthodox Christianity, Islam, Protestant and Catholic denominations and other indigenous religions. That is why, in 1928, the famous Italian scholar, Carlo Conti Rossini, described the Ethiopian Empire in his book *Historia di Ethiopia* as "un museo di popoli" or a "museum of peoples", signifying the linguistic and religious diversity of the country. [2]

Paradoxically, the then political and administrational system of the country had been arranged against the existence of such diversity. Modern Ethiopia which had emerged in the second half of the 19th century with the coming into power of Emperor Tewodros II (1855–1868) and finalized by Emperor Menelik II (1889–1913) and further strengthened by Emperor Haile Selassie's (1930–1974) had failed to accommodate its ethnic, linguistic and cultural diversity in its socio-economic and political system of administration. [3] Menelik II, embarked on an aggressive, at times brutal, westward and southward expansion, subjugating and incorporating Oromo, Sidama, Gurage, Wolayta and other groups. [4] In the name of the Emperor, *Neftegna* (Amharic for riflemen) settled the lands (in Amharic *gebbar*) and levied tribute from farmers in the newly conquered territories. They tried to impose Amharic and the Christian Orthodoxy they considered superior to local non-Christian and pagan traditions. [4] Indeed, spearheaded by Menelik II, the Ethiopian state accomplished the momentous achievement of doubling its size by expanding into what is now the southern part of Ethiopia. During the imperial era, the belief of "one language, one religion, history, custom, administration (centrist), flag" have led to the loss of the cultural identity of the nation, nationalities and people of Ethiopia. Similarly, during the military socialist government (*Derg* regime), there was not any substantial change on the policy. Continuing with the imperial era policy of "denying ethnic (cultural) identity", it butchered those who raised ethnic and identity related demands. [3]

The administration system prior to 1991 had not given due recognition to the existential problem of the country, the multi ethnic and linguistic nature of the nation. [5] The consequence of ignoring or suppressing ethnicity in the country led to the birth of militant ethnic nationalism, such as the Tigray People's Liberation Front (TPLF), the Eritrean People's Liberation Front (EPLF), the Ogaden National Liberation Front (ONLF) and the Oromo Liberation Front (OLF) just to mention the dominant ones, with the doctrine of the right to self-determination to promote their respective ethno-regional demands. [6] [7] At the centre of their struggle

there is a claim for the recognition of their language and culture and an attempt to redefine the identity of the state. [8] This aggravated the conflict between the central government (military regime) and ethno-nationalist movements and led the country to an all-out civil war. The war continued for almost two decades and led to the victory of the national liberation movements led by the TPLF dominated Ethiopian People's Revolutionary Democratic Front (EPRDF) over the military regime in 1991.

Hence, the crucial task of the new government was to design an institution that better recognizes and accommodates the country's ethno-linguistic and cultural diversity. This led to the establishment of a transitional government and the development of a new constitution in 1994–1995. The constitution redefined the country along ethnic lines with the creation of nine ethnic-based regional states and two federally administered city-states and named the country *Federal Democratic Republic of Ethiopia.* [9] In this regard, the intent of the 1995 Constitution was to create a more prosperous, just and representative state for its entire population. Relative to the past administration, the system was able to score success in the political, economic and socio-cultural area. The economic growth achieved by the government is particularly remarkable even by international standards. Ethiopia showed a track record of sustained rapid growth and poverty reduction and labelled among the top ten fastest growing economies in the world as revealed in international reports. [10] [11]

Yet, despite continued economic growth and promised democratization, many observers claimed that there was a growing discontent with the EPRDF's ethnically defined state and rigid grip on power and fears of continued interethnic conflict. At the government level, the document released after the National Security Council meeting, held on 10 October 2017 reveals that Ethiopia is currently confronting an alarming level of multi-front crisis which has led the government to admit that the federal system and its constitution is under imminent threats. [12] Freedom in the World 2017 reported that Ethiopia was wracked by protests throughout much of 2016 and 2017, a result of widespread and growing discontent with ethnic and political marginalization and repressive rule by the EPRDF. Had the ethnic driven conflict and the political instability continued, it would have put at risk the entire nation. The country started to feel the effects of instability in the form of revenue reduction from the tourism sector, reduction in the flow of foreign direct investment, lawlessness, lack of peace and security and the depletion of the foreign currency reserve. [12] In general, the political, economic and socio-cultural situation of the state and its people is currently at grave risk and above all, the future looks worst unless properly managed.

Therefore, addressing the roots of this crisis requires an objective assessment of the systemic risk that involves the political economic imbalance and injustice through an investigative approach to the system. This enables the system to design and implement a sound mitigation policy response to properly manage the risks and crisis associated with the wrong implementation of the federal system and its constitution. In this regard, the mere adoption of federal or similar arrangements does not signify an effective accommodation of ethnic diversity and the creation of an inclusive society. The success of subnational autonomy arrangements in addressing ethnic divisions is not guaranteed. Success depends, among other things, on the genuine nature of the federal design and its proper implementation in the Ethiopian context.

The Fault Line of the Ethiopian Federalism

After ousting Mengistu Haile Mariam's dictatorship in 1991, the EPRDF led by Prime Minister Meles Zenawi, embarked on a project to radically transform the country's political system. The regime not only restructured the state into the current Federal Democratic Republic of Ethiopia, but also vigorously redefined citizenship, politics and identity on ethnic grounds. [13] But here the question is why has the country adopted ethnic federalism? What if the government adopts a devolutionary structure rather than ethnic federalism? Why other sound mechanisms and institutional arrangements had not been chosen to better accommodate ethnic diversity? The lesson from the African experience, including the then political administration in Ethiopia, is that when a state fails to readily acknowledge and accommodate its ethnic diversity, federalism or other such arrangements lead to increased tensions among ethnic groups. In this regard, Osaghae argues that federalism is necessary for Africa to manage the problems emanating from diversity such as inequitable social and political relations, and unequal development of groups. [14] Erato Kozakou-Marcoullper argues that federalism, by allowing power to be at once divided and coordinated, enables respect for different identities, accommodation, multicultural co-existence, tolerance and cooperation to take place and acts in a positive way for keeping a country together rather than divided. [15] Federal arrangements can accommodate ethnic communities' aspirations by preserving their culture, language and religion, through an autonomous administration of a territorial space. [15] Hence, the fundamental reason behind the adoption of federalism in Ethiopia after 1991 lies in its potential for accommodating ethnic diversity and fostering the values embedded in ethnic community. [16] [17] [7]

Keeping this in view, the 1994–1995 Constitution was designed to contain the existential problem of the country, accommodating the ethno-linguistic diversity of the nation which was for long ignored. Ethnic federalism as an institutional design not only devolves power but at the heart recognizes, respects, defends and promotes the very nature of human existence with its unique identity/character which is, I strongly believe, a necessary condition for a state in a multi-cultural environment to survive from designation. Indeed, in Ethiopia, the remake over the past two decades has been accompanied by tremendous hopes for a more prosperous and peaceful future, after decades of poverty, hunger and oppression. It is true that the federal system and its constitution have established peace and security which for long has been lost in the country. Nations, nationalities and people are able to administer themselves and able to promote their own unique socio-cultural values which they never imagined it could happen in the previous administration.

However, despite rapid economic growth and poverty reduction as well as celebration of diversity, many observers claimed that post 1991 was characterized by major and minor ethnic conflicts in many parts of the country including the capital, Addis Ababa which was dominantly due to political, economic and border problems.

The World Bank report on violent conflicts in Sub-Saharan Africa 1991–2008, which was prepared by Benjamin Petrini revealed that numerous non-state conflicts between various ethnic groups in different times claimed the life of many civilians, this includes Afar and Issa in 2002 which led to the deaths of 75 people, Anuak and Dinka in 2002 where 35 deaths were reported, Dizi and Surma in 2002 in which 35 were dead, Ogaden and Sheikhal in 2002 which claimed 435 lives, Afar and Kereyou in the year 2002–2003 claiming 69 lives, and the Anuak

and Nuer (Ethiopia) in 2002–2003 left 89 people dead. [18] Amnesty International further reported instances of ethnic violence including ethnic clashes in Gambella in 2003 which led to the death of 65 people, 61 Anuak people and four members of highland ethnic groups and 75 wounded, in addition to this, nearly 500 houses were burned down and plundered. [19] In June 2006 conflicts between Guji and Borena communities in the wake of changes to administrative boundaries in Oromiya and Somali regional states claimed at least 100 lives and displaced at least 35,000 people. [19] Numerous reports also indicated the presence of waves of conflict between the government and protesters in which the government and its agents committed arbitrary and unlawful killings. Trudeau, citing International NGO, Amnesty International claimed that more than 800 persons were killed starting from November 2015. [20] In August 2016, BBC News reported that "Nearly 100 killed" in Oromia and Amhara regional states. [21] Hence, in spite of the rationality of the federal administration in managing the complex ethno-linguistic diversity of the country and reducing conflicts, ethnic competition and conflicts are still critical challenges in the country. [22]

Therefore, for the last two decades, EPRDF has failed to end both the ethnic identity driven conflict and the armed struggle of ethnic based nationalist movements. [23] [5] Hagmann and Abbink argue that political polarization and ethnic competition have been prevalent for the last two decades, in the period of ethnic federalism. [24] Adegehe further adds that ethnic federalism failed to solve ethnic conflicts, still common in regional border areas, resettlement sites and universities, composed of different ethnic groups. [25] Above all, ethnic federalism failed to resolve the "national question". [13] The EPRDF's ethnic policy empowered some groups but it did not lead to dialogue and reconciliation. For Amhara national elites, ethnic federalism impedes a strong, unitary nation state, furthermore for ethno-national rebel groups like the Ogaden National Liberation Front (ONLF; Somalis in the Ogaden) and Oromo Liberation Front (OLF), ethnic federalism remains artificial. [13]

The fundamental concern and issue here is how to address those conflicts which are arising in the society for different reasons in a sustainable manner. Indeed, conflict among groups and in effect political instability is common in every society, particularly in countries like Ethiopia where people are different considering their ethnic, cultural and religious background. This requires genuine institutional arrangement, political leadership and commitment and above all community participation. Hence, the fundamental question here is why the EPRDF government's dream of managing ethnic identity driven conflicts and political instability and the creation of an inclusive society is fading and challenged by unprecedented factors? How federalism along ethno-nationalist lines in countries like Spain, Switzerland and Belgium are relatively successful? Thus, it is of paramount importance to critically analyse the fault line of the Ethiopian ethnic federal arrangement and the failure of the system to deliver much of what is expected of it.

Therefore, this particular paper critically analyses the issue of federalism, particularly pertaining to the question—is the Ethiopian ethnic federalism in trouble?—while scrutinizing the whole process of state–government structuring, adoption and implementation of the democratic federalism project and its constitutional values, norms and principles in light of the framework developed by Ronald Watts. Watts presented a list of the significant political processes and practices on which the effectiveness of different federations depended: [26]
- disposition to democratic procedures;
- non-centralization as a principle;

- checks and balances to limit the concentration of political power;
- open political bargaining for making collective decisions;
- genuine group power-sharing within central institutions, often consociational;
- respect for constitutionalism and the rule of law.

Disposition to Democratic Procedures

In fact, the manner in which the current Ethiopian constitution was crafted and consequently the federal structure was established raises many more prominent governance questions; among others the question of disposition to democratic procedures is fundamental. [27] [13] [6] Though the government defends that the process has been democratic and open to the public and political parties of the time, many have criticized the procedure and development of the federal structure and its constitution. Many observers have claimed that since the TPLF has held the upper hand over other ethnic based nationalist parties, it has rigged and dominated the development process of the federal system and its constitution. For instance, the National Conference on Peace and Reconciliation, which was organized in July 1991—as the foundation for a transitional period after the regime change, excluded many of the political groups from participation. [28] The conference largely included selected individuals and over 20 political organizations handpicked by TPLF/EPRDF. [27] [29] Further, multinational organizations or other ethnic-based organizations that might pose a threat to the new status quo were systematically excluded from the process. In civic and political terms, the remnants of the student movement, the Ethiopian Revolutionary Democratic Party (EPRP) and the All Ethiopian Socialist Movement (Meison) were not invited to attend the conference. [2]

The International Crisis Group also stated that the military superiority of the TPLF and the control that they imposed during the transitional period made the opposition unable, both physically and politically, to reject the so-called federal bargain. [13] Consequently, the EPRDF quickly institutionalized the TPLF's policy of people's rights to self-determination and self-rule. [13] Hence, the introduction of self-determination for the nationalities was done without a genuine consultation of the wider sections of the Ethiopian people, and there was little of a "federal bargain", which according to the federal theory is an essential part of a sustainable federal system. [13] Further, the group argued that although the transitional conference that was held just after the EPRDF came to power in 1991 included a wide spectrum of political parties, their views were hardly taken into consideration and the EPRDF's agenda for the transitional period was adopted largely unmodified. [13] In effect, from the outset, the TPLF through the EPRDF coalition was not able to demonstrate a genuine will to share power with other political forces in a democratic manner. [13] It is possible to infer from this that the TPLF was the creator of the coalition (EPRDF) and the architect of the ethnic federal model and its constitution.

Even though the constitution was applauded for its commitment to liberal democracy and respect for political freedoms and human rights, practically, the government failed to establish democratic values, norms and principles. According to the International Crisis Group "the government has encroached on social expression and curbed journalists, non-governmental organizations and religious freedoms. The closure of political space has removed

any legitimate means for people and political parties to channel their grievances." [13] This produced tensions between the government and the opposition, and led to communal and inter-ethnic animosities and armed conflict between ethno-national rebels and the government. [13] Hence, "the shrinking nature of the political land scape due to the lack of disposition to democratic procedures is responsible for the revival of armed secessionists", movements such as the Ogaden National Liberation Front and the Oromo Liberation Front. Moreover, with the failure of ethnic federalism in developing a peaceful inclusive political atmosphere, many other new opposition political parties took arms against the government such as the Ginbot 7 Movement for Justice, Freedom and Democracy (G7), the Amhara Democratic Forces Movement (ADFM). [13] [25] In effect, the EPRDF firmly monopolizes political representation, decision-making and public space. [13]

However, in a multi ethnic state like Ethiopia, democracy is not only an instrument of government but most importantly ought to be the way of life of its citizenry, due to the values, norms and principles like tolerance towards diversity, the rule of law, accountability, transparency, etc. which are embedded in the system. Building a resilient state essentially depends on the degree of its exposure to democratic values, norms and principles as well as their actual implementation. Therefore, I firmly believe that the process that leads to the launching of a federal experiment is crucial in the success of a federation. In this regard, from the inception period till now the way how the federal system and its constitution have been crafted and implemented need a deep analysis from the perspectives of its disposition to democratic procedures so as to build a holistic system in which no one assumes alienation. This requires the good will of all parties, legally registered political parties, armed nationalist movement groups, and political parties established abroad, particularly the government in power, and other stakeholders to create an open and democratic dialogue for the good of the nation and its people. To the extreme, the EPRDF Government ought to show its political will to carry out a referendum on the ethnic federal system and its constitution if that is needed to end ethnic identity driven conflict and political instability so as to realize the creation of an inclusive society.

Administrative and Political Non-Centralization

In principle federalism is the method of decentralizing powers so that the federal and regional governments are each, within a sphere, co-ordinate and independent. Ethiopia's decentralization policy, elaborated in the 1991 transitional charter and the 1995 Constitution, was created by the current ruling party (EPRDF) to devolve fiscal, political and administrative power to the ethnically organized regional governments. Unlike previous heavily centralized Ethiopian regimes, the EPRDF introduced an ethnically based decentralized federal arrangement, and officially allowed different political parties to compete and participate at both central and regional government levels. Accordingly, the FDRE Constitution, Article 51 and 52 allocated different power and responsibilities to the federal and regional governments separately, as well as concurrently to avoid political and administrative excessive centralization. [9] Nonetheless, the EPRDF controls all the regional state governments in the Ethiopian federation, either directly through its member parties or indirectly through affiliate parties. The relationship between the central

and regional parties is like a relationship between patron and clients. [30] All important political decisions must be taken at the centre or be in line with central policies. Both supporters and opponents of ethnic federalism recognize that centralized party rule and federal interventions in the regions undermine local self-government. [13] Keller also claims that policies and implementation strategies are highly centralized where regional states replicate policies from the centre. [31] Assefa argues that regional governments are neither autonomous nor accountable to their constituencies and further the centre does not allow them to articulate and address regional interests; rather, they are required to implement central directives. [32] In this regard, the adoption of a top-down decision making process is against the very principle of federalism, shared rule and self-rule.

However, some attribute the lack of genuine decentralization in the country to the government's concern that allowing the regions to become too autonomous would encourage some regions to secede, taking advantage of the constitutional provisions like the Somali and Oromia regions. In effect, advocates of state-centred or regulated or democratically centralized federalism argue that the state-centralized form of federalism alleviates tensions of division because the structures are somewhat democratically interlocked. [33] The government also argues that the source of pursuing centralization is the incapacity of regional governments to make and implement decisions and policies by their own.

Whatever the reasons, failure to devolve political and administrative power undermined the federal arrangement and weakened the decision making capacity of regional governments. To the extreme, the fake implementation of the federal system and its constitution re-enforced ethnic based secessionist movements on the ground that the system promotes disproportionate concentration of power in the hands of the TPLF and fake decentralization. Finally, it is the responsibility of the federal government to capacitate and empower regional governments for better outcomes and thereby to overcome the risks associated with excessive centralization of power.

Checks and Balances to Limit the Concentration of Political Power

The 1994–1995 Constitution, Articles 51, 52, 55, 72 and 79 vividly established the kind of power relationship between and amongst the level and branches of government to ensure strong checks and balances in the system. [9] Further, the Ethiopian Federal Government is parliamentary in that it allows the legislature to exercise oversight and control over the executive. [9] However, in practice the power of the executive branch in the federal government surpasses the power of the legislature and similarly in the regional states the executive power exceeds the power of the state in the House of Peoples' Representatives. Hence, the checks and balances system among different state bodies, as well as the level of government is weak and much power is vested in the hands of executive bodies and in the federal government. [22]

In this regard, Semahagn Gashu attributes the lack of strong checks and balances in the system to the notion of democratic centralism—it is one of the major principles currently used to regulate the government structure and intergovernmental relations—which is responsible for undermining the separation of powers principle, the significance of official

channels of government and the accountability of the system. [6] Though there are legislative, executive and judicial bodies within the Ethiopian constitutional system, the separation of powers principle was undermined due to the party's principle of democratic centralism. [6] In effect, the Prime Minister has more power than what is common in parliamentary systems, the central executive's powers are largely unrestrained by the control of other institutions of the federation, such as the House of Peoples' Representatives and the House of Federation. This creates a good opportunity for the party in power to implement its policies and create legislation without the consultation of the regional governments, other political parties or the electorate at large. [27]

The International Crisis Group, while commenting on the political and economic institutional set up of the country, argued that in Ethiopia the role of ethnic federalism as a way to check and balance power is insignificant. Despite the federal government's multi-ethnic composition, TPLF officers occupy the highest levels of all ministries, the party's dominance is particularly evident in the armed forces and the National Intelligence and Security Office. [13] The organization further accuses the government that Ethiopia's political system and society have grown increasingly unstable largely because the TPLF has become increasingly repressive, while failing to implement the policy of ethnic federalism it devised over twenty years ago to accommodate the land's varied ethnic identities. [13] The result is obvious in that there is a greater political centralization, with concomitant ethnicization of grievances.

Therefore, it is imperative to enhance and empower democratic institutions in the country and promote the internal culture of democracy within the ruling party (EPRDF). Particularly, capacitating the judiciary and legislative branch of the government is fundamental to help them discharge what is good for the public as per the constitution of the country. This paves the way to hold the executive branch of government accountable and live up to its constitutional mandate. It is also of paramount importance to empower the capacity of regional governments to avoid the concentration of political and administrative power in the hands of the federal government and thereby to enhance the culture of checks and balances, as well as to promote the notion of "self and shared rule" between the two levels of government. In this regard, well-functioning and autonomous democratic institutions are required to facilitate checks and balances and accountability across different bodies including the executive bodies and also provide inclusive and contextual decisions that would serve as a venue for diversity management and reduce contradiction and conflict. [22] Above all, unless the government implements ethnic federalism as a way to check and balance political, economic and administrative power, ethnic grievances and political instability is in its next door. This urges the nation to ensure political and economic representation and justice for all, so as to ease the increasing ethnic tension and political crisis in contemporary Ethiopia.

Open Political Bargaining for Making Collective Decisions

The most serious shortcoming of the 1991 conference was its disregard of multinational organizations in general and pan-Ethiopian nationalism in particular. However, a crucial aspect of decentralist and balanced federalist ideologies is that the federal bargain should be based on a covenant, where the various political forces in the country voluntarily agree to

make arrangements for power-sharing and the devolution of power. In light of this principle of federalism, there are two major political forces that need be considered in the Ethiopian context, namely the pan-Ethiopian nationalism versus ethnic nationalism. [6] Disregarding this fundamental reality, the transitional charter was devoted solely to the "right of nationalities" and overlooked the pan-Ethiopian nationalism that had been in the process of crystallization in previous decades. [6] Due to such polarization, it has been challenging and will remain as a challenge to find a political solution to the divergent interests of the various groups and make the process inclusive for all the political groupings. However, open political bargaining paves the way to the need for intense negotiation on the issues and the willingness to make concessions among the stakeholders, so as to reconcile these two extreme political-economic perspectives in order to create a legitimate political system and constitution within such deeply divided societies. In effect, the institutionalization of the politics of accommodation and democratic bargaining would reduce ethnic antagonism and promote trust, dialogue, tolerance and recognition of differences, moderation and cooperation as critical engines of coexistence. [34]

Genuine Group Power-Sharing within Central Institutions, Often Consociational

It was argued that consociational democracy as understood in the way of promoting the political culture of accommodation can be an alternative mechanism to prevent potential sources of conflict such as unequal and arbitrary distribution of political and socio-economic opportunities. [35] Moreover, consociational power sharing is highly appropriate especially in those multi-ethnic regional states where the political decentralization does not coincide with ethnic boundaries. Such political culture of accommodation would improve trust and confidence across members of different ethnic groups and eventually discourage the fear of domination. [34]

In Ethiopia, however, despite the federal government's multi-ethnic composition, TPLF leaders have since the fall of Mengistu in 1991 had the most powerful positions in the country among others the security apparatus, top military positions, the aviation industry and major pillars of the economy. [36] Evidence from Freedom House found that the government tended to favour Tigrayan ethnic interests in economic and political matters and in effect the country's political and administration decision making is actually geared towards TPLF. [37] This presented a structural and system risk to the EPRDF Government and the peace, security and economic progress of the nation in general. Hence, the government should work hard in practice implementing a genuine power-sharing system in federal major institutions as depicted in the constitution. Thus, genuinely promoted and practiced consensus-based structures of political and economic governance could address the factors for diversity-based conflicts. [22]

Respect for Constitutionalism and the Rule of Law

The legitimacy of the origin of federal constitutions is particularly crucial. Indeed, since the formation of a federation is an agreement or contract that is freely and mutually entered into; the origin of federations should always be consensual. A federal system of government is a mutual consent among the various constituent parts or, as Trudeau notes, "federalism is by its very essence a compromise and a pact". [20]

In this regard, the fundamental step in the drafting process of a democratic constitution is that the drafting body must be comprised of all the political groupings that have a stake in the process. In the Ethiopian context, there are at least two competing interests without which any constitution-making process would not be successful. One is the sentiment towards the territorial integrity and unity of the country while many linguistic and cultural groups are concerned with cultural survival and equality. [6] Genuine and a real constitution-making process would not be successful unless these two political groupings are fairly represented in the constitution-making body. [6]

The constitution-making process and its subsequent institutionalization of the federal system in Ethiopia, however, was only designed by taking into account the interest and will of ethno-nationalist groups while ignoring the will and interest of others groups like pan-Ethiopianists. Hence, it is possible to conclude that the constitution-making process was largely dominated by TPLF/EPRDF and other ethno-regional political forces. [6] Consequently, in contemporary Ethiopia, it is common to observe that different political parties (both established in and outside the country), scholars and the public to some extent are indifferent towards the constitution as a governing document. This is particularly evident in the 2005 election top leaders from the Coalition for Unity and Democracy (CUD), a national political opposition party, publicly calling the document a constitution of beasts not of the free people. Indeed, the government itself is not faithful to its own constitution since it is common to observe government officials violating the terms and provisions of the constitution. The assessment made in 2017 by the government and the National Security Council revealed the continuous violation of laws by government officials and armed groups across the country and in effect violent conflict and lawlessness presenting an imminent threat to the rule of law and constitutionalism in the country. [12] These all are indicative of the lack of national consensus on the way the national constitution is made and implemented.

This calls for launching an inclusive constitution-making process which must be sought as the first step necessary to design an enduring constitution in a divided society like Ethiopia. This is because a constitution will be considered legitimate only if the vast majority of the polity's members identify themselves with it and view the document as their own. [38] Furthermore, the involvement of political groups in the constitution-making process not only determines the legitimacy of the process and the contents of the constitution, but it may also be a key factor in determining whether the country will undergo democratic transition and attain long-lasting stability. In addition to this, the involvement of various political groupings in the constitution-making process and its inclusiveness must be manifest through the participation of public and civic society groups. This entails the existence of a deep polarization that urgently needs to be resolved through intense negotiation on the document and the willingness to make concessions among the stakeholders and finally hold political

public referendum. In this regard, consensual legitimacy is necessary for a constitution to have real meaning and for the federal project to have a lasting legacy. [39]

Conclusion and Recommendation

After 1991, Ethiopia has entertained relative peace, security and economic progress under the centralized leadership of the TPLF dominated EPRDF. Despite this, there is still no widespread national consensus amongst the opposition political parties both in and outside the country, elites and at large in the Ethiopian society with regard to the notion and practical implementation of ethnic federalism and its constitution. The document presented at the EPRDF's National Security Council meeting reveals that people have lost confidence in the federal system and its constitution and in effect, the country is facing alarming multi-front crisis and imminent threats. The government accepted that the political leadership would take the prime responsibility for the mismanagement of the public resources and failure to act based on the rule of law. But such declaration should further need to be tested practically. Likewise, many scholars and political observers, both local and abroad, as well as ordinary citizens claim that the Ethiopian federalism is in trouble unless fundamental re-structuring is sought for. Indeed, nation building is not an easy task and cannot be achieved overnight. It requires building a sustainable system and structure which necessitates the democratic collective actions of all members of the state. Since its establishment, the legitimacy of the federal system and its constitution has been a governance issue of wide public interest. This paper revealed that the Ethiopian federal state structure and governance system suffered from systemic risks and in effect, was practically challenged when testing the administration in light of Roland Watts's *six principles* that ought to be the characteristics of any federal system: disposition to democratic procedures, non-centralization as a principle, checks and balances to limit the concentration of political power, open political bargaining for making collective decisions and genuine group power-sharing within central institutions, often consociational and respect for constitutionalism and the rule of law. Though some of these principles are embedded in the constitution, the EPRDF Government has practically failed to deliver them properly. The current waves of conflict and political instability is targeted against the system for its failure to deliver political and socio-economic justice for the common good. The grave situation the country is currently facing requires tangible action that goes beyond the traditional and old ways of addressing ethnic conflict and political instability i.e. through military and security policy. Instead an innovative approach is needed to deal with the problem. Since the problem is political and the risk associated with it is systemic and strategic, it requires a political solution with appropriate and holistic mitigation policy response to maintain peace and security and economic progress across the country. Hence, identification and management of risks associated with the system must be an integral part of a sound management and governance framework.

However, if the government is not willing to develop and implement effective risk management that addresses the root causes of political instability of the nation, while taking into account the above mentioned five principles of federalism—further political and administrative crises, as well as economic downturn will be inevitable. At the bottom

line, this requires the existence of a flexible system with political good will and leadership competence to make the federal operations successful. It is recommended, that all this should start with an open democratic dialogue with all sections of the society in general and opposition political parties both in and outside of the country need urgently to bring about a national consensus on the federal system and its constitution. Even with the existing scenario, the EPRDF Government has to be faithful to its own constitution so as to realize the rule of law in the country and save the system from disintegration. The federal system in Ethiopia is mainly regulated by the policies of the ruling party rather than by the merits of the constitution. Therefore, the sustainability of the nation as a diverse state fundamentally requires the full practical implementation of the federal system and its constitution while critically re-structuring the imbalance that are observed in the political economy system of the nation. Furthermore, it is recommended that, since there is a widespread disagreement about the origin and development of the federal system and its constitution among different groups in and outside the country, holding a national reconciliation and political referendum on the federal system and its constitution is fundamental to fix ethnic driven conflicts and political instability in the country.

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