



ETHNIC FEDERALISM AND NATION BUILDING IN DEVELOPMENT: THE CASE OF ETHIOPIA

By

Endalamaw Chekol Baweke

**Addis Ababa University School of Graduate Studies
April 2015
Addis Ababa, Ethiopia**

**ETHNIC FEDERALISM AND NATION BUILDING IN
DEVELOPMENT:
THE CASE OF ETHIOPIA**

By: Endalamaw Chekol Baweke

**LL.M Thesis Submitted to Addis Ababa University College of Law and Governance
in Partial Fulfillment of the Requirements of Masters of Laws (LL.M) Degree in
Constitutional and Public Law**

Advisor: Elias Nour (PhD), Associate Professor

Declaration

I, Endalamaw Chekol, hereby declare that this thesis is original and has never been presented in any other institution. To the best of my knowledge and belief, I also declare that any information used has been duly acknowledged.

LL.M Candidate Name:

Endalamaw Chekol

Signature: _____

April 2015

This thesis has been submitted for examination with my approval as University supervisor.

Supervisor:

Elias Nour (PhD), Associate Professor

Signature: _____

Date: April 2015

Table of Contents

<u>Content</u>	<u>Pages</u>
Abstract	Error! Bookmark not defined. 7
Chapter One	8
Introduction.....	8
1.1 Background of the Study.....	8
1.2 Statement of the Problem	11
1.3 Purpose of the Study	12
1.4 Significance of the Study	13
1.5 Scope and delimitation of the study	13
1.6 Research Questions	14
1.7 Methods and Sources	14
1.8 Structure of the Paper.....	15
Chapter Two	16
Ethnicity and Ethnic Federalism, Conceptual and Theoretical Considerations.....	16
2.1 Ethnicity	16
2.1.2 The Instrumentalist Approach	19
2.2. Ethnic Federalism.....	21
2.2.1 Federalism in General: The Quest for Meaning	21
2.2.2. Central Foundation for Adopting Federalism.....	25
2.2.3. Common Characteristics of Federations.....	26
2.2.4. Formations of Federations	27
2.3. Does Marriage of Ethnicity with Federalism promise for Ethnic Accommodation?.....	29
2.3.1. Arguments <i>against</i> and <i>for</i> the Workability of Ethnic Federalism	30
2.3.2. Institutional Arrangement: A Compromise between Opposing Values of Unity and Diversity	34
Chapter Three	41
Conceptual Framework on Nation Building and Institutional Mechanisms.....	41
3.1 Definition of Nations.....	41
3.2 Nation Building.....	43

3.2.1 Conceptualization and Contextualization of Nation Building.....	43
3.2.2 Cotemporary Usage of the Term Nation Building	45
3.2. 3 Federating Secession with Nation Building and Its Impact Thereof.....	48
3.2.4 Language Policy and Its Implication in Nation Building	55
3.2.5 Challenges of Nation Building in Identity- Based Federalism.....	56
3.3 Institutional Mechanisms for Nation Building	59
Chapter Four	61
Ethnic Federalism, Nation Building and Development in Ethiopia	61
4.1 Historical Overview on the Ethiopian Federalism and the Choice of Ethnic Federalism ..	61
4.2 Ethnicity and Its Politicization in Ethiopia	65
4.3 The Possibilities of the Ethiopian Ethnic Federalism/Constitutional Arrangement for Nation Building.....	67
4.4 Setbacks of Constitutional Engineering of Nation Building in a Multi- ethnic Ethiopia	69
4.4.1. Ambiguities of the Ethiopian Federal Set up in the Guise of ‘Ethnic Line’	69
4.4.2 Secession Clause: Unconditional Constitutional Right to Exit the Federation	72
4.4.3 Ethno- Linguistic Identity in Ethiopia: Common Identity or Divisiveness?	76
4.4.4 Freedom of movement and Its Impact on Economic Integration	80
4.4.5 The Electoral System: Political Compromise and National Consensus	84
4.5 Extra constitutional Factor: Institutionalization of Memory of Oppression	89
Chapter Five	95
Concluding Remarks.....	95
References.....	99

Acknowledgment

This thesis has undergone many permutations, but has improved in the process. I owe my thanks and gratitude to my advisor, Dr. Elias Nour, who encouraged and supported me reading drafts and making suggestions.

I also thank everyone who spared their time to respond to my questions and inquiries also for their wonderful hospitality. In this regard I would especially like to thank Mr. Berihun Adane for providing me materials with immeasurable support, for which I am truly grateful.

Acronyms

ACHPR	African Charter on Human and Peoples' Right
EPRDF	Ethiopian People Revolutionary Democratic Front
FDRE	Federal Democratic Republic of Ethiopia
FPTP	The First -past -the Post
HoF	House of Federation
HPR	House of Peoples Representatives
ICCPR	International Convention on Civil and Political Rights
IESCR	International Convention on Economic Social and Cultural Rights
NNPs	Nations, Nationalities and Peoples
PR	Proportional Representation
SNNPRS	Southern Nations, Nationalities and Peoples Regional State
TC	Transitional Charter
TG	Transitional Government
TPLF	Tigray People Liberation Front
UDHR	Universal Declaration of Human Rights
UN	United Nations

Abstract

In 1991, Ethiopia introduced a system of ethnic based federalism. The recognition of Ethiopian ethnic diversity became one of the core principles largely consisting of ethnic based territorial units. This thesis examines the impact of ethnic federalism and nation building in democratic inclusion to enhance cooperation and integration toward political compromise, national consensus and shared identity within diversity that facilitates sustainable development. The thematic focus of this research is to account the constitutional aspiration and optimism of holding ethnically divided societies together in the context of constitutional and extra constitutional setbacks in Ethiopia's Ethnic Federalism in the path of fostering belongingness to overall identity accompanied by inclusionary, participatory and sustainable development. Although the Constitution embodies a doctrine of balance between unity and diversity to build one economic and political community by rectifying past injustices, politicization of ethnicity under the context of ethnic federalism has encouraged ethnic cleavages by forming distinctiveness and differences which is a backlash against nation building and shared aspirations. Therefore, there is the need for visionary thinking outside the box of past injustices so that the antithesis for these injustices is not taken too far to the extent of derailing shared identity and shared aspirations. This indeed calls for democratic inclusive institutions for the betterment of Ethiopia's future rather than centrifugal reactions to the past.

Key words:

Ethnicity, ethnic federalism, nation, nation building, development, Ethiopia

Chapter One

Introduction

1.1 Background of the Study

Frequently, scholars face difficulties to give generally agreed definitions for terms; likewise, scholars from anthropological, sociological and political science define and describe the word ‘ethnicity’ in various ways. The term ethnicity is understood from different viewpoints of cultural construct, universal social phenomenon, and a personal identity, a particular kind of informal political organization or association. Osaghae defines ethnicity as “the employment of mobilization of ethnic identity and differences to gain advantages in situations of competitions, conflicts or cooperation”.¹ This definition of ethnicity tries to pinpoint two most important issues central for the concept of ethnicity. The first issue raised so long as ethnicity is concerned, is that ethnicity is the product of conscious efforts by social actors instead of being natural coincidence. The second central issue relates with cooperation. Though ethnicity is taken as the manifestation of conflict and competitive relations, it also manifests cooperation.

There are writers who assume ethnicity as primordial that is a belief of the ‘overpowering’ and ‘ineffable quality’ of primordial attachments that arise from being born into a particular religious community, “speaking a particular language or even a dialect of a language and following particular social practices”.² But, primordialists underemphasize people’s passions and strong dedication to rational values, sense of duties, classes and other socially constructed supreme goals. On the other hand, instrumentalists argue that ethnicity is constructed by particular elite or group driven by competition for “political power, economic benefits, social status or other objectives and motives”.³ In this regard, Berhanu considers ethnicity as a social, political, and cultural construct for specific and different interests and status of groups and consequently an elastic and highly adjustable instrument to serve particular or multiple objectives.⁴ This

¹ Osaghae, E.E. (1995) *Structural Adjustment and Ethnicity in Nigeria*, Uppsala: Nordic Africa

² Geertz, C. (1973) *The Interpretation of Cultures*, New York: Basic Books, Inc., [Cited in Berhanu, G. (2007) “Restructuring State and Society: Ethnic Federalism in Ethiopia”, SPIRIT – Doctoral Programme Series, Thesis No. 8, Aalborg University, Denmark]

³ Berhanu, G. (2007) *Restructuring State and Society: Ethnic Federalism in Ethiopia*, SPIRIT – Doctoral Programme Series, Thesis No. 8 Aalborg University: Denmark, 28-30

⁴ *Ibid*

conception of ethnicity as a social construct has been also criticized by its underestimation of the subjective and affective side of human society by reducing them to instruments of mere material or other interests thereby undervaluing ‘the roles of both the sacred and ethnicity in kindling mass fervor and self-sacrifice.’⁵

The ideology of ethnicity or ethnic entitlement has become a base for the state structure in Ethiopia since 1991 with the ambitions and aspirations for the autonomy or self-determination of ethnic groups. The overthrow of the military government by ethnic based liberation movements has opened the new course for reorganizing the country with the new ideology which is designated as ‘ethnic federalism’. In this new political discourse, ethnicity and federalism have become synonyms in restructuring the state and Ethiopian society through a new approach. The rationale for this new approach is that Ethiopia had been built in subjugation and disrespect of the values of various ethnic groups who found the state and, therefore it has been invaluable to reject the old ideology and replace it with the new ideology/ ethnic federalism which would recognize, respect and promote their existence and identity in equality.⁶ This new ideology of Ethiopia can be equated with the concept of cohabitation of its ethnic groups that have an unconditional right for self-government including secession.

Ethnicity, which was considered as tribalism has been treated as a valuable asset of ethnic groups and, therefore accorded high level of protection and recognition. Having taken ethnicity as emancipator, the creation of a new political system and administrative structures have been commenced on the foundations of ethnic autonomy and ethnic equality that assured a right for every ethnic group to have its own administrative unit as well as a right to develop and promote its own identity and language.⁷ Markakis notes that “overnight ethnicity became a legitimate and preferred principle of political organization, and provided the foundation for a reconstructed Ethiopian state”.⁸

⁵ Smith, A. (2000) *The Nation in History: Historiographical Debates about Ethnicity and Nationalism*, Cambridge: Polity Press

⁶ Berhanu, *supra* note 3

⁷ *Ibid*

⁸ Markakis, J. (1994) *Ethnic conflict and the State in the Horn of Africa*, [Cited in Berhanu, G. (2007) “Restructuring State and Society: Ethnic Federalism in Ethiopia”, *SPIRIT – Doctoral Programme Series*, Thesis No. 8, Aalborg University: Denmark]

Federalism was introduced in Ethiopia in 1991 when the idea of ‘self-determination for the nationalities’, up to and including secession, was launched thereby devolving political, administrative and economic power to ethnically defined regional states.⁹ But there is no consensus among scholars as to why ethnic federalism was adopted. According to Abbink, Ethnic federalism has been opted by EPDRF for the purpose of “institutionalizing and facilitating ‘divide and rule’ and ensuring the ruling parties position”.¹⁰ This has been witnessed from the beginning that TPLF represented few percent of the population of the country when it came to power and thus it has become vital and obligatory of TPLF to design a mechanism to secure its position and power. The way of securing its power and position was to transfer the country into ethnically defined regional states and create ethnically defined parties under its control.¹¹ Accordingly, the core rational behind the establishment of federalism along ethnic lines is the strategy undertaken by EPRDF to consolidate its dominant party rule. This kind of consumption of ethnicity creates an opportunity for politicization of it which could easily instigate to develop consciousness and produces ethnic groupings at the expense of common sense of purpose, sense of shared destiny and collective imagination of belongingness. The other view is that the introduction of ethnic federalism in Ethiopia can accommodate diversity. According to this perspective, Ethiopia has, since 1991, adopted a federal system that aims accommodating diversity after years of centralized rule that emphasized unity.¹²

In addition to such perspective regarding the motives that underlie ethnic federalism, there is a steadily increasing interest in the discourse regarding the impact of ethnic federalism in development. The inquiry evokes the issue of nation building in development and the adverse/positive impact of ethnic federalism in nation building and national consensus.

⁹ Lovise, A. (2002) “Ethnic Federalism in a Dominant Party State: The Ethiopian Experience 1999-2000”, *Development Studies and Human Rights*, Chr. Michelson Institute

¹⁰ Abbink, J. (1997) “Ethnicity and Constitutionalism in Contemporary Ethiopia”, *Journal of African Law*, Vol.41, No.2

¹¹ Ottaway, M. (1994) *Democratization and ethnic nationalism: African and Eastern European Experiences*, Washington DC: Overseas Development Council

¹² Assefa F. (2012) “Ethiopia's Experiment in Accommodating Diversity: 20 Years' Balance Sheet”, *Regional & Federal Studies*, Vol.22, No. 4, pp. 435-473

1.2 Statement of the Problem

The core problems addressed in the study relate to issues involved in bringing about national consensus/ collective identity and development out of ethnic federalism. In this regard, there are writers who argue against ethnic federalism with the view and fear of the opportunity of politicization of ethnicity to optimize political and material advantage by political leaders. According to the proponents of this view, each ethnic group will tend to develop consciousness and the sense of the 'self' and tries to emphasis on its ethnic identity and eventually it will develop prejudice against the other ethnic groups. For instance, Horowitz argues that ethnic federalism as a means to self-government would further radicalize the ethnic problems by changing ethnic demands into political principles instead of providing a cure or remedy.¹³ As Horowitz notes, non-ethnic federal units could help to forge shared interests other than ethnic identities and he believes that the solution for ethnic problem is institutionalization of ethnically blind structures and polices that could minimize or undermine ethnic divide. Critics of ethnic federalism do not accept its effectiveness in managing diversity in a country where there is ethnic cleavage and hence, it erodes national unity and radicalizes hostility or group rivalry, and as a result, it erodes the common destiny: a destiny for shared economic, political, social and cultural purpose of ethnically diversified societies.¹⁴

In contrast, there are writers who argue in favor of ethnic federalism and its importance in accommodation of diversity in a country where there are highly divided societies. Clapham, for example, argues for the importance of federalism as follows:

The vast majority of the world's states are of necessity multinational, and the search is on for mechanisms through which these various peoples can be enabled to live peaceably together under democratic system of governance, which are now equally recognized as

¹³Horowitz, D. L. (1985) *Ethnic Groupings in Conflict*, Berkeley, Los Angeles and London: University of California Press

¹⁴Haysom, N. (2003) "Constitution Making and Nation Building", in Blindenbacher, R. and Koller, A. (eds.) *Federalism in a Changing World*, Montreal and Kingston: McGill Queens University Press, pp. 216-239

essential to public well-being so that 'federalism,' in one or another, provides an obvious Constitutional format through which these objectives may be achieved.¹⁵

Yonatan notes that recognition of diversity is an important part of building an inclusive state in divided societies and therefore, federal design is relevant in building an all-inclusive state in multi-ethnic societies, it is the particular configuration of the federal design that determines the extent to which it can build a multi-ethnic state that successfully embraces unity and diversity out of ethnic federalism.¹⁶

Watts explains the Ethiopian Federalism as Ethiopia's experiment with "ethnic federalism" offers some insights for other federations with significant ethnic, religious and linguistic diversity. He adds that the Ethiopian experience, however, is faced with serious challenges from one of the highest levels of poverty in the world and its reliance on a rainfall-based economy.¹⁷ Based on the foregoing background, it is essential to ask how the Ethiopian ethnic federalism model could keep the integrity of Nations, Nationalities and Peoples (here after NNPs) and its promising role for development. Stated differently, it is essential to examine whether the Ethiopian Ethnic Federalism allows ethnic groups to build a common sense of purpose, a sense of shared destiny and collective imagination of belongingness while at the same time structuring inclusive institutions for development.

1.3 Purpose of the Study

The study aims at the critical examination of the effectiveness or impact of Ethiopian ethnic federalism in unifying Ethiopia's multi-cultural society. Furthermore, the study endeavors to examine nation building in development and discuss the impact of ethnic federalism in nation building, national consensus and development in Ethiopia.

¹⁵ Christopher, C. (2006) "Afterword", 'in Turton, D. (ed.) 'Ethnic Federalism: The Ethiopian Experience in Comparative Perspective', *East African Studies*, Ohio University Press, Athens, Addis Ababa University Press, Addis Ababa

¹⁶ Yonatan (?) "Federalism and the Challenges of Accommodating Ethnic Diversity", *Research Fellow Community Centre*, University of Western Cape

¹⁷ Watts, R. L. (2007) *Comparing Federal Systems*, Queen's University Press, McGill

1.4 Significance of the Study

The majority of world's states are multinational and the query relates to how to design democratically and effectively functioning institutions for the harmonization of the interests of various ethnic groups in the context of peaceful coexistence. There should be institutional aspirations to guarantee this cohabitation to create one living political community and an integrated economy, which enables divided societies to feel a sense of their common Ethiopian identity i.e. a sense of shared history, shared public ideals and shared identity that captures what binds them together as citizens of a single political community with a singular destiny.

The works of many writers focus mainly on the design of the federation from the outset either as a problem that worsens the tension or as a solution which helps solve ethnic conflict among ethnically divided societies in Ethiopia. It is since 1991 that Ethiopia has adopted federalism based on ethnic lines for the purpose of internal accommodation of its ethnically diversified societies.

Therefore, the significance of the study essentially relies in its endeavor to examine the role of ethnic federalism in the balance of unity and diversity. The study examines the impacts of ethnic federalism and institutional arrangements in bringing national consensus for integrated economic and political purpose. Moreover, the study attempts to examine how ethnic federalism and nation building link for political, economic and socio-cultural development to the mutual benefit of all ethnic groups. In addition, the significance of the study extends to the evaluation of the 1995 Ethiopian Constitution and its role in the steady enhancement of the link between ethnic federalism and development. The study can also inspire supplementary research.

1.5 Scope and delimitation of the study

The scope of the study is limited to assessing the utility of ethnic based federalism in building a common sense of purpose, a sense of shared destiny and collective imagination of belongingness of ethnic groups while at the same time structuring inclusive institutions for development. Thus, the study does not analyze federalism in general. It rather restricts itself to discussing the nexus between ethnic federalism and nation building vis-a-vis development. This calls for sustainable development based on the consent of the people which equally addresses ethnic cleavages. The

study, therefore, limits itself to critically examine institutions structured inclusively that allow ethnic groups to partake economic, political and socio-cultural improvement. The paper does not explore development in detail rather it draws a map of positive/adverse impact of ethnic federalism on nation building and development and it aims to encourage further research.

1.6 Research Questions

The *first* question raised in this study is whether ethnic federalism is successful in Ethiopia in promoting integration, consolidation and belongingness of various identity groups to form a community of citizens under shared political and economic system by fulfilling the demands of various ethnic groups. *Secondly*, the study tries to inquire into the linkage between and contributions of ethnic federalism and nation building to development. *Thirdly*, what implications have been reflected from the 1995 Ethiopian Constitution in bringing national integration for economic and political destiny? And *fourthly*, what are the challenges for the Ethiopian multi-ethnic federation in getting different political units to act in a correct order and different national communities to cooperate?

1.7 Methods and Sources

The study is principally analytical that explores the linkage between ethnic federalism and nation building with development and the core roles played by ethnic federalism and nation building for the mutual advantage of ethnically divided societies. Hence, the main method, which is going to be employed in the investigation regarding the effectiveness of ethnic federalism in nation building and national consensus, and sustainable development, is analysis and examination of documents: legal instruments and literature. Documents discussing and exploring ethnic federalism are foundations of the study. Accordingly, legal documents will be examined whether the federal system of Ethiopia has sufficient constitutional guarantee for nation building and sustainable development. In this regard the Constitution of the Federal Democratic Republic of Ethiopia is the major law in the examination of the legal framework. Moreover, various proclamations are part of the analysis and examination.

Likewise, literatures, which are academic and research papers written on Ethiopian federalism, will help to ensure and clarify key issues that should be included in the study. Put differently, the

exploration of academic and research papers on the subject help for the accomplishment of the study and to clarify the issues further. Moreover, personal observations and interviews are employed in the study as sources for the understanding of the practical functioning of the Ethiopian ethnic federal system in nation building and bringing sustainable development that make each ethnic group participatory and beneficiary. Ethnic federalism in process may be best captured through analyses of data gathered by such primary qualitative interviews.

1.8 Structure of the Paper

This study is organized in five chapters. The first chapter presents the problems that the study aims to examine. It in particular provides the statement of the problem, objective of the study, and the research questions. The main aim of the second chapter is the examination of the discourse on ethnicity and ethnic federalism. Chapter three on its part deals with nation building and institutional instruments which include conceptual framework and theoretical aspects, institutional instruments toward the self-consciousness of national identity, the correlation between secession and nation building and language policy and its implication to nation building. After providing the theoretical consideration of the study in the second and third chapters, the study presents ethnic federalism, nation building and development under the fourth chapter which aims at discussing the factors that gave rise to federalism in general and ethnic federalism in particular in the Ethiopian context. It deals with the positive/confrontational impact of ethnic federalism in achieving accommodation of diversity which in turn leads to national unity and national consensus. It also deals with the impact of the Constitution as a legal document in accommodating diversity and to what extent it contributes to the unity of the building blocks of the Ethiopian federation. Moreover, it focuses on whether the Ethiopia's federal model suits for ethnic accommodation and sustainable development which equally benefits ethnic groups by nurturing ethnic involvement and cooperation. The last chapter synthesizes the several points discussed in the study and gives a general conclusion with a contribution to further scholastic debates and researches.

Ethnicity and Ethnic Federalism, Conceptual and Theoretical Considerations

2.1 Ethnicity

It is a daunting task to give generally agreed definition for the term ‘ethnicity’. Thus, scholars from anthropological, sociological and political science define and describe the word in various ways. The term ethnicity is understood from different viewpoints of cultural construct, universal social phenomenon, and a personal identity, a particular kind of informal political organization or association. Though ethnicity is taken as a different concept to different groups of people, there is one undeniable fact that ethnicity includes both subjective as well as objective elements.

From the subjective perspective, ethnicity is defined as *ethnie* (the French term denoting an 'ethnic community' or 'ethnic group') as “a named human population with a myth of common ancestry, shared historical memories, one or more elements of common culture, a link with a homeland and a sense of solidarity among at least some of its members”.¹⁸ In line with this understanding of ethnicity, Yang assumes ethnicity as it is personal since it is an identification or “sense of belongingness of an individual to a particular ethnic group”.¹⁹ The subjective aspects of ethnicity are those attitudes, values and perceptions whose meaning has to be interpreted in the context of communication.

The objective dimensions of ethnicity are those aspects of facts which can be observed in the existence of institutions including that of kinship and descent in overt behavior patterns of individuals. What makes ethnicity objective is that the feeling of belongingness to a particular ethnic group can only arise if it is based on “objectively variable elements such as language, culture religion, skin colour and other physical characteristics”.²⁰

¹⁸ Hutchinson, J. (1996) *Ethnicity*, Oxford and New York: Oxford University Press

¹⁹ Yang, P. Q. (2000) *Issues and Approaches, Ethnic Studies*, New York, State University of New York Press, [Cited in: Beken, D. C. (2012) *Unity in Diversity: Federalism is a Mechanism to Accommodate Ethnic Diversity: The Case of Ethiopia*, Global book marketing, London]

²⁰ Young, C. (2004) “Revisiting Nationalism and Ethnicity in Africa”, *James S. Coleman Memorial Lecture Series*, UCLA International Institute,

The importance and orientation of subjective and symbolic understanding of ethnicity relates with the role played by the past as key to the destiny of the community as bound up with ethno-history, with its own understanding of a unique, shared past. Ethnicity is considered as social construct, and as Adetib and Rahim noted, once ethnic groups are “formed, they tend to strongly endure”.²¹ This again raises questions whether ethnicity is a natural accident (a natural order of things) or a product of conscious efforts of social actors (social contract).

In spite of the problems associated with the conceptual and terminological aspects of ethnicity, much of the literature divides theories of ethnicity into two broad approaches which are briefly discussed below.

2.1.1 The Primordialist Approach

Primordialism is the oldest in sociological and anthropological approach which was a dominant conception of ethnicity in the 1970s.²² It regards ethnicity as “something given, ascribed at birth, deriving from the kin-and-clan-structure of human society, and hence something more or less fixed and permanent which cannot be even changed by the individual will for the search of belongingness to another ethnic group”.²³ Greez describes that ethnicity is a biological kinship of an individual with a particular ethnic group which is unchangeable and lasts forever and even the individual who belongs to a particular ethnic group cannot change this status and become the member of another ethnic group.²⁴

The primordialist assumption of ethnicity is that ethnicity is a primordial and natural characteristic of societies and its attachment arises from being born into a specific ethnic group of particular religious community, speaking a particular language with social practices. This kind of understanding of ethnicity by primordialists holds the view that ethnicity is a natural and given identity rather than being capricious and accidental which is not the product of conscious efforts of social actors. In line with this argument scholars like Fishman point that “modern

²¹ Adetiba, T.C and Rahim, A. (2012) “Between Ethnicity, Nationality and Development in Nigeria”, *International Journal of Development and Sustainability*, Vol. 1 No. 3, pp. 656-674.

²² Beken ,D. C. (2012) *Unity in Diversity: Federalism is a Mechanism to Accommodate Ethnic Diversity: The Case of Ethiopia*, Global book marketing, London

²³ Greez, C. (1963) “The Integrative Revolution: Primordial Sentiments and Civil Politics in the New States”, in Clifford, G. (ed.) *Old Societies and New States*, New York: Free Press, pp. 105-157.

²⁴ *Ibid*

man's capacity for committing acts for political, economic, philosophical and religious reasons is a byproduct of modernity which is totally unrelated with ethnicity or to biological assumption of ethnicity".²⁵ This assumption of ethnicity extends even to claim that the manipulation of ethnicity to attain political, economic and cultural goal is a modern manifestation and certainty of one of the least unique features of ethnicity.²⁶

Adetiba and Rahim state that primordial attachment plays a significant role in socio-political and economic development of ethnically divided states by virtue of some unaccountable absolute import attributed to primordial ties; which in other words means that people have the ability to construct and deconstruct the social, political and economic realities around them; hence, "the comfort and sense of belongingness that stems from ethnic group identity".²⁷ In line with this argument Hameso Y. Seyoum notes that if ethnicity is managed properly it could serve "in mobilizing resource to achieve favorable goals of human society like human justice, political change and economic advancement".²⁸

Primordial sentiments are considered as overpowering which cannot be analyzed in relation to social interaction, and they are regarded as coercive that necessarily push individuals to feel certain attachments to the group and its languages and cultures. Aside from this ineffability aspect of primordial, it also has aspects of affectability which can be described as an emotion or feeling different from interest theory. It has also an apriori aspect because primordialism identities are given prior to any social experiences or interactions. These identities are natural and spiritual rather than sociological that emanate from social sources.

Although proponents of primordial theory of ethnicity try to take into account the tradition and the fundamental feature of human existence, primordialism has encountered criticism. The primordialist approach has been criticized for presenting a static and naturalistic view of

²⁵ Fishman, J. (1980) "Social theory and ethnography: Neglected Perspective on language and ethnicity in Eastern Europe", in Peter, S. (ed.) *Ethnic Diversity and Conflict in Eastern Europe*. Santa Barbara: ABC-Clio

²⁶ *Ibid*

²⁷ Adetiba, T.C and Rahim, A. (2012) "Between Ethnicity, Nationality and Development in Nigeria", *International Journal of Development and Sustainability*, Vol.1 No. 3, pp. 656-674

²⁸ Hameso, S. Y. (1997) *Ethnicity in Africa*, [cited in Berhanu, G. (2007) "Restructuring State and Society: Ethnic Federalism in Ethiopia", *SPIRIT – Doctoral Programme Series*, Thesis No.8, Aalborg University, Denmark, pp. 51]

ethnicity that perplexes emotion and reduces cultural and social behaviors to biological drives. Primordial theory of ethnicity disagrees with ethnicity as a social construct that emphasizes the sharing of cultural and linguistic characteristic and kinship roots for the purpose of group mobilization. There are situations whereby ethnic groups assert and maintain their identity because of socio-political and economic reasons rather than psychological primordial attachment and therefore, “the categorization of ethnicity as an element of socio political and economic actions”.²⁹ This is to emphasize that ethnicity is an important societal feature which results from rational and utilitarian considerations so that it has socio-political functions.

In addition, it has also been argued that the primordialist approach erodes the peoples’ passion and strong judgment to their rational values, sense of duties, class and other socially constructed values supreme goals. Berhanu states that cooperation and intimacy among people do not take place only between kin, but also can extend to “non-kin groups based on belief system, ideological commitments, professional interests and other pragmatically required or developed shared commonalities beyond primordial sentiments”.³⁰ His argument is that economic, social and political interests and environmental conditions are capable to generate conflict and cooperation/intimacy among the people so that ethnicity needs careful management beyond primordialism. Thus, the value dimension of primordialism is as incomplete and inconsistent as the theoretical analyses on which it hinges.³¹

2.1.2 The Instrumentalist Approach

Scholars advocating instrumentalism theory of ethnicity agree that ethnic groups are social constructs that are misused by modern elites for satisfying their own economic and political interests. According to this view, ethnic groups are not natural and eternal and hence they can be created and also may cease to exist. In relation to the above conception, Chandra states that ethnic groups are fluid and endogenous to the set of social, economic and political processes.³² Accordingly, individuals create affiliation to the community which is politically and economically beneficial to them. Instrumentalism sees ethnicity as a dependable variable,

²⁹ Seol, B.S. (2008) “A Critical Review of Approaches to Ethnicity”, *International Area Review*, Vol. 11 No. 12, pp. 333-364.

³⁰ Berhanu, *supra* note6, pp. 39

³¹ Thompson, R. H. (1989) *Theories of ethnicity: A Critical Appraisal*, London: Greenwood Press

³² Chandra, K. (2001) *Commutative Findings in the Study of Ethno politics*, APSA- CP, 12, PP. 7-11

controlled by social actors based on its strategic utility for achieving more secular goods.³³ According to the proponents of this theory ethnicity is based on the rational awareness used for socio-political and economic competitions and is therefore, a “political contingent, situational and circumstantial”.³⁴ The act of considering the political relevance of ethnicity as a contingent process affects the extent to which a state should recognize ethnic identity and consequently, on institutional arrangement that a state has to fashion to respond to the challenges of ethnic diversity.³⁵

Messay states that ethnicity is a strong social force which needs a proper consideration and management in order to minimize its destructive role in politics. Otherwise, ethnic plurality would lead to a conflict as the elite become a key social actor in the creation of ethnic ideology and ethnic politics for acquisition of political power.³⁶

The core argument of instrumentalism is that ethnicity is not static; rather it is situational and circumstantial. Accordingly, ethnicity is flexible and changeable; situations and circumstances have potentials to change and shape ethnicity, as a result, individuals or groups do not permanently belong to a particular group but they can shift their ethnic affiliation to another ethnic group on the basis of their feelings of security and material interests. If an individual can change his ethnicity because he does not feel secure, then it is possible to conclude that ethnicity may likely fade away as long as people continue to interact as a result of modernization. Ethnicity is, therefore, a product of contact not of isolation; since ethnicity is relational, it necessitates the security of relationships.³⁷

The theory of instrumentalism has been criticized for its narrow definition of individuals' interest. It neglects peoples' interest beyond socio-political and economic interests but ethnic groups in as much as they are still internally stratified, will still struggle over their socio-

³³ Conversie, D. (2006) “Mapping the Field: Theories of Nationalism and the Ethno symbolic Approach”, in Leossi, A.S., Grosby, S. (eds.) ‘Nationalism and Ethno symbolism: History, Culture and Ethnicity in the Formation of Nations’, Edinburg University Press, Edinburg, pp.15- 30

³⁴ Young, M.C. (1986) “Nationalism, Ethnicity and Class in Africa: A Retroactive,” *Cahiers D’ Etudes Africaines*, Vol. 26, pp. 421- 495

³⁵ Yonatan, *supra* note 16

³⁶ Messay, K. (2001) “Directing Ethnicity toward Modernity”, *Social Theory and Practice*, Vol. 27, No. 2, New Jersey and Asmera, the Red Sea Press, Inc.

³⁷ Jan, N.P. (2004) “Ethnicity and Ethnic Groups”, in Stephen, M., J. Erk, M. and Judith, S. (eds.) ‘Ethnicity, Nationalism and Minority Rights’, Cambridge University Press, Uk, pp. 27-45

political and economic status within the community they belong.³⁸ Instrumentalists underestimate the subjective as well as the affective side of human beings by reducing their interest to the mere material interests and by undervaluing the role of “ethnicity in kindling mass favor and self- sacrifices”.³⁹ Indeed, leaders are still interested in preserving, promoting and maintaining their cultural heritage instead of trading it off for socio- political and economic gain. As a result, ethnic groups may decide to support their leaders believing that they will preserve, promote and maintain their cultural heritage.⁴⁰ The instrumentalist theory of ethnicity has been, therefore, criticized for its over exaggerated belief in the power of the elite manipulation of the masses and neglecting the wider cultural environment in which elite competition and rational maximization takes place.

2.2. Ethnic Federalism

2.2.1 Federalism in General: The Quest for Meaning

There has been much debate about the definition of federalism. Circumstances have been causes for the debate on the meaning and significance of federalism. Ronaldo Watts, who is one of the renowned scholars on federalism, defines federalism as the “normative term to refer the presence of multi- tiered governments; each acting directly on its citizen.”⁴¹ Watts notes that federalism is based on the presumed value and validity of combining collaborative partnership/unity and constituent autonomy/ self-rule to accommodate, preserve and promote different identities within the larger union.⁴² Watts refers “presumed value” to mean that the value of federalism is for the simultaneous perpetuation of both the union and non- centralization. In his view, the basis of federation is the autonomy of the composite units (territorial and functional) with their own decision making (self- rule) and the participation of the constituent units in the decision making of the whole union (shared-rule).⁴³

According to Freidrich, federalism is an ‘interactive’ process of federalizing a political community or a process by which a “number of political communities enter into an arrangement

³⁸ Smith, *supra* note 5

³⁹ *Ibid*

⁴⁰ *Ibid*

⁴¹ Watts, L. R. (2008), *Comparing Federal Systems*, 3rd edition, London, McGill- Queen’s University Press

⁴² *Ibid*

⁴³ *Ibid*

for working out solutions, adopting joint policies and making joint decisions on joint problems”.⁴⁴ His definition relates the word ‘federalism’ with the Latin term *foedus* meaning covenant or pact. This implies that federalism refers an agreement or arrangement on the framework of constitutionally established balance between ‘self-rule’ and ‘shared rule’.⁴⁵ As long as the interactive process is concerned, Kymlicka distinguishes two dominant interactive processes of federalism i.e. territorial federalism and multinational federalism to indicate that federalism as a means by which a single national community can divide and diffuse power and conscious intention to accommodate the desire of the national minorities for the self-government respectively.⁴⁶

K.C. Wheare defines *the federal principle* as “the methods of dividing powers to the general government and regional governments” so that each “within a sphere, are co-ordinate and independent.”⁴⁷ His view is that there are concurrently operations motives to be united together for common purpose and deep-rooted motives for autonomous governments for another purpose. Accordingly, he defined federalism as a mechanism in distributing powers between the federal governments for the purposes shared in common and the regional units of government for the purposes related to the expression of the regional identities.

The core arguments here are the principles/methods of Constitutional allocation of powers between the two levels of government. These tiers of government are co-ordinates and interdependent, and not subordinate nor supreme with regard to their responsibilities and powers. Wheare concentrates primarily on the legal framework within which federal and regional governments carry their activities. But, being dependent on the legal formulation may sometimes be poor guide to adequately explain the actual operations and practices in response to political pressures that are frequently at variance from the formal relationships specified in the written legal document.⁴⁸

⁴⁴ Friedrich, C. (1968) *Trends in Federalism in Theory and Practice*, New York, NY: Praeger

⁴⁵ Elazar, D. (1985) *Federalism and Consociational Regimes*, *Publius*, pp. 17–34.

⁴⁶ Kymlicka, W. (1998) “Is Federalism a Viable Alternative to Secession?” in Lehning (ed.) (1998), *Theories of Secession*, London: Routledge

⁴⁷ Wheare, K.C. (1946) *Federal governments*, London: Oxford University Press

⁴⁸ See Richrd L. C., John, K. and Alejandro, R. (2004) “Public Opinion in Federalism and Federal Political culture in Canada, Mexico and the United States”, *Publius: The Journal of Federalism*, pp. 201- 221

While federalism focuses on the distribution and division of power between each levels of government, it needs to be recognized that federalism is a symbol that facilitates the understanding of how individuals build their relationship with each other, how they can realize their aspiration and how they apprehend and organize their multiple identities.⁴⁹ Put differently, federalism is not about the division and allocation of powers and about the multiple and competing sources of authority but it is also about the multifaceted and coinciding arrangement and negotiation of identities.⁵⁰

W.S. Livingston goes beyond the legal formulation and considers federalism as a product of the interaction of socio- cultural and political factors. He explains federalism as follows:

The essential nature of federalism is to be sought for, not in the shadings of legal and Constitutional terminology, but in the forces- economic, social, political and cultural those have made the outward forms of federalism. The essence of federalism lies not in the Constitutional or Constitutional structure but in the society itself. Federal government is the device by which the federal qualities are articulated and protected.⁵¹

Livingston notes that federal systems are functions of societies and not of Constitutions. In other words, legal formulations may not always guarantee the real and actual operations and practices even if there is the interaction between the Constitutional frameworks and socio-cultural structures. He considers the federal Constitution as an arrangement which incorporates principles showing division of powers between the two levels of government and the federal society as one incorporating ethnic groups with different cultural, historical and linguistic experiences. Federalism therefore becomes a very important device in articulating and protecting unity in diversity.

According to this view, constitutions and institutions once created “may themselves shape the patterns of the society by determining the channels by which these social pressures will flow i.e.

⁴⁹ Sives, A. (2008) “Dwelling Separately: The Federation of the West Indies and the Challenge of Insularity” in Kavalski, M. and Zolkos, M. (2008) (eds.) *Defunct Federalism: Critical Prospects on Federal Failure*, Ashgate Publishing Limited, pp.17-18

⁵⁰ *Ibid*

⁵¹ Livingston, W.S. (1956) *Federalism and Constitutional Change*, oxford: Clarendon Press, pp. 1-2

the Constitution affects and is effectuated by societal diversities.”⁵² This shows that the casual relationships between the federal society and its Constitutions and institutions are dynamic interactions which are not rigid or static. The problem in the analysis of Livingston’s definition of federalism in addition to its broadness is its vagueness regarding which of these factors are necessary conditions for the formation of federation and its operation.

Riker considers federalism as state in which two levels of government rule “the same land and people, each level has at least one area of action in which it is autonomous, and there is some Constitutional guarantee . . . of the autonomy of each government in its own sphere”.⁵³ His analysis is about the existence of two levels of government with written Constitution guaranteeing the dedication, division and allocation of power between these governments and the non- intervention of each to the other. But, Riker did not give due attention to the consequence of full autonomy of regional governments.

Federalism is designed to accommodate and resolve ethno linguistic diversities and conflicts. However, federalism, through potential autonomy/self-rule, “may freeze and entrench what would otherwise be fluidly forming and reforming of group identity.”⁵⁴ Though self- rule is a mechanism for conflict reduction, assuming that it promotes integration and it provides a base for interaction between the two levels of government (central and regional governments), it should be chosen not because of some notion of preserving sovereignty but in order to enable “diversified groups to live together, to define a common public space i.e. the shared rule side of federalism”.⁵⁵

The foregoing views show the spectrum of differences in the definition of federalism. There are debates on the alternative definition of federalism. According to Watts, *federalism* as a normative and a descriptive term refers to:

⁵² *Ibid*, see also, Watts, L. R. (2008) *Comparing Federal Systems*, 3rd edition, London, McGill- Queen’s University Press, pp. 39, Cairns, A. (1977) “The Governments and Societies of Canadian Federalism”, *Canadian Journal of Political Science*, pp.695- 725 and Smiley, D. V. (1987) *The Federal Condition in Canada*, Toronto: McGraw-Hill Ryerson Ltd, pp. 3-11

⁵³ Riker, W. H. (1964) *Federalism: Origin, Operation, Significance*, Boston: Little Brown

⁵⁴ Ghai, Y. (2000) “Autonomy as a Strategy for Diffusing Conflict”, In: P.C. Stren and D. Druckman (eds.) *International Conflict Resolution after the Cold War*, Washington, D.C: National Academy Press

⁵⁵ Erk, J and Anderson, L. M. (2010) “Introduction” in Erk, J and Anderson (eds.) *the Paradox of Federalism: Does Self-Rule Accommodate or Exacerbate Ethnic Division?*

the practice of multi-tiered government combining elements of shared-rule and regional self-rule for the purposes of maintaining the tensions between divided identities and interests. It is based on the presumed value and validity of combining unity and diversity, and of accommodating, preserving, and promoting distinct identities within a larger political union.⁵⁶

2.2.2. Central Foundation for Adopting Federalism

The reasons why federalism is deemed as a desirable governmental form differ based on the social and economic compositions and institutions of states and the aims that these states intend to achieve. The desirability and feasibility needs of institutional arrangements by states with territorially and ethnically divided societies make federalism an increasing constitutional design across the world.

Generally, there are a number of factors for the contemporary development and trends to the increased pooling of sovereignty and increased devolution in countries that can be summarized as economic and political justifications. Federalism, as a devise, has been chosen with the desire to structurally disperse political power among subunits to create a set of ‘nested’, geographically based governmental institutions in which the central authority and each of sub authority can exercise separate normative control over segments of the political environment.⁵⁷ This kind of assertion illustrates that federalism has political justification that focuses on the allowing minorities – ethnic, linguistic, religious, or otherwise, - the autonomy they often demand.

This autonomy demanded by minorities include the protection of rights of these minorities and all others in the federation, allowing for the local and regional controls of purely local and regional matters so as to dampen the alienation that people feel from more distant and apparently less controllable central government.⁵⁸ This political justification of federalism has been assumed to help subunits to set-aside their dissatisfaction or grievances of polices by the central

⁵⁶ Watts, L. R. (1999) *Comparing Federal Systems*, Montreal, QC: McGill-Queen’s University Press

⁵⁷ Schepele, K.L (1989) “The Ethics of Federalism: Essay on the Theory and Practice of Federalism”, [Cited in Weingast, R. B. (1995) “The Economic Role of Political Institutions: Market Preserving Federalism and Economic Development”, *Journal of Law*, Vol. 11, No 1, pp. 5-8, see also Elazar, D.L. (1987) *Exploring federalism*

⁵⁸ Filippov, M., Ordeshook, C. P. and Shvetsova, O. (2004) *Designing Federalism: A Theory of Self –Sustainable Federal Institutions*, Cambridge University Press, pp. 1-4

government and at same time enables them to have hopes for better policies with institutions and tools to manage their own affairs. The political justification for the choice of federalism and for its existence is therefore to accommodate the political interests of divided societies and to avoid fear of governmental tyranny in unitary states.

The economic justifications on the other hand include modern developments in transportation, communications, technology and industrial organizations, an increased global economy and spread of market based economy, increased public attention and others.⁵⁹ These factors have unleashed economic and political forces strengthening both international and local pressures for the contemporary trends of federalism.

2.2.3. Common Characteristics of Federations

Federal states are measured by the desire sought by subunits for increased autonomy from the central government and for their collective representation in the national government. Institutional designs codified in the Constitution and uncoded factors to handle autonomy (self-rule) and representations (shared-rule) differ among federations. Even in situations where very similar institutions are designed by federations, the variation in circumstances may make them to operate in a different manner.⁶⁰ Federalism is not a fixed formula, and states use it as an institutional arrangement for evolving multinational interactions and territorial division. States may also use federalism for its symbolic qualities to reflect a political practice between diversified political communities according to their identity. So, federalism comes in many forms and contexts. Despite such differences, there are some common characteristics shared by federations which distinguish them from other forms of government.

Watts identifies the following common structural characteristics of federations as a specific form of federal political system:

- At least two orders of government, one for the whole federation and the other for the regional units, each acting directly on its citizens;

⁵⁹ Watts, *supra* note 41, pp.22-34

⁶⁰ *Ibid*

-
- A formal Constitutional distribution of legislative and executive authority and allocation of revenue resources between the two orders of government ensuring some areas of genuine autonomy for each order;
 - Provision for the designated representation of distinct regional views within the federal policy-making institutions, usually provided by the particular form of the federal second chamber;
 - A supreme written Constitution not unilaterally amendable and requiring the consent for amendments of a significant proportion of the constituent units;
 - An umpire (in the form of courts, provision for referendums, or an upper house with special powers); and
 - Processes and institutions to facilitate intergovernmental collaboration for those areas where governmental responsibilities are shared or inevitably overlap.⁶¹

One important thing that should be taken into account in federation is that the political system and political practices affect the way the Constitution operates and brings differences in operational reality among federations. A state missing one of the aforementioned common characteristics of federations or a state having any operational differences in the allocation of policy jurisdiction, the structure of federal subject representation in the central government and the role of the federal subjects in determining the national policy are not necessarily considered as a unitary form of government. Therefore, there is no a single federation fitting the all forms of federations.

2.2.4. Formations of Federations

Federations are unique when they are compared with others and this mainly depends upon how and why they are formed and their pattern of evolution. The choice made by political leaders and larger historical forces take the largest share among the root causes for the variation amongst federations. In this regard, Anderson remarks:

Federations have arisen in very different circumstances, each being the unique result of choices by political leaders and larger historical forces. Federalism has been chosen to

⁶¹ *Ibid*, p.27

bring together formerly separate units into a new country, or to rearrange a previously unitary country, and even as a product of both processes together.⁶²

This generalization enables us to safely conclude that federations have emerged in various ways which include coming-together, holding together or hybrid. *Coming together federation* occurs when previously separate and independent units wish to aggregate their common political and economic interests and shared identities in a federal arrangement while preserving their previous 'autonomy'.⁶³ On the contrary, a previously centralized country or undemocratic and authoritarian state opts to devolve power to units as a response to a democratic pressure employed by ethnically divided societies.

Holding together federation is chosen to devolve authorities to regions pressing for autonomy which have been under different political conditions. Sometimes, the coming together and holding together types of federations may be combined in the course of the evolution of federal arrangement. Canada and India are typical examples in this regard. Canada emerged from the creation of Ontario and Quebec out of a previously unitary regime and from the addition of new provinces; and India too combined these two processes.⁶⁴

Generally, there are significant historical waves for the evolution of federations through time which eventually have pushed states to adopt federal arrangement. Some have gone through major formal Constitutional changes, while others have changed significantly despite largely stable Constitutions.⁶⁵

The reason why federalism has become the desirable system of government for states across the world, the commonly shared features among the federations, how federalism has originated and the operational definition of federalism warrant the deduction that that federalism can be ideally distinguished as territorial federalism and multinational or plural federalism.⁶⁶ The first type of

⁶² Anderson, G. (2008) *Federalism: An Introduction*, Oxford University Press, pp. 7-15

⁶³The content and scope of autonomy is always a much contested concept that comes up in a number of different arenas. The importance, nature and value of autonomy have been debated but it generally relates with the rights of separate units to pursue their interests without undue external influence and restriction- the non-interference in the capacity and will of units to their self-administrations or self-governance.

⁶⁴ Anderson, *supra* note 62

⁶⁵ *Ibid*

⁶⁶ Requejo, F. (2004) *Federalism and the Quality of Democracy in Multinational Contexts*, London: Routledge

federalism refers to situations and means by which a single national community intends to divide and diffuse power. The second type, on the other hand, indicates circumstances whereby a conscious intention to compromise and accommodate the desires and interests of various communities for self-administration.⁶⁷ The proceeding subtitles have, however, focused on ethnic federalism since the major concern in this study is ethnic/ identity- based federalism.

2.3. Does Marriage of Ethnicity with Federalism promise for Ethnic Accommodation?

There is an anthropological agreement that ethnicity has something to do with the taxonomy of people and groups relationships. Hence, as has been discussed above, it is true that ethnicity becomes important for ethnic identification and political organization. Multinational federalism is one of the interactive processes of federalism employed by states of diversified societies as institutional arrangement for ethnic identifications and political organizations. Identifying ethnic groups and organizing them along ethnic line has been assumed to recognize and accommodate diversified identities and interests of ethnic groups. Thus, identity- based federalism has been devised for the involvement and representation of diversified communities in the political process at the center while preserving, promoting and getting recognized their identities, cultures and languages.

The assumption behind the adoption of ethnic federalism intertwines with territorial and diversity recognition of minorities: to ensure social, linguistic, religious, and economic differences. This can be done through representation and inclusions of ethnically divided societies in order to reinforce and strengthen the positive sentiment and at the same time make them part of the union. This is true in case of a true and practical inclusion and recognition of the identities of ethnically structured societies and this potentially increases the political capacity and will of subunits to integrate for the common political and economic interests. However, economic and political integration and unity for a common purpose can be achievable only if ethnic federalism provides institutions, policies codified in the Constitutions and practices to manage divisions and reduce ethnic conflicts for sustainable stability.

⁶⁷*Ibid*

Moreover, ethnic federalism is also a foundation for the autonomy of the composite units (territorial and functional) with their own decision making (self- rule). Federal arrangement has been desired by subunits for increased autonomy to ensure devolution of political power to guarantee formal independence. It is assumed that this devolution of political power can avoid the retrospective dissatisfaction and grievances by policies made and governed by the national government. The issue here is whether self-rule or autonomy and shared-rule or collective representation by the identity based federalism really operate and function in accordance with the core purpose of accommodating ethnic diversity in the context of unity and shared aspirations.

2.3.1. Arguments *against* and *for* the Workability of Ethnic Federalism

Multi-ethnic states have been confronted with sophisticated problems of managing diversity. States cannot eradicate and reduce such ethnic conflicts by establishing themselves as a neutral state rather by designing institutions to recognize and accommodate diversity. There are different contending arguments by different scholars whether ethnic federalism can serve as an effective institutional arrangement to accommodate diversity and build national identity to maintain political and economic integration in a multinational state.

Marriage of ethnicity with federalism has been viewed as a risky approach due to the fact that there is an easy opportunity for politicization of ethnicity that can instigate ethnic consciousness and create ethnic groupings at the expense of common interests.⁶⁸ Horowitz, in his work “Ethnic Groups in Conflict”, noted that ‘skillful division of power’ in a multinational state has a potential to minimize ethnic conflict.⁶⁹ His argument is that ethnic wars in different countries were fought for seeking devolution of political autonomy and formal independence and therefore, it is ethnic federalism that provides stability and long lasting solution to the management of ethnic disputes in ethnically divided societies. Likewise, Ghai has noted that autonomy or self- rule is the “best way to reduce ethnic conflict by promoting integration and interaction” among different communities and between the center and regions.⁷⁰

⁶⁸ Horowitz, D. L. (1985) *Ethnic Group in Conflict*, Berkeley, Los Angeles, and London: University Of California Press

⁶⁹ *Ibid*, pp.602

⁷⁰ Ghai, Y. (2000) “Autonomy as Strategy for diffusing conflict”, [Cited in Erk, J and Anderson, L. M. (eds.) “Paradox of Federalism: Does Self-Rule Accommodate or Exacerbate Ethnic Division?” Routledge, London and New York, p. 5]

Though Horowitz and Ghai consider that ethnic federalism is an attractive way to regulate ethnic conflict and brings peaceful coexistence between different communities, they have reservations on the issue whether ethnic federalism can fully mitigate conflict. In this regard, the case study Horowitz has conducted in Nigeria has proved that ethnic federalism can either aggravate or reduce conflict, depending on the circumstances, and further notes that even democratic federalism has broken down throughout different countries in Africa and Asia.⁷¹

These observations indicate that federalism is a Constitutional arrangement that is meant to forge national unity among divided societies by avoiding the bad effect of tyrannical governments by accommodating diversity. However, it may hinder efforts to promote the interaction of ethnic groups and their integration by deliberately providing explicit Constitutional autonomy and recognition to their differences thereby formalizing and exacerbating the physical and psychological separation of these groups. Employment of different mechanisms to guarantee minority representation to bring about inclusion can also act as a base for further separation- both in its physical form and in mentality.⁷²

Abbink holds a similar view, and calls for caution against the risks of “container federalism” based on fixed ethnic line, because once “it is structured and precariously demarcated”; it possibly generates competition and conflicts between ethnic groups, specifically about “resources: land, water, minerals, and federal budgets and about communal or religious identities”.⁷³ Representation of divisions of various communities ensures the perpetuation of these very differences and self-rule, on the other hand, inclines to reinforce and strengthen the differences by institutionally freezing them in different forms and makes secession a realistic option.⁷⁴ Likewise, Haysom considers ethnic federalism as a poor Constitutional arrangement and device to forge unity because it rather promotes ethnic hostility or interethnic conflicts, and

⁷¹ Horowitz, *Supra* note 69, pp.603, See Also McGarry, J and O’Leary, B. (1993) “Introduction : The Macro-Political Regulation of Ethnic Conflict” in McGarry, J and O’Leary, B.(eds.) *The politics of Ethnic Conflict*, London: Routledge, Pp. 34-35

⁷² deZwart,F.(2005) “The Dilemma of recognition: Administrative Categories and Cultural Diversity”, *Theory and Society* , Vol.34, No. 2, Pp. 137- 169

⁷³ Abbink, J. (2011) Ethnic Federalism and Ethnicity in Ethiopia: Reassessing the Experiment after 20 Years. *Journal of East African Studies*, Vol. 5, No. 4, Routledge: London, pp.596-618. It is Also Available at <<http://dx.doi.org/10.1080/17531055.2011.642516>>.

⁷⁴ Jan and Anderson, *supra* note 55

as a result, it possibly erodes national identity and a sentiment of common economic and political destiny.⁷⁵

According to this view, self- rule or an increased autonomy demanded by subunits from the central government reinforces and strengthens ethnic differences existing with communities by institutionally freezing into various forms and it causes intensive nationalist mobilizations and collective mobilizations of ethnic groups. Meanwhile, collective representation of ethnic differences at the central government ensures the perpetuation of these ethnic differences. Therefore, both autonomy and collective representation serve as secession inducing/ a spring board to secession: they formalize and aggravate the physical as well as the psychological separation of the group.

Contrary to the foregoing views, others argue that federalism for ethnically and territorially structured societies gives the realistic path towards the accommodation of the interests of two or more distinct ethnic communities locked within the boundaries of a single state thus providing a sound strategy for promoting national unity and political legitimacy.⁷⁶ In countries, where there are political demands of integration and separatism, federalism seems a necessary solution to reconcile these conflicting interests, hence, appealing for federalism offers Constitutional institutions that not only tolerate diversity, but also promote diversity.⁷⁷

It is to be noted that the promotion and tolerance of ethnic differences through various mechanisms, should not be done by excessively celebrating the differences. This is because undue focus on the divisions and differences creates incentives for elites toward polarization or to mobilize massive ethnic groups. In this regard, Snyder underlines that that while ethnic federalism does not always produce ethnic violence in late developing states and transitional

⁷⁵ Haysom, N. (2003) "Constitution Making and Nation Building", In: Blindenbacher, R. and Koller, A. (eds.) *Federalism in a Changing World*, Montreal and Kingston: McGill Queens University Press, pp. 216-239.

⁷⁶ Alemante, G. (2003) "Ethnic Federalism: Its Promise and Pitfalls for Africa", *Yale Journal of International Law*, Vol.28, No. 51, *Faculty Publications*, Paper 88, pp. 83

⁷⁷ Watts, R.L. (1999) *Comparing Federal Systems*, 2nd ed, Montreal and Kingston: School of Policy Studies: Queens University

societies, it has a potential to create strong incentives for the elites of ethnic groups to mobilize and get immense support around ethnic themes.⁷⁸

Focusing only on “the design of federalism does not have much contribution in understanding ethnic federalism and its impact on national unity and political stabilization”, instead it is enormously important to explain the crucial factors and circumstances that affect the real operation and practice of ethnic federalism.⁷⁹ This is to give emphasis that the mere appealing for federalism as a solution to deal with ethnic diversity does not assure its effectiveness. It has to be rather emphasized on the capacity of federalism to respond to the challenges of ethnic diversity. Challenges of ethnic federalism encompass those factors and circumstances/ institutions codified in a Constitution and other economic and social factors that have direct and indirect impact to the workability of ethnic federalism. The codified factors that determine the workability of ethnic federalism include issues relating with the drawing of boundaries of subunits, Constitutional division of powers and jurisdictions, ways and extent of representation, Constitutional clause of secession.⁸⁰

However, taking ethnic federalism as the only option in situations where there is a high demand of political integration and separatism seems very distant and extreme argument. It is the employment, adjustment and implementation of formal and informal institutions that determine the effectiveness of federalism in balancing the tension between integration and separatism. This balance calls for designing institutions that facilitate the accommodation of various ethnic differences and at the same time promoting the mutual benefits of progress and development in a unified state: a state in which there is a strong bond among ethnic societies for common economic and political goals.

Federal arrangement or the need for decentralization and state formation/consensus on national integration are directly related with each other. Hence, general consensus and inclusiveness on the national integration by groups, general consensus on the content of federal arrangement among the participants, consensus on the division of power among the constituent units to ensure

⁷⁸ Snyder, J. (2000), “From Voting to Violence: Democratization and nationalist conflict”, New York: Norton, In: Erk, J. and Anderson, L. M. (2010)(eds.), “The Paradox of Federalism: Does Self-rule Accommodate or Exacerbate Ethnic Division”, Routledge: London and New York, p.3

⁷⁹ Assefa, *supra* note 12

⁸⁰ Erk and Anderson, *supra* note 74, pp.1-11

self-rule and negotiation on the mechanisms for the avoidance of violent conflicts between ethnic groups are critical issues that should be taken seriously during the establishment of federal arrangement.⁸¹

Federal arrangement is a compact as a result of which everybody should be in and nobody should be out in order to curtail bargaining against the formation of federalism and to ensure the continuation of the unity. Whether federalism has emerged from devolution (holding together) or aggregation (coming together), what matters is the inclusion of and consensus by ethnic groups in the formation stage. Thus, federalism should not be an imposition by some dominant and powerful elites; rather it should be a choice by divided groups.

As far as the practical workability of ethnic federalism is concerned, ethnic federalism should not be conceived as a fix and magic formula to solve issues and problems of diversity in a short time. Although federalism has the biggest promise in the formation stage, it may not fully satisfy the high expectations and desires by all parties and citizens within a limited period of time. On the other hand, such misconceptions of federalism by politicians and elites may induce the view that ethnic federalism is a poor Constitutional approach in forging national integration; rather it intensifies ethnic hostility and ethnic fundamentalism. But, it should be emphasized that federalism is designed not totally eradicate or eliminate ethnic conflicts because conflicts are inherent.

2.3.2. Institutional Arrangement: A Compromise between Opposing Values of Unity and Diversity

In identity- based federalism, there is always a political tension between opposing interests' of diversity and unity. Attempts in dealing with these tensions and reaching at a compromise differ across multinational federations. Multinational states can be legitimate and functional only by 'developing mechanisms for accommodating the interests of different ethnic groups and integrating them politically, economically and socially.'⁸²Hence, federal Constitutions try to

⁸¹ Kidane, M. (2004) "Africa's Intrastate Conflicts: Relevance and Limitation of Diplomacy," *African Issues*, Vol. 32, No. 1 and See Also Kidane, M. (2007) "Identity Politics, Democratization and State Building in Ethiopia's Federal Arrangement", *African Journal on Conflict Resolution*, Vol. 7, No.2.

⁸² Kidane, M. (1997) "New Approaches to State Building in Africa", *African Studies Review*, Vol. 40, No. 3, pp. 111-132.

approach these conflicting interests in different institutional arrangements though there is no clear-cut solution to be drawn.

There are two views regarding the contradiction between these tensions. The first perspective relates the contradiction between diversity and unity by balancing the interpretations of Constitutional theory and its function of myth of origin and the political system and its practice in the implementation of institutions codified in the federal Constitutions.⁸³ This view gives high emphasis to the implementation of Constitutional institutions in accordance with their historical, philosophical and legal foundations. This view confirms that there is always contradiction between what is in the Constitution and the real operations and practices of Constitutional institutions. Sometimes, apart from these codified factors, there are also other factors which worsen the contradiction thereby aggravating the challenges in balancing these conflicting interests. Most of these extra Constitutional factors that are push factors in federations toward divisions are those economic and social factors lacking formal Constitutional recognition. It is undeniable fact that the inclusion of all factors in the Constitutional box likely brings Constitutional instability. Idealism is different from realistic achievements, and there are countries that scored success in federalism even without the embodiment of the word ‘federalism’ in their constitutions.

The second view intertwines the contradiction of diversity and unity with historical beginning of state formation and the strategies taken by political mobilizations. Merera argues that the contradiction between these opposing interests depends on the possibility of contradictory conceptualization of the historical genesis of the state and different strategies of political mobilizations.⁸⁴ According to this argument, unity in diversity does not only depend on the relatively simple task of achieving the right Constitutional balance between powers allocated to levels of government; it also depends on the roles and functions of governments, the origin and history of the states and historical roles played by different ethnic groups with different political agenda.

⁸³ Assefa, F. (2006) “Theory versus Practice in the Implementation of Ethiopian Ethnic Federalism”, in Turton, D. (ed.) ‘Ethnic Federalism: The Ethiopian Experience in Comparative Perspectives’, *East African Studies*, James Curry: Oxford, Ohio University: Athens and Addis Ababa University Press: Addis Ababa

⁸⁴ Merera, G. (2006) “contradictory interpretation of Ethiopian history: the need to a new consensus”, in Turton, D. (ed.) ‘Ethnic Federalism: The Ethiopian Experience in Comparative Perspectives’, *East African Studies*, James Curry: Oxford, Ohio University: Athens and Addis Ababa University Press: Addis Ababa

Therefore, these tensions are possibly eased and compromised through increasing and strengthening the political will and administrative capacity of sub-units and the institutional design that could hold them together. This perspective calls for the recognition of the multiethnic facts and supplementing these cleavages with the practical and institutional expressions within the federal setup.

a) *Institutional Recognition of 'Diversity' and 'Unity'*

Institutions (Constitutional and statutory) used to identify the political structure and culture of the federal states. These institutions are assumed to best encourage the survival of the federal state. However, the effectiveness of these institutions is best measured by their ability to meet the economic, political, and social and cultural objectives and functions which justify its existence. So, the institutional recognition of diversity and unity relates with the states' definition to itself. A state may view or define itself as a 'nation-state'⁸⁵ or a state with multi-ethnic character. In other words, this means that the principal recognition of diversity and unity highly depends on the type of nationalism that the state desires to advocate and promote. It is true that a nation state believes in oneness and it is more likely to deny and repress the values and identities of various ethnic groups.⁸⁶ The diversity claims of various ethnic groups are likely to be recognized in a country which views itself as a state of multi-ethnic character. This recognition of diversity and unity does not only have importance of Constitutional framework; but it also has a practical significance towards the impression and understanding of living in unity with diversity.⁸⁷ It is this dual importance which pushes different multi-ethnic character states to inculcate diversity in unity in different forms in their Constitutions. The Constitutional inclusion of the expression of unity and diversity helps to inspire trust between the diversified communities. Trust building is

⁸⁵ It is the 21st century so that a concept of a nation state is an old fabrication replaced, not totally, by a poly-ethnic state. Nation-state represents a geographical area designed in order to match the cultural boundaries with the political boundaries in order to incorporate a single stock community with a uniform cultural tradition without any cultural cleavages. See Also Kazancigil, A. and Dogan, M. (1986) "The State in Global Perspective: Comparing Nations: Concepts, Strategies, Substances", Gower/UNESCO, France, The primordialist version or the alternative constructivist version in which states are designated to encompass the people of the already existing nation or to regard varied people as citizen of a single nation is being negated by the massive and minuscule of states since it is practically impossible to classify people in to mutually exclusive categories that it implies, See Also Clapham, C. (2006) "Afterward", in Turton, D. (ed.) 'Ethnic Federalism: The Ethiopian Experience in Comparative Perspectives', *East African Studies*, James Curry: Oxford, Ohio University: Athens and Addis Ababa University Press: Addis Ababa

⁸⁶ Yonatan, *supra* note 35, p.15

⁸⁷ *Ibid*

an alternative for looking into promoting common identity- common identity to hold ethnic groups together.⁸⁸ The way how different identity-based federation is recognized differs. The recognition of expression of unity and diversity can be articulated in the Preamble of the Constitution, in some cases it can find expression in the language related provisions of the Constitution, in other cases it can be expressed in the various national symbolic codes like flag, national anthem, and national holidays.

Multi-ethnic character states which view themselves as homeland of divided societies recognize various elements describing how to hold unity and tolerate diversity. The Constitutional recognition of these various elements should ensure democratic self-administration and equal rights and participation of communities and the danger of assimilation for ‘nation building’⁸⁹ to communal destiny. Therefore, multi-ethnic nations should recognize, but not limited to, the principle of partnership and how it can be achieved, collective assent/agreement, commitment and loyalty, anti-assimilationist approach of minorities into the majority, territorial autonomy as self- administration, equal rights and participation in nation building project, multiple and nested autonomy.⁹⁰ These elements, in one way or another, can be summarized in two broad principles: self- government/ self-rule for the affairs of constituent states and adequate representation/ shared-rule for the affairs of the whole union. The actual democratic Constitutional recognition and consumption of these principles by a democratic state has a direct implication for nation building project since it is the prospect toward national consensus for economic and political integration.

b) *Aspiration and Utilization of Self-Rule*

Identity based-federalism is largely measured by its inspiration and intention to accommodate the desire of constituent units for self-administration in securing a rational and consistent degree of political autonomy in a common political space. The political autonomy desired by constituent units comprises various empowerments that intend to inspire these subunits to cooperate in the union once they secure the actual control of these powers- social, economic and political affairs.

⁸⁸ Weinstock, D. (1999) “Building Trust in Divided Society”, *Journal of Political Philosophy*, vol. 7, No. 3

⁸⁹ Nation building is an enterprise undertaken by states to create national identity composed of economic integration, cultural integration, and common citizenship. See chapter three for more details

⁹⁰ Norman, W. (2006) *Negotiating Nationalism: nation Building , Federalism and Secession in Multinational States*, Oxford University Press: New york

Self- rule encompasses autonomy that relates to territorial or boundary issues of constituent units to ensure self-administration. However, the extent and scope of territorial autonomy of subunits raises different issues in relation with territorial integration of the whole union. Territorial autonomy directly relates with the structure of the constituent units in a multinational state. It is argued that the demarcation or organization of subunits along the ethnic line provides an increased and extensive autonomy for an ethnic group by allowing forming a majority in the constituent unit; thereby it enables and guarantees it to make decisions in a certain areas without being encountered by other larger society.⁹¹ Demarcating the constituent units on the basis of geographical or administrative conveniences is assumed to “undermine the divide-and-conquer policy that seeks to avoid territorially based ethnic claims”.⁹² However, it potentially denies the territorial space of ethnic groups essential to promote and preserve their identity and history. Due attention should be, therefore, paid to how best to demarcate and fix internal frontiers and how to democratically change the frontiers of constituent units in multinational states in order to avoid internal border contention between minorities and majorities.

The division of powers (legislative and administrative competencies) between the central government and constituent units is the necessary condition and will of federalism. Federalism is assumed to institutionalize the list of exclusive powers for each level of government and the powers exercised concurrently by the central and constituent units and rules for the jurisdictional conflicts in exercising these powers. The division of powers and competencies need to be on the basis of who does what. This is, therefore, important to provide the aspiration and practical expression of self-rule. The institutional division of powers and administrative competencies with non-interference to the affairs of each by one of them is the key part of defining the realm of self-administration of constituent units in order to accommodate unity and diversity in a multinational federation.

However, constituent units may be treated unequally so long as division of legislative powers and administrative competences are concerned. This occurs where there are significant historical

⁹¹ Kymlicka, W. (1995) *Multicultural citizenship*, Oxford: Clarendon Press, pp. 27-28, [Cited in Yonatan, ‘Federalism and the Challenges of Accommodating Ethnic Diversity’, Research Fellow Community Centre, University of Western Cape, p.28-29]

⁹² Yonatan, *supra* note 87, pp. 28-29

and societal differences among constituent units. These historical, societal and other differences may oblige states to adopt either symmetrical or asymmetrical federalism by taking into account the special status of subunits. However, it is to be noted that this kind of treatment is susceptible to resistance by some groups. Asymmetrical(De jure and De facto) federalism involves the division of power that is a feature of all federations to some degree, namely differences between subunits in terms of size and wealth, culture or language, and those differences in autonomy, representation and influence in the wider federation that result from such attributes.⁹³ On the other hand, symmetrical federalism does not make a distinction in the autonomy, representation and influence of the constituent units in the whole federation.⁹⁴

c) *Shared-rule*

Communities of different ethnic characters desire to partake in the basic institutions at the center. Ensuring adequate representation and opportunities of constituents in basic institutions of the central government is equally important with self-rule. Ensuring Democratic and actual representations and opportunities of ethnic groups at the center enables in bringing these groups in the political process. Neither Excessive shared-rule nor increased self-rule can promote national unity or provide joint spaces for various communities through which they communicate each other. Watts states that focusing on excessive self-rule of autonomy and the absence of adequate representation, equal opportunities and influences in the national institutions for particular group can serve as a springboard for secession/ disintegration.⁹⁵

How, where and by whom the ethnic groups are represented in the national institutions is quite different in federal states. Norman considers the following institutions as crucial for representation in order to bring ethnic groups to the political process and facilitate the nation building project. Basic political institutions for deciding upon policy and overseeing its implementation include executive organs, the legislature, the head of state, the civil service, including the military and federal police forces, along with important federal agencies and some

⁹³ Watts, R. L. (1999) *The Theoretical and Practical Implications of Asymmetrical Federalism in Accommodating Diversity: Asymmetry in Federal States*, Montreal & Kingston: School of Policy Studies Queen's University

⁹⁴ *Ibid*

⁹⁵ Watts, R.L. (1996) *Comparing Federal Systems in the 1990s*, Kingston: Institute of Intergovernmental Relations, Queens University

state-owned enterprises and the courts, in particular the court that has the ultimate say over the interpretation of the Constitution.⁹⁶

A mere representation of ethnic groups in the national governments may not be full-fledged. Representative matters must thus be addressed in a more accommodating perspective for the minority and the whole. In equal weight, representation goes with equal status of languages of the minorities and delivery of the federal service in the official languages on the basis of language policy which the federal states have adopted. A drastic transformation of division of powers and competencies to the federal government, a major Constitutional amendment unilaterally by the federal government/ Constitutional amendment against the will of the constituent units and the radical diminution of representation of ethnic groups in the national institutions in a federal state where secession has been Constitutionalized as unconditional right aggravates and formalizes the psychological and physical separation of ethnic groups.⁹⁷ This in turn affects the nation building project for national consensus, national integration and sustainable development.

Generally, there must be all-inclusive and general consensus on the arrangement of ethnic federation whether the federation results from devolution (holding together) or coming together (aggregation). To this end, democratic mechanisms that balance and compromise opposing values (diversity and unity), institutional recognition of shared-rule and self-rule and their implementations thereof, and various factors are synergies and prerequisites in building a common sense of purpose, a sense of shared economic and political destiny and collective imagination of belongingness.

⁹⁶ Norman, *supra* note 90, pp.111-115

⁹⁷ *Ibid*, p.119

Conceptual Framework on Nation Building and Institutional Mechanisms

3.1 Definition of Nations

Nations are linked in a theoretical analysis of nation building. Social theorists, political philosophers and theorists have been trying to come up with the definition of ‘nations’. There are common elements noticeable in the various definitions forwarded scholars. The common quality assumed to be shared by nations is the fact that groups of people are expected to have a specific sentiment of solidarity for one another.⁹⁸

Smith formulates his classical definition of nations as “a named human population sharing historical territory, common myths and historical memories, a mass, public culture, a common economy and common legal rights and duties for all members.”⁹⁹ Likewise, Guibernua defines a nation as a “human group conscious of forming a communality, sharing a common culture attached to a clearly demarcated territory, having a common past and a common project for the future and claiming the right to rule itself”.¹⁰⁰

The questions that need to be addressed relate to how these common qualities manifest themselves and how nations emerge. There are two competing thoughts regarding the creation of nations. The first perspective is represented by ‘Modernists’ who argue that nations are “modern phenomenon” and they believe that “ethnic groups have no particular importance in their creation”.¹⁰¹ According to this view, ethnic groups have no significance for the creation and existence of nations and hence nations exist in the absence of people. This view considers nations as historical incidents.

⁹⁸ Weber, M. (1948) “The Nation” in H. Gerth and C. Wright-Mills (eds.) from Max Weber: *Essays in Sociology*, London: Routledge and Kegan Paul

⁹⁹ Smith, D. (1991) *National Identity*, London: Penguin, see also Smith, D. (2002) *When is a Nation?*, London: Routledge

¹⁰⁰ Kidane, *supra* note 82 and see also Montserrat, G. (1996) *Nationalism: The Nation State and Nationalism in the Twenty- First Century*, Cambridge: Polity, PP. 46-47

¹⁰¹ Kesici, O. (2011) “The Dilemma in the Nation Building Process: The Kazakh or Kazakhstani Nation?”, *Journal on Ethno Politics and Minority Issues in Europe*, Vol. 10, No. 1, pp.31- 51, this article is also located at: <http://www.ecmi.de/fileadmin/downloads/publications/JMIE/2011/Kesici.pdf>

The second view, on the other hand, is forwarded by a group of theorists who regard nations as “specialized developments of ethnic ties and ethnicity” and they argue that “we cannot hope to comprehend a powerful appeal of the nations without addressing its relationship with ethnic ties and sentimentalities”.¹⁰² According to this argument, nations are built by social actors with visions and resolutions, and thus they are products of conscious state crafts, not happenstances.¹⁰³

Proponents of this view state that ethnic groups put nations in a dynamic process that involves constant nurturing and re-invention since challenges never stop to happen and this in turn makes nation building a pursuit of creating among citizens values and thoughts as social groups that separate and distinct from others with the feeling of togetherness with shared ambitions and aspirations. There are some writers who relate the term nations to ‘a place’ or ‘people’. A nation signifies a place; i.e., a country with sovereign government whereas the second definition refers to a community of people usually with a shared recognition of language, culture, history, territory, and others.¹⁰⁴ This definition helps to deduce that nations come to exist by group of people with a government (democratic, republican, monarchy, aristocracy, dictatorship) that governs a community or units and sets and administers public policy and exercise exclusive, political and sovereign power through customs, institutions and laws within a state and thereby group of people precede nations. In this regard, Gellner points out that “nations are the artifacts of men’s convictions and loyalties and solidarities.”¹⁰⁵

In recent years, social theorists and political philosophers show some tendencies of convergence on the components and elements to conceptualize nations. Accordingly, nations are being conceptualized as a kind of imagined communities qualifying beliefs and feeling to be nations different from states and mere ethnic groups without a particular set of properties except subjective properties of nationhood. However, there are still scholars who argue that the necessary condition that qualifies the belief of communities as members of a nation does not

¹⁰² Smith, D. (2006) *Ethnicity and Nationalism*, London: Sage, pp. 169- 181, see also Smith, D. (1986) *The Ethnic Origin of Nations*, Oxford: Blackwell

¹⁰³ Gamber, I. (2014) *The Challenge of Nation Building: The Case of Nigeria*

¹⁰⁴ Paine, S. (2010) (ed.) *Nation building, State Building and Economic Development: Case Studies and Comparisons*, M.E. Sharpe: Armonic, New York, London: England

¹⁰⁵ Gellner, E. (1983) *Nations and Nationalism*, Ithaca, NY: Cornell University Press

denote kind of communities described differently from the manner in which nationalists perceive self-determination.¹⁰⁶ This seems to render the argument circular.

3.2 Nation Building

3.2.1 Conceptualization and Contextualization of Nation Building

There have been pursuits toward nation-statehood after series of wars in Europe which ultimately led to the Treaty of Westphalia in 1648. The external and internal factors that strengthened the bonds of citizens and national consensus in nation states did not create a comparable level of cohesion in various societies thereby necessitating conscious efforts of nation building which was taken as a responsive mechanism for conflicts. It was taken as a potential solution to humanitarian disaster and destabilization not only in a given country, but also in entire regions including distant countries. These violent conflicts triggered fragmentation of states and communities and have brought economic, social and political development failures and regional destabilization. At this juncture, nation building was taken as a political alternative to avert state fragmentations with missions of preventing violent conflicts, achieving local and regional stability, and facilitating development.¹⁰⁷

Nation building has turned the attention of the majority of the world's states to strive for their unity, solidarity and strength. States realized that nation building can protect their sovereignty and independence for their economic development and civic harmony.

The pursuits of nation building have drawn significant attention since the end of the cold war to avert further disintegration and conflict. To this end, states follow different principles and doctrines to achieve nation building project on the basis of their history, cultural and social structure, and linguistic identity, economic and political contexts. For instance, Kazakhstan's nation building project principle "National Unity Doctrine" which was announced and made public in 2010 emphasized the history and common fate of all ethnic groups. This doctrine has been stated as:

¹⁰⁶ Norman, *supra* note 90

¹⁰⁷ Hippler, J. (2005) "Violent Conflicts, Conflict Prevention and Nation-building – Terminology and Political Concepts" In: Jochen (ed) *Nation Building*, Pluto Press, London • ANN ARBOR, MI, pp.3 52

Thanks to the unity, solidarity and the strength of our spirits, we have achieved and protected the sovereignty of our country and its territorial integrity, security, economic, development and civic harmony. All of this is the result of our common work. [...] Independence and the development of statehood which has been established on the indigenous land of the Kazakhs, is our greatest capital.¹⁰⁸

The structure and composition of their communities obliges states to follow different steps and institutions in order to success in their nation building project. In heterogeneous states, for instance, it should go along further steps to bring ethnic groups having their own ethnic cleavages together with commonly shared identity whereas it is taken as an enterprise to economically integrate and strengthen homogenous communities in states where identity differences are not challenging to build national identity and national consensus.

Nation-building has been taken as a foreign, security and development policy in the 1950s and 1960s, in particular, closely related to “the modernization theories fashionable in Western styles”.¹⁰⁹ In these years, nation building and economic development have been considered as two sides of a coin. In this regard, Rivink has conceptually integrated nation building and development as:

Nation-building and economic development ... are twin goals and intimately related tasks, sharing many of the same problems, confronting many of the same challenges, and interrelating at many levels of public policy and practice.¹¹⁰

Nation building in its current conception is essentially a postcolonial phenomenon and aspires to acquire institutions and infrastructures for territorial integrity, security, economic development and civic harmony of newly independent countries. Atwood summed the nexus of nation building and post colonialism in the following terms:

¹⁰⁸ Kazakhstan’s National Unity Doctrine (2010) [Cited in: Kesici, O. (2011) “The Dilemma in the Nation-Building Process: The Kazakh or Kazakhstani Nation?”, *Journal on Ethno politics and Minority Issues in Europe* Vol 10, No 1, pp. 31-58, Available at:

<http://www.ecmi.de/fileadmin/downloads/publications/JEMIE/2011/Kesici.pdf>

¹⁰⁹ Hippler, *Supra* note 107

¹¹⁰ Rivink, A. (1969) *Nation-Building in Africa: Problems and Prospects*, New Brunswick

... Nation building was largely a postcolonial phenomenon, an ambitious program to help newly independent countries acquire the institutions, infrastructure, economy, and social cohesion of more advanced nations....¹¹¹

Imposed administrations and controls with imposed languages, laws and regulations made lacking of common positive traits in colonized countries. Therefore, decolonized countries have opted nation building as a long lasting project to integrate communally diverse and territorially discreet communities on the basis of their own context.

3.2.2 The Contemporary Usage of the Term “Nation Building”

Scholars perceive nation building from different perspectives. These perspectives involve the sociopolitical and political objectives and strategies expected to be achieved by nation building. Gagliano explains nation building as “an integration of communally diverse units into the institutional framework of a single state and affiliated transfer of a sense of common political identity and loyalty to the symbolic community defined by the founding ideology of such state”.¹¹² The underlining elements of this definition are culture, voluntaristic sentiment and common symbolic codes. Here, the intent is that one thing stands out from the sub-mix of sub-cultures, mix- interests or from the hybrid society.

However, it is still a daunting task to define what exactly ‘culture’ is since its definition is elusive in nature. The ‘symbolic codes defined by the ideology of the state’ are the name of the state itself, the public holidays it celebrates, the flag(s), official emblems and the like are used to reflect the multi-ethnic character of the state that take into account the practices, cultures and history of the different ethnic groups.¹¹³ Nation building aims at the formation of collective identity which projects a meaningful future and draws on the existing traditions, institutions,

¹¹¹ Atwood, B. (1994) “Nation Building and Crisis Prevention in the Post- Cold War World”, *Brown Journal of World Affairs*, Vol. 2, No. 1, pp. 11–17.

¹¹² Gagliano, G. (1990) “The Contenders” In: Esterhuysen, W. and Du Toit (eds.) *The Myth Makers: The Elusive Bargain For South Africa Future*, Hail Way House, Southern Book Publishers

¹¹³ Yonatan, *supra* note 92

customs and redefining them as national characteristics in order to support the nation's claim to sovereignty and uniqueness.¹¹⁴

The aforementioned explanation of nation building infers the sociopolitical process that seeks to create the national identity composed of an integrated economic and cultural entity. However, this assertion does not make it clear whether it is an activity to create a nation out of some other form of community or making the already existing national identity strong. Sometimes, nation building is perceived as national engineering- an activity to shape the exiting national identity. In this context, Norman points out the following:

In most cases a national identity already exists, and political actors are trying to shape it qualitatively, and not just quantitatively, by addressing the values and beliefs that characterize the national identity in question, as well as the sentiments that bring it to life, so to speak.¹¹⁵

Norman argues that national identity already exists and it is a political activity to shape this identity qualitatively by targeting multiple features of national identity in order to meet certain objectives like shared values and beliefs that characterize the national identity. This line of argument relates nation building project with a political strategy by which political actors strive to achieve some political objectives either to serve their political interests to a greater degree than it previously existed or to weaken their opponents.¹¹⁶ However, considering nation building project solely as the duties and interests of political actors and considering them as the only architects of nation building undermines the participation and contribution of individuals and community associations to the growth and well-being of this process. Political leaders and actors cannot easily shape and reshape national identity at will in an open and democratic community because they cannot control sources of information, political opponents and political and

¹¹⁴ Bagdady, A. and Wolf, R. (2005) (eds.) "State-Building, Nation-Building, and Constitutional Politics in Post Conflict Situations: Conceptual Clarifications and an Appraisal of Different Approaches", *Max Planck Yearbook of United Nations Law*, Vol. 9, Koninklijke Brill N.V., the Netherlands. p. 579-613

¹¹⁵ Norman, *Supra* note 106

¹¹⁶ *Ibid*,

ideological commentators.¹¹⁷ However, they can still be effective in situations where they use democratic and all-inclusive offices and institutions.

Nation building process, for the purpose of this study, should not be taken as a mechanism to create new national identities what the ethnic group did not formerly have or to create a ‘nation-state’ (a single stock community with a uniform cultural tradition without any cultural cleavages), rather it is the process of consolidating, integrating and shaping communities sharing a particular set of characteristics with founding movements and destiny.¹¹⁸ Sentiments of national identity, which need to be integrated among communities, therefore, encompass dimensions useful for understanding its elements. These dimensions include the psychological dimensions, cultural dimensions, territorial dimensions, historical dimensions and political dimensions.

For example, national identity encompasses a psychological dimension which is a consciousness feeling or closeness and forming a group who belong to a nation. The closeness and belongingness of ethnic groups remain latent whenever the nation is confronted with an external or internal enemy – real, potential or constructed that threatens its territory, its international standing or its sovereignty.¹¹⁹ Likewise, Connor puts psychological dimension of national identity as “it is not irrational, only beyond reason and a nation is a group of people who feel that they are ancestrally related”.¹²⁰

Cultural dimensions of national identity, on the other hand, focuses on the specific identification of one’s value, habit, belief, custom, convention, languages and practices in order to clearly transmit to the coming members of a given community who came to recognize one another as fellow nationals. It creates a strong emotional investment and be able to foster solidarity bonds among the members.¹²¹ It also enables a given community to imagine and feel their community

¹¹⁷ Norman, W. (2005) “From Nation Building to National Engineering: The Ethics of Shaping Identities”, In: Ramon, M. and Ferran, R. (eds.) *Democracy, Nationalism and Multiculturalism*, Frank Cass, London and New York

¹¹⁸ Montserrat, G. (2004) “A Critical Assessment on Nations and National Identity by Anthony D. Smith”, Open University, Walton Hall, Milton Keynes

¹¹⁹ *Ibid*

¹²⁰ Walker, C. (1994) *Ethno nationalism : The Quest for Understanding*, Princeton, NJ: Princeton University Press

¹²¹ Erner, G. (1983) *Nations and Nationalism*, Oxford: Basil Blackwell

as a separate and distinct from others.¹²² Culturally tied communities need to communicate with each other, and as a result, they tend and demand to use a shared language- vernacular language as a tool.

3.2.3 Federating Secession with Nation Building and Its Impact Thereof

Secession, being a political aspect, has turned the attention of political philosophers after a long period negligence. Secession had been given less consideration and its effect on nation building and national consensus was taken as insignificant. A clear demarcation has not been appreciated yet between what moral conditions justify secession and under what conditions a group is recognized as having a right to secede. Therefore, it is important to briefly discuss the response of different theories of secession for the foregoing moral and legal conditions of secession in order to fully understand its legitimacy and impact on nation building.

a) Choice Theory

This theory is a voluntary justification of secession that maintains that any group of individuals living in a defined territory has the “right to secede to establish a new independent state if this is the desire of the majority of the members of the group”.¹²³ This attaches the will of the majority as an exclusive requirement to claim secession and to form an independent state. The theory also identifies additional requirements attached to the right to secede.¹²⁴ Berna points out that a group must also afford “the necessary resources to successfully build a new state and guarantee the protection of minority rights in the newly created states”.¹²⁵

According to this theory secession is assumed that it can produce homogenous successor states. However, it always encounters ethnic minorities within the secessionist regions. This explains that heterogeneity before and heterogeneity after secession is always within the group. Therefore, the proponents of this theory must assure that minority rights must be guaranteed in secessionist states before claiming secession to establish an independent new state.

¹²² Anderson, B. (1983) *Imagined Communities: Reflection on the Origin and Spread of Nationals*, London: Verso

¹²³ Dietrich, F. (2010) “The status of Kosovo – Reflection on legitimacy of secession”, *Journal of Ethics and Global politics*, Vol 3, No. 2, PP. 132, See Also Pavkovic, A. (2000) “ Recursive Secession in Former Yugoslavia: Too Hard case for Theories of secession” , *Political Studies*, Vol. 48, No. 3, pp. 485

¹²⁴ Berna, H. (1984) “A Liberal Theory of Secession”, *Political Study*, Vol. 32, No. 2, PP.21-31

¹²⁵ *Ibid*

The assumption is that a group can secede even if it suffers no injustice from a perfectly just state- “a state effectively performing all what are usually taken to be a legitimate provisions of functions consisting chiefly if not exclusively, the establishment and protection of rights and security”.¹²⁶ Buchanan describes a just state as one that does not violate relatively “uncontroversial individual moral rights including above all human rights and which does not engage in uncontroversial discriminatory policies toward minorities”¹²⁷.

Choice theory raises two conflicting interests. Individuals have a legitimate interest to keep the integrity of their state. At the same time, a group can have a right to secede from the union in the absence of just cause or injustice by the mere fact it wants to have its own new independent state. The moral interest of the union in maintaining the principle of the territorial integrity of the nation seems outweigh than secession without good cause. Hence, it is not likely to be adopted by international law makers as the right to authorize ethnic groups to secede. The assumption here is that secession directly threatens the territorial integrity of a state. However, the prohibition of secession by international law does not determine the demand of gradualist or sincere secessionists in a federation; rather it is the matter of the political operation of a sovereign state.

b) *Remedial Right Only Theory*

Remedial Right Only theory understands secession as a right of resistance and defense against injustice committed by the encompassing state. It justifies secession as a last resort to protect and secure minorities in situations where the encompassing state fails to “protect and ensure basic human rights and the survival of the group”.¹²⁸ Although it is difficult to give comprehensive list of acts as legitimate reasons to claim secession, proponents have been forwarding various acts amounting to injustices triggering the desire to secede. But still, they could not avoid the ambiguities to give a clear- cut categorization of acts / omissions as injustice and acceptable condition for secession within the framework of this theory. Buchanan suggests three main kinds of injustice which include “large scale and persistent violations of basic individual rights,

¹²⁶Buchanan, A. (?) “Towards a Theory of secession”, *Journal of philosophy and Political Affairs*

¹²⁷*Ibid*

¹²⁸ Moore, M. (1998) “Introduction”, in Moore, M. (ed.) *The Self- Determination Principle and the Ethics*, Oxford: Oxford University press

unjust taking of a legitimate territory of the state and violation of intra state autonomy agreements”.¹²⁹ The existences of these injustices are the main distinctions which differentiate the remedial right only theory from choice theory.

Secession is not ruled out entirely by remedial right only theory but the theory gives significant constraints to the right to secede justified to minimize the threat to the territorial integration of the existing state. It has been more likely to be incorporated into the international law by the international law makers.

Despite proponents of remedial right only theory take into account the importance of secession at the time of injustice, this theory encounters criticisms. If it is possible to enforce the conditions on the exercise of an international law to assert secession, then why is not possible to enforce those conditions in the state to curtail the need to secede? In addition one may face difficulties to assure the protection of the basic rights of minorities by the majority in the secessionist state because recognition of the right to secede is not likely to be the end of an old bitterness. But, it is unfortunately a beginning of a new bitterness.¹³⁰ Secession changes a domestic ethnic dispute into a more dangerous and wider dispute. It challenges interethnic accommodation of diversity since it can produce incentive to ethnic polarization. Therefore, secession may not be a compacting prescription for injustices faced by minorities by the encompassing state. So, other mechanisms need to be devised, for example, “consociational democracy”.¹³¹

c) *National Self- Determination Theory*

National self- determination theory springs its justification from the ‘the national self-determination theory’ which suggests that independence is justified by the importance of national identity¹³². Hence, recognition of the entity claiming and wishing to secede as a nation is the main justifying requirement rather than the will of the majority or injustice by the encompassing

¹²⁹ Buchanan, *supra* note 127

¹³⁰ Horowitz, D. L. (2003) “The Cracked Foundations of the Right to Secede”, *Journal of Democracy*, Vol. 14, No. 2

¹³¹ *Ibid*

¹³² Norman, W.(2003) “The Ethics of Secession as a regulation of Secessionist Politics”, in Moore, M. (ed) *National Self- Determination and Secession* , Oxford University Press, PP. 34-61, See Also Yared, L. (2011) “ Secession under Federal and Subnational Constitutions: Navigating the Distance between Text and Structure”, in Yonas, B. (ed) *Some Observations on Sub National Constitutions of Ethiopia, Ethiopian Constitutional Law Series* , Vol. 1v, School of Law, Addis Ababa University

state. The critic against this theory comes from the disagreement about the conceptualization of nation. Not only is the elusive conceptualization of nation but also there is a disagreement as to the entity entitled to the right to secession. It is whether secession should be limited to the nation or extended to a wider range of “cultural groups”.¹³³ It is better to see the notion of nations and cultural groups under international level before discussing the justifiability of secession according to the national self- determination theory.

d) *The Responses of International Instruments to the Conceptualization of Nations and Cultural Groups*

The notion of the right to self- determination in general and the right to secession in particular has its origin in the international laws. The incorporation of these rights in a legal document may not be as such difficult; the difficulty arises when one asks the question who is entitled to exercise these rights. The international instruments such United Nations Charter (UN), or Friendly Relation Declarations refers self – determination as a “right of ‘people’ and friendly relations between states should be on the basis of respect with the principle of equal right and self – determination of people”.¹³⁴ It still remains ambiguous to compromise that which groups the term ‘people’ intends to refer. Scholars on the issue of self- determination and colonization suggest that the UN practice showed the term ‘people’ to refer “colonial population underpinning the process of decolonization from colonial entities”.¹³⁵ Out - side the colonial contextualization of people, the international legal instruments lack guidelines on the entity entitled to exercise the right to secession.¹³⁶ Therefore, it is important to find scholastic definition of the group concerned to exercise the right to secession.

Writers approach the rights of self- determination and secession from two arguable perspectives. These two arguable outlooks as to which entity the rights should be ascribed are self- determination and secession should be limited to nations and a remedial right of secession should be extended to the wider range of cultural groups. Seymour and Nielson suggest that all nations

¹³³ Buchanan, A. (2003) *Justice, Legitimacy and Self- Determination: Moral Foundations for international law*, Oxford University Press, See Also Buchanan, A. (1996) “What is So special About Nations?” in Couture, J. K. and Seymour ,M. (eds.) *Rethinking Nationals*, Calgary: University of Calgary Press, PP. 283-309

¹³⁴ United Nations (2012b) *Charter of the United Nation*, available at: <http://www.Un.org/en/documents/charter/Index.shtml>.

¹³⁵ Buchanan, *supra* note 133

¹³⁶ United Nation, *Supra* note 134

should have primary right to self- determination to develop itself within the encompassing state and be able to determine its own political status- internal self- determination.¹³⁷ In addition to such primary right, self- determination extends to external self- determination.¹³⁸ The proponents of this argument justify their assertion that nations have characteristics essential to the formation of a state in which other cultural groups do not possess to establish a new independent state.

These characteristics of nations are elements used to define nations, which include belief in a shared language, religion, territory, culture, kinship, history, tradition, symbols, founding moments, and destiny.¹³⁹ At the same time, these elements have been used as parameters to the distinction between nations and cultural groups. Hence, nations are platform for cultural diversity which no other cultural groups possess. They have also an attachment to a fixed territory which is self- governing as a precondition to claim a right to secede which no other cultural groups reveal. A conscious belonging and psychological sentiment, which remains latent whenever a nation is confronted by internal and external threats, is the other distinction between the nations and cultural groups. The psychological sentiment pushes a group to desire political autonomy which in turn leads to aspiring self-government.¹⁴⁰

On the contrary, some scholars, like Buchanan, argue that the general right to self- determination is misleading because it denies the existence of varied entities aspiring different forms of autonomy and it equally neglects the diversity of quests for autonomy.¹⁴¹ Buchanan adds that the cultural groups are equal with nationality so that nations should not have a special enjoyment of rights other than those granted to all cultural groups. He substantiates that placing nations hierarchically at the top infringes the principle of equality and respect for individuals' self-definitions. Thus, it reveals conferring equal rights of self- determination to cultural groups with the need to protect and respect them.

¹³⁷Seymour, M. (2007) "Secession as a Remedial Right", *Inquiry: An Interdisciplinary Journal of Philosophy*, pp.395-421, See Also Nielson, K. (2003) "Liberal Nationalism and Secession", in Moore, M. (ed.)*National Self-Determination and Secession*, Oxford, Oxford University Press, pp. 34-61

¹³⁸*Ibid*

¹³⁹ Smith, *supra* note 99

¹⁴⁰ Marglit, A. and Razi, J. (1990) "National Self- Determination", *Journal of Philosophy*, Vol.87, No. 9, pp.439-461

¹⁴¹Buchanan, A. (1996) "What is So Special about Nations"? In : J. Couture, K, and M. Seymour (eds.)*Rethinking Nationals*, Calgary: University of Calgary Press, PP. 283-309, [Cited in Charlotte, M. (2012) "Secession and Self –Determination – Remedial Right Only Theory Scrutinized", *POLIS Journal*, Vol. 7, University of Leeds , pp.283- 321]

The counter argument against Buchanan is that where and when does secession end up if it is once recognized as a right claimed by each cultural group? How can one assure the respect and protection of minorities by the majorities in the secessionist cultural groups?

There are essential criteria that a state needs to qualify statehood, which include the existence of shared overarching culture, the attachment to a certain territory and the stiling to political autonomy. As opposed to cultural group, nations fulfill these criteria to claim the right to secede. In addition to such criteria for statehood, studies suggest that most secessionist struggles in the past decades have been conducted by nations and national identities have played central role in their stiling for independence.¹⁴² For instance, it is evident that the past self- determinations and secession from the former Soviet Union by Estonia, Latvian, Lithuania in 1990/91 and the declaration of independence of the former federal units of Socialist Federal Republic of Yugoslavia such as Slovenia and Croatia in 1991 had been conducted by national identities.¹⁴³

e) *Constitutional Justification of Secession*

The vast majorities of the world's sovereign states' constitutions do not have any provision allowing the right to secede. The justification for this prohibition is to maintain the state's territorial integrity. Sovereign states have different approaches as far as the constitutionalizing of secession is concerned. Some Constitutions keep silent; they do not have any constitutional provision allowing or prohibiting secession, others expressly prohibit constitutionalizing of the right to secede; they even go so far as to prohibit any constitutional amendment that would adjust the state's territory.¹⁴⁴ A Constitution may also contain provisions expressly allowing secession with procedures to assert the right to secede. For instance, the Ethiopian Constitution clearly provides for the right to self- determination, and including secession.¹⁴⁵ This presents the non-

¹⁴² Pavkovic, A. and Radan, P. (2007) *Creating New States: Theory and Practices of Secession*, Aldershot: Ashgate Publishing Limited

¹⁴³ Norman, *supra* note 132

¹⁴⁴ Minasse, H. (1996) “ The New Ethiopian Constitution: Its Impact up on Unity, Human Rights, and Development”, *Suffolk Transitional Law Review* 2, p. 32

¹⁴⁵ Constitution of the Federal Democratic Republic of Ethiopia, Proclamation, 1995, Proc. No.1, Federal Neg. Gaz., Year 1, Article 39, this article clearly articulates that every Nation, Nationality and People in Ethiopia has an unconditional right to self-determination, including the right to secession with procedures how this right can be effectuated.

existence of uniform constitutional clause to provide Constitutional right of secession with concrete procedures to implement secession.

Constitutionalizing secession along with concrete procedures does not fully avert problems between the remaining states and the secessionists. So, mechanisms and institutions need to be devised for the problems arising following secession. Constitution is one of the institutions which are designed to address secession issues once it constitutionalizes the right to secede with specifications to which group the right to secede is ascribed as a legitimate right to be exercised in order to possibly prevent and govern any foreseen and unanticipated problems to states' territorial frontiers.¹⁴⁶ The Constitution identifying the entity bearing the right to secede with tangible procedures may fail to attain its target to solve problems arising following secession if its provisions allowing secession remain stringent and barriers in order to easily implement the right. So, attempts should be made to minimize the rigidity of the substantive and procedural provisions of the Constitution through the promulgation of supporting laws assisting to easily enforce the right to secede.

The constitutional recognition of ethnic groups accompanied by involvement in practical circumstances makes them to assume that they are part of the union. However, ethnic groups may be interested to secede whether a state effectively performs all what are usually taken to be legitimate provisions of functions consisting chiefly if not exclusively, the establishment and protection of rights and security or causes injustice to ethnic groups. The rationale forwarded by states supporting the inclusion of the right to secede with implementing procedures in the Constitution is to enforce secession peacefully. It seems easy to recognize and implement the right to secede like other constitutional rights but the problem arises when one thinks about the structure and the integrity of the union/ the remaining state. The democratic right to secede may possibly impose negative impact on the nation building project which aims at building common identity.

Constitutional engineering of a multinational state thus needs a critical and profound consideration whether a legitimate secession clause would increase or decrease incentives for

¹⁴⁶ Andrei, K. (??) "Constitutional Right of Secession in Political Theory and History", *Journal of Libertarian Studies*, Vol. 17, No. 4, Ludwig Von Mises Institute, PP. 39-100

secessionist politics. It is sensible for a multi-ethnic state to take away the incentives for political leaders who engage in secessionist politics in its constitutional articulation and calculation.¹⁴⁷

3.2.4 Language Policy and Its Implication in Nation Building

Language is the central feature of ethnicity. It has dual capacity of exclusion and inclusion. Hence, language can serve as a significant marker of a particular ethnic identity and it has a boundary function.¹⁴⁸ Due to its function, states are likely to adopt language policies either to promote monolingual identity or to advocate a multilingual pluralist approach of national identity on the basis of ethno- linguistic complexity and diversity of their communities.

Though linguistic uniformity has been viewed as a precondition for the creation and consolidation of a national unity, concerns for national unity have increasingly been viewed as illegitimate and irrelevant in the face of increasing diminishment of linguistic diversity through assimilation into a single common linguistic formation.¹⁴⁹ This condemnation of assimilation is due to the ideology of rights (linguistic human rights) and ideology of diversity. Ethno-linguistic diversity always makes an attempt to create nation-wide unity and sense of common identity a difficult task. So, multi-ethnic states opt to undertake efforts to design institutions in order to forge a shared and unifying national identity between diverse ethno-linguistic groups.

Federalism has been assumed as one of the most realistic ways designed to maintain national unity in a country where there are ethnically and territorially structured societies. It is an interesting device to manage diversity by reconciling conflicting pressures in order to forge national unity. Federalism is an increasing constitutional arrangement in accommodating diversity by providing rights that divided communities want to be recognized. Language is one of such conflicting interests and pressures that federalism tends to accommodate. Language is the right which reconciles the linguistic identities of ethnically divided societies in a multi- ethnic state. The institutionalized principle of recognition of the linguistic identities of ethnic groups enables them to develop a sentiment that they are part of the union.

¹⁴⁷ Norman, *supra* note 116, pp. 175-176

¹⁴⁸ Heller, M. (1987) "The Role of Language in Formation of Ethnic Identity", in: Phinney, J. and Rotheram, M. (eds.) *Children's Ethnic Socialization: Pluralism and Development*, Newbury Park, CA: Sage

¹⁴⁹ Orman, J. (2008) *Language policy and Nation Building in Post-Apartheid South Africa*, pp.47-48

However, federalism as a constitutional arrangement may not be successful by solely recognizing a language rights regime.¹⁵⁰ In addition to such language rights regime, Yonatan states that a well- designed language policy “goes a long way in contributing either to effective balancing of unity and diversity or to the gradual polarization of cultural communities”.¹⁵¹ This is due to the fact that a well-fashioned language policy enables cultural groups to use, preserve, and promote their linguistic identities by at the same time build inter-ethnic solidarity.

Multi-ethnic federations adopt either individualistic/personal language policy approach or territorial language policy approach. The former model follows a non-exclusive approach and allows individuals to use their preference across the country. But, it has a tendency to perpetuate the dominant position that a historically privileged group enjoys in the state and it is likely to have the effect of strengthening the pressures for assimilation to the dominant group.¹⁵² The later language policy, on the other hand, represents recognition of linguistic identities of diverse groups assuming that it gives ample option to identity groups to promote, preserve and develop its language and culture though it scores low in promotion of inter- group solidarity.¹⁵³

This comes to conclude that whatever language policy has been adopted by a multi- ethnic state it should be on the basis of concrete expression of federalism principle in attempting to achieve a delicate balance between unity and diversity. This needs institutions enabling cultural communities to promote their language and cultural identity by at the same time promoting inter-ethnic solidarity for common political and economic destiny.

3.2.5 Challenges of Nation Building in Identity- Based Federalism

Peaceful interaction between the state and identity groups and among identity groups is likely to reduce the susceptible causes of conflicts. Strong economic ties among the divided societies play vital role in creating an understanding and cooperation to nation building project since it possibly result in national consensus for all inclusive and collective political and economic destiny. Socioeconomic inequalities are susceptible to sideline the people or to force ‘social exclusion’ of

¹⁵⁰ Yonatan, *supra* note 113, pp. 22-26

¹⁵¹ *Ibid*

¹⁵² Yonatan, T. (2009) “A Tale of Two Federations: Comparing Language Rights in South Africa and Ethiopia”, *African Human Rights Law Journal*, pp. 501-523

¹⁵³ *Ibid*

the significant section of the population from enjoying basic social and economic rights. This, in turn impedes the nation building project in a multi-ethnic state. It is true that ethnic politicization and mobilization are likely to be high in a multiethnic state thereby paves a way for competing political parties to be organized largely along ethnic lines where some forms of Proportional Representations (PR) and consociational decision makings are not intact.¹⁵⁴

Federal arrangement needs to be local initiative and compromise between interests and views of diversified communities living in a multi-ethnic state rather than being externally and internally imposed by some actors. Federal arrangement necessitates negotiation and popular consultation in order to reflect pluralism and democratic deliberation because terms of federal arrangement are assumed to be the product of understand and consensus between ethnic groups inhabiting in a multi-ethnic state.

Institutions to accommodate diversity and unity for the real and practical function and operation of federalism need to be negotiated democratically. This says that a negotiated federal arrangement ensures politically acknowledgment, legally and institutionally accommodation and empowerment of diversified groups. On the contrary, federal arrangement revoked and imposed by some elites in their favor causes lack of inclusiveness of all identity groups and suppress of the diversified interests. Lack of inclusiveness in the federal arrangement process results in controversial among political parties and the federal arrangement faces challenges and resistance by identity groups.¹⁵⁵ This leads to amplified nationalist movements and collective mobilizations as a response to the retrospective displeasure, which threatens nation building.

Identity- based politicization and mobilization are likely to be high in identity –based federalism where there are lack of forms of proportional representation and democratic decision making in the political process. PR requires critical institutional design to choose electoral system for divided societies to respond to the challenges of ethnic diversity. Proportional electoral system with consociational decision making process facilitates the process of accommodation between diverse groups in a multi-ethnic state. In divided societies where there are centrifugal politics, proportional representation electoral system paves the way to political moderation and

¹⁵⁴ Lijphart, A. (1979) “Consociational and Federation: Conceptual and Empirical links”, *Canadian Journal of political Science*, Vol. 12, No, 3, pp. 499-515

¹⁵⁵ Kidane, *supra* note 82

compromise and needs to be institutionalized to enable numerically weak ethnic groups to obtain representation and fortuitous to influence the central decision making process.¹⁵⁶ The institutionalizing of PR electoral system in a multi ethnic country enables political parties to develop ‘nation-wide consensus, to promote mutual understanding and co management of the divided societies, to settle autonomy related questions through negotiation and compromise.¹⁵⁷ In the same vein, Watts notes that “it is not the institutional structure, but what matters most is the ways in which political parties operate and the interrelationship between the federal and the regional branches of parties that affect the extent to which a federation wide-consensus may be developed”.¹⁵⁸

On the contrary, ethnic based federalism faces difficulties in its nation building project where it institutionalizes the ‘the First Past the Post’ electoral system. The plural electoral system gives little opportunity for minorities to be represented at the center; hence it does not enhance representation and influences of small parties. This says that plurality electoral system results in the exclusion of ethnic groups, as a result, political parties opt to be organized largely along ethnic lines. This leads to identity politicization and mobilization that impede the development of national –wide consensus and mutual understandings.

Poverty and nation building are two strange bedfellows. So, building a common citizenship is an important aspect of nation building. However, the presence of different quality of life across groups produces challenges and impediments to build a common citizenship. Citizens denied of basic economic and social rights are not interested in supporting the state and society to cooperate for the common good. Intra- group socioeconomic difference fuels a flame to develop fears and suspicious which keep the people divided. Therefore, in ethnic based federalism, where there are socioeconomic inequalities, ethno nationalism becomes a strong mobilizing force of significant segments of the population.

¹⁵⁶ Reynolds, A. (1999) *Choosing an Electoral System: Electoral System and Democratization in Africa*, {Cited in: Yonatan, F. (2009) “Ethnic Identity and Institutional Design: Choosing an Electoral System for Divided Societies”, *International Law Journal*, p.325]

¹⁵⁷ Yonatan, F. (2009) “Ethnic Identity and Institutional Design: Choosing an Electoral System for Divided Societies”, *International Law Journal*, pp.324-338

¹⁵⁸ Watts, R. L. (2001) Federalism and diversity in Canada, in Ghai, Y. (ed) *Autonomy and ethnicity: negotiating competing claims in multi-ethnic states*, pp. 29-52

Generally, imposition of federalism by elites, institutionalizing of the FPTP electoral system, identity based mobilization and politicization and intra- group socioeconomic differentiations are the major challenges of nation building in ethnic based federalism. Moreover, level of diversity, weakness in building institutions for democracy, public integrity and development impede nation building project in getting different political units to act in a correct order and to get different national communities to cooperate.

3.3 Institutional Mechanisms for Nation Building

Sentimentalizing and desentimentalizing the national identity by forcefully assimilating national minorities into cultures of the majority may not bring the expected national consensus and sustainable development for the equal benefits of all the ethnic groups. Nation building should first target to overcome challenges from history, socio- economical inequalities, institutional challenges and leadership challenges by prioritizing security, humanitarian relief, and rule of law, good governance, economic stabilization, democratization and development. In addition to such challenges, nation building may face protracted resistance by segments of the community assuming that they will abandon their traditional self – image.¹⁵⁹ The consent and opinion of citizens matters most in achieving nation building project so political potentials, social ramifications, the practical participation of the citizens are of crucial important to conscious nation building.

In order to achieve its objectives, nation building necessarily requires most effective techniques with democratic credentials to engineer national identity. The state or organs of the state are creative enough in nurturing the nation and are also responsible to design, build and decorate the nation with effective means and implements. So, devotion from the state or organs of the state to the cultivation of crosscutting loyalties and coinciding identities is crucial toward nation building in fractured societies.

Instruments for nation building are by no means solely responsible for the success of continuum nation building project, but they provide an important impetus, and their success depends upon

¹⁵⁹ Thaler, P. (2001) *The Ambivalence of Identity: The Austrian Experience of Nation Building in a Modern Society*, Purdue University Press, West Lafayette, Indiana, p. 119

the reorientation of citizens' national consciousness in line with public policy.¹⁶⁰ Accordingly, Thaler forwards three important instruments for continuum nation building process, which include:

- Educational instrument/ core curriculum in schools can contribute to the nation building process from the bottom up by binding together all children in a shared and integrating educational experience,
- Policies of public delegitimization as an instrument of nation building, and
- Judicial policies;¹⁶¹

Likewise, Norman illustrates the following national engineering techniques, which include official language policy, rules for immigrations and naturalization (acquiring citizenship), compulsory military service, adopting national symbols and holidays, promotion of sports in international companions, and others.¹⁶² This all illustrates the means to positively make ethnic groups of given multi-ethnic state to incline and create solidarity with some other community, to make the people scarify on behalf of their nation and the common purpose, to transform an existing identity to more modern and less ethnic and religious or to change heroes and national rivalries to peaceful and cooperative coexistence.

¹⁶⁰*Ibid*, pp. 110- 133

¹⁶¹*Ibid*, See Also Paine, S. C. M. (2010) "Conclusion", in Paine, C. S. M. (ed.)*Nation building, State Building and Economic Development: Case Studies and Comparisons*, M.E. Sharpe: Armonk, New York and London, England, pp.291-311

¹⁶² Norman, *supra* note 147, pp. 45-48

Chapter Four

Ethnic Federalism, Nation Building and Development in Ethiopia

4.1 Historical Overview on the Ethiopian Federalism and the Choice of Ethnic Federalism

Although Ethiopia has been considered as exemplary of “famine, war, autocratic rule and internal strife”, it remained as a state of “legend and exceptionality”.¹⁶³ Ethiopia is the longest surviving black sovereign state in Africa that has shown rock of black resistance against the white invaders. It has successfully defeated Western dominations, and it remained as a ‘symbol and incarnation’ of African independence.¹⁶⁴ Ethiopia is also distinguished among other African countries next to Nigeria by its population size and religious diversity.¹⁶⁵

But still, there is a controversy whether the Ethiopian State formation or building has been effected through expansion or internal colonization. Indeed, struggles in Ethiopian History, were expressed through continuous disputes between central kings and lords of the regions and provinces and ‘ethnic based’ or liberation movements against the centralized administration for economic and political interests.¹⁶⁶ The ‘ethno-nationalists’ and ‘radical left’ contend that the current established border of Ethiopia resulted through colonization alike the European colonies in Africa.¹⁶⁷ This colonial thesis claims that independent nations were exploited in their human and material resources. The expansionist paradigm, on the other hand, considers this movement as an expansion which was not targeted to exploit and oppress; rather it was a process and outcome of inclusion and assimilation by internal power struggle between competing forces.¹⁶⁸ This says that the establishment of the Ethiopian border which we find today is the upshot of the

¹⁶³ Aalen, L. (2002) “Ethnic Federalism in a Dominant Party State: The Ethiopian Experience, 1991- 2000”, *Development Studies and Human Rights Report, Bergen*: Chr. Michelsen Institute, pp. 1-4

¹⁶⁴ Assefa, *supra* note 79

¹⁶⁵ *Ibid*

¹⁶⁶ Bahiru, Z. (1991) *A History of Modern Ethiopia: 1855-1974*, London: James Curry

¹⁶⁷ Aalen, *supra* note 163

¹⁶⁸ *Ibid*, see also Harbeson, W. J. (2005) “Ethiopia’s Extended Transition”, *Journal of Democracy*, Vol. 16, No. 4, pp. 145-148

internal power expansion and consolidation to dominate the people of the country which still remains controversial whether there was class or nationality oppression.¹⁶⁹ The 1968 TPLF Manifesto indicates the existence of the nationality oppression and class oppression as follow:

In order to achieve national equality and total emancipation, the oppressed people of Tigray nationality under the guidance of TPLF will resolutely carryout national democratic, put an end to the national oppression of the imperialists and overthrow the rule of their lackeys; they will then carry through the socialist revolution and destroy all the exploiting classes and the system.

The Manifesto tried to discuss the nationality and class oppressions in the Ethiopian politics. Accordingly, the picture of nationality and class oppressions came into the Ethiopian political vocabulary in the 1960s.¹⁷⁰ The Manifesto has noted that there was one oppressor nation (Amhara) and host of oppressed Nations and Nationalities who were politically and economically marginalized and culturally and linguistically dominated.¹⁷¹ An article by Wallelign Mekonnen added a fuel to this situation inspired by Marxism- Leninism position of social justice and national and ethnic equality as follows:

Is it not simply Amhara and to a certain extent Amhara- Tigre supremacy? Ask anybody what Ethiopian culture is. Ask anybody what the Ethiopian language is. Ask anybody what Ethiopian religion is. Ask anybody what the national dress is. It is either Amhara- Amhara Tigray!! To be a ‘genuine Ethiopian’ one has to speak Amharic, to listen to Amharic music, to accept the Amhara-Tigre religion, Orthodox Christianity, and to wear the Amhara- Tigre shemma in international conference. In the same case, to be an ‘Ethiopian’, you will even have to change your name. In short, to be an Ethiopian, you will have to wear an Amhara mask (to use Fanon’s expression).¹⁷²

¹⁶⁹Alem, H. (2005) “Multiethnic Federalism in Ethiopia: A Study of the Secession Clause in the Constitution”, Publius: *The Journal of Federalism*, Vol.35, No.2, pp.313–335

¹⁷⁰ The 1968 TPLF Manifesto, See Also Merera, G. (2006) contradictory interpretation of Ethiopian history: the need to a new consensus. In Turton, D. (ed.) *Introduction: Ethnic Federalism: The Ethiopian Experience in Comparative Perspectives, East African Studies*, James Curry: Oxford, Ohio University: Athens and Addis Ababa University Press: Addis Ababa

¹⁷¹*Ibid*

¹⁷² Wallelign, M. (1969) “On the Question of Nationalities in Ethiopia”, *Struggle*, Vol. 2, p. 4.

This, however, demands a clear distinction to be made so long as the real oppressed and oppressors are concerned in the Ethiopian political history. The article on the basis of Marxism-Leninism denied and has exacerbated what were happened on the ground. In this regard Merera explains the situation as follows:

Unlike the confusions of today, the national oppression thesis was formulated within the large class struggle rather than along simple ethnic line..... Amhara as a whole were not represented as oppressors, any more than all members of the marginalized nations and nationalities were seen as oppressed.¹⁷³

Marxist- Leninist ideology on the question of nationalities, increased radicalization of students' movement and more ethnic-based liberation movements made nationality question a more heated issue. Though it seems that the nationality question has been temporarily settled and answered, there is "endless debate about which is primary: national struggle or class struggle".¹⁷⁴

Nevertheless the debate still continues; and the triggering reasons were claims such as cultural, linguistic, the right to home land, representation and participation in the political process and autonomy and recognition and security for their peaceful coexistence.¹⁷⁵ If the state responds their claims by forceful assimilation, the diversified societies will feel bad thinking that they are being killed by the powerful majority to unify the nation. In order to engulf the grievances of the community states prefer to design various and distinct tools to tolerate, equalize and accommodate interests of ethnic groups. Federalism is assumed to be remedying response to ethnic interests and ethnic conflicts. Yet, the social and cultural structure of communities is not the same; hence the same model of federalism may not equally serve to accommodate multiple interests of ethnically and territorially structured societies.

More importantly, federalism is justified best in terms of asserting distinctiveness and demanding self-rule in one's homeland (ethno-nationalism), a desire to promote cultural and linguistic values, the necessity of equal treatment and democracy, national unity and political

¹⁷³Merera, *Supra* Note 84.

¹⁷⁴*Ibid*

¹⁷⁵Tsegaye, R. (2010) "Learning to Live With Conflict: Federalism as Tool of Conflict Management in Ethiopia- An Overview", *Mizan Law Review, Law Journal*, Vol. 4, No. 1, St. Mary's University College, Faculty of Law, Pp. 52-101

legitimacy and economic grounds.¹⁷⁶ These are coercive demands which can be explained in terms of economic and political interests and pressures that necessitate federalism to often be deemed a desirable governmental form.

Ethiopia has adopted the current ethnic federalism that has been originated from ethno-nationalist movements through ‘negotiation’ resulted in a National Peace Conference led by EPRDF¹⁷⁷ aiming at accommodating diversity and ensuring stability. The adoption of ethno-linguistic identity and accommodating thereof became a formal political element of the new federal setup. This has brought the deconstruction and reconfiguring of Ethiopia. Abbink explains this new political discourse by three important factors: the military victory in 1991 after a efficacious “ethnic-regional mobilization of insurgence”, students’ movement who saw “national questions” as the root causes of the Ethiopian problem and ethno-regional movements desiring a shared political agenda to address supposed or real “ethnic grievances”.¹⁷⁸ The right to self-determination and independence for the nationalities were the cornerstones of the endorsement of Ethiopian ethnic federalism.¹⁷⁹ Recognition and protection of the right to promote their own culture, history and language and administer their own affairs in addition to participating in the central government was also the justification behind introducing ethnic federalism as a principle of state construction. 1991 onwards, ethnicity has been considered as the main formal political element in the new political order.

¹⁷⁶ Alemante, *Supra* Note 76

¹⁷⁷ The Peace Conference has been led by EPRDF, and has come up with the Transitional Charter (TC) which has lasted from 1991-1999. It was the first Charter in the Ethiopian History which recognized the rights of NNPs to self-determination and including secession, to preserve their identities and have it respected, promote, their culture and history, and use and develop their language, administer their own affairs within their own defined territory and effectively participate in the central government on the basis of freedom, and fair and proper representation. See Tsegaye, R.(2010) “Learning to Live With Conflict: Federalism as Tool of Conflict Management in Ethiopia- An Overview” *Mizan Law Review, Law Journal*, Vol. 4, No. 1, St. Mary’s University College, Faculty of Law, Pp. 52-101 and See the Preamble and Article 2 of the TC. The Charter was a transitional to the 1995 Constitution which explicitly proclaims that Ethiopia is a Federal Country. The Constitution has been adopted in 1995 after a hot debate on the federal choice, the mode state formation, language, national symbol, and others. However, the negotiation on general consensus on national unity, democratic inclusiveness to establish the federal arrangement, general consensus on the contents of federal arrangement among the participants, dispersal of power among the federal constituents to ensure self-rule and cultural rights and avoidance of conflicts remain ambiguous and have yet to emerge. See Kidane, M. (2004) *Identity Politics, Democratization and State Building in Ethiopia’s Federal Arrangement*. PP. 63-92.

¹⁷⁸ Abbink, *supra* note 73.

¹⁷⁹ Aalen, *supra* note 168, 38-40.

4.2 Ethnicity and Its Politicization in Ethiopia

Ethnicity and its relationship with race, nation and class make some sort of confusions among scholars. What makes all common is that ethnicity has a capacity to determine social actions and serves as social phenomenon (group solidarity or collective actions). It also brings political benefits for political elites when it is politicized. Primordialists assert that ethnicity produces a dichotomy between ‘in-groups’ and ‘out- groups’ which resulted from strong forms of organic solidarity of biological, cultural and racial ties. Opposing to this understanding of ethnicity, instrumentalists deny the biological foundation of ethnicity.¹⁸⁰ Though it may appear to be so, it is as a tactic for deployment on the part of class elites forced to fastening on to such “means of group identity by pressure of necessity”.¹⁸¹ This is to assert that it is the ‘class structure and institutionalized patterns of power’ in society that are basic to explaining political events rather than any biological or cultural social formations.¹⁸² However, it should not be totally ignored that ethnicity has a potential to produce groupings that manifest themselves under certain conditions as a result of ethnic terms.

The vexing problem that the primordialists’ over-emphasis on ethnicity as a self-evident fact that explains all collective actions and instrumentalists’ too little emphasis on ethnicity that it appears incidentally and can be discarded in favor of more consequential have been mitigated by constructivists approach. This approach takes the middle ground of both schools that ethnicity has roots in the primordialists tradition and the possibility of those kinds of forces identified as a real drivers- political forces pressurize individuals to “discover common resources in their struggles for survival”.¹⁸³

In contemporary Ethiopia, although biological, cultural and social formations are basic foundations for fostering the solidarity and political mobilization, ethnic perception and ethnic mobilization have been emerged due to social, economic and political justifications more so than

¹⁸⁰ Solomos, J. (1986) “Varieties of Marxist Conception of Race, Class and State: A Critical Analysis”, in J. Rex and Mason, D. (eds.) *Theories of Race Ethnic Relations*, Cambridge: Cambridge University Press, pp.84-109

¹⁸¹ Rothchild, J. (1981) *Ethno politics: A Conceptual Framework*, New York, Colombia University Press

¹⁸² Miles, R. (1984) “Marxism versus the Sociology of Race Relation”, *Ethnic and Racial studies*, vol. 7, pp.217-237

¹⁸³ Berhanu, *Supra* Note 30

before.¹⁸⁴ This increased “ethnic consciousness and ethnic mobilization” has been attributed to political elites not by the widespread phenomenon of ethnicity among the greatest population.¹⁸⁵ This is an emphasis that ethnic entitlements and ethnic classifications have been increased due to inspirational forces of political, social and economic interests rather than primordial sentiments.

The political identity of ethnicity has been presented in the context that people were fighting for the right to use their language, to use their culture and administer themselves. The FDRE Constitution under its preamble specifies that the common destiny of Nations, Nationalities and peoples of Ethiopia ‘can best be served by rectifying historically unjust relationships and by further promoting their shared interests’.¹⁸⁶ However, some argue that EPRDF introduced and adopted ethnic federalism for the purpose of institutionalizing and facilitating the principle of “divide and rule” and by at the same time “ensuring the ruling party’s position”.¹⁸⁷ Abbink justifies that TPLF was politically weak when it came to power because it represents very few percent of the population of the country and it has become an obligatory for TPLF to design a mechanism to secure its position.¹⁸⁸ This is a political rhetoric which indicates that the Ethiopia’s political system remains highly centralized and dominated by a single ethnic identity and the government uses the arrangement for the purpose of “divide and rule” rather than fostering the self-rule by regional governments.¹⁸⁹ The approach chosen to secure its power and position was to transfer the country into ethnically defined regional states and create ethnically defined parties under its control.¹⁹⁰ Accordingly, ethnic federalism has been established along ethnic line to consolidate a dominant party rule.¹⁹¹ However, federating a diversified state, which Ethiopia is a typical example; by ethnic line by taking the level of diversities into account may not be a problem of a country. What matters is the utilization of ethnicity. If we utilize it as a source of resource and power, it has a potential to create an opportunity to engage in a political polarization.

¹⁸⁴Abbink, J. (1997) “Ethnicity and Constitutionalism in the Contemporary Ethiopia”, *Journal of African Law*, Vol. 41, No. 2, Pp. 159- 174

¹⁸⁵Berhanu, *Supra* note, 183

¹⁸⁶FDRE Constitution, *Preamble*,

¹⁸⁷Abbink, *Supra* Note 178

¹⁸⁸*Ibid*

¹⁸⁹Kidane, *supra* note 155, see also Merera, G. (2007) “Ethnicity, Democratization and Decentralization in Ethiopia: the Case of Oromia”, *Eastern Africa Social Science Research Review* 23, PP. 81-106.

¹⁹⁰Ottaway, M. (1995) “The Ethiopian Transition: Democratization or New authoritarianism”, *Northeast African Studies*, Vol. 2 No. 7, pp. 64- 84

¹⁹¹*Ibid*

This concludes that in the contemporary Ethiopia ethnic essentialism has been emerged due to political justification more than before. Lack of fair management of identity relations and moderation of inter-identity inequalities and instrumental sense of ethnicity strengthens politicization of ethnicity in the Ethiopian politics.¹⁹² This political polarization can instigate organization of conscious ethnic groups at the expense of the community and hinder democratization for nation building.

4.3 The Possibilities of the Ethiopian Ethnic Federalism/Constitutional Arrangement for Nation Building

Decentralized unitary and federal states with a dual federal structure will perform better than centralized states in discouraging the federal government from encroaching upon the affairs of the regional governments, preventing regional governments from engaging in free-riding or rent seeking behavior and avoiding disincentives for productive behavior of regional governments.¹⁹³ More importantly, it is assumed that federalism came into being and effect to mitigate territorial socio economic or demographic inequalities in order to enhance economic efficiency by curbing ethnic conflicts.¹⁹⁴ The Constitutional design and its engineering take various forms to attain the political, economic and social aspects and goals on the basis of the realities of states.

In 1991, coalitions of ethno-nationalists organization introduced a new radical strategy of recognition of ethnic diversity with the task of restructuring the Ethiopian Stats from centralized to a federal state. To this end, the Constitution has been ratified with a commitment to ethnic based federalism, democracy, respect of political freedoms and human rights.¹⁹⁵ Ethnic federalism has been constitutionally endorsed, as a result, it has defined and recognized national citizenship, self-determination on ethno-linguistic basis, political representation and decision making at all administrative levels and related policies.¹⁹⁶ Some writers claim that this recognition helps develop thrust and positive sentiment by NNPs for their peaceful coexistence.¹⁹⁷ These constitutional promises and possibilities help to create a balance between

¹⁹²Kidane, *supra* note 189

¹⁹³Erk, J. (2006) "Does Federalism Really Matter"? *Comparative politics*, vol. 38, No. 4

¹⁹⁴*Ibid*

¹⁹⁵Keller, J. E.(2005) "Making And Remaking State and Nation in Ethiopia", in Recardo, R. L. (ed.) *Borders, Nationalism, and The African State*

¹⁹⁶CGAR (2009) Ethiopia: Ethnic Federalism and Its discontent. No. 153

¹⁹⁷Tsegaye, *supra* note 175

communality and diversities among ethnically divided groups. However, this constitutional engineering serves best if there is practical decentralization of politics and policy making to local governments.

The preamble of the constitution states that NNPs have an equal right to develop the territories they inhabit and helping disadvantaged regions receive special support to develop their implementation capacity, and their capacity to establish the infrastructure necessary for development, and to ensure that the effort at balancing development is guided by the goal of creating a single, integrated political and economic community. This is a constitutional aspiration to create a single political community and an integrated economy which enables divided societies to feel their common Ethiopian identity. A sense of shared history and shared public ideals capture what binds NNPs together as citizens of a single political community with a singular destiny. This is a drive whereby one can appreciate the struggle for the creation of a steady of democratic unity based on respect for the equality and rights of all people's and a sense of solidarity and fraternity among themselves.

Symbolic codes, which reflect the image of the state in general, and the practice, culture and history of different ethnic groups in particular, provide public confirmations. These Symbolic codes include the name of the state itself, the public holidays it celebrates, the flag and official emblems and reflect the multiethnic character of the state. Likewise, FDRE Constitution provides for the following:

The Ethiopian flag shall consist of green at the top, yellow in the middle and red at the bottom, and shall have a national emblem at the center. The three colors shall be set horizontally in equal dimension. The national emblem on the flag shall reflect the hope of the Nations, Nationalities, Peoples as well as religious communities of Ethiopia to live together in equality and unity.¹⁹⁸

It presents an acknowledgement of the diverse identity characterizing the Ethiopian NNPs which aim to promote their political and economic unity. In addition to such recognitions, the Constitution also orders the national anthem to be determined by law in such a way to reflect the ideals of the Constitution, the commitment of the peoples of Ethiopia to live together in a

¹⁹⁸ FDRE Constitution , Article 3(1 and 2)

democratic order and for their common destiny.¹⁹⁹ The common theme of the national anthem and the flag of Ethiopia represent the recognition of diversities and national unity. This constitutional framework and aspiration reveals a motivation to celebrate the diversity of the population and equally represents a concern for national unity for shared political and economic destiny.

Language, which is the best and most identity marker in ethno-linguistic federalism, is another promise of the Ethiopian ethnic federalism by which FDRE Constitution pays attention for the entrepreneurship of unity/ common identity. The Constitution acknowledges the ethno-linguistic groups and gives them the right to develop their language, to express, to develop and promote their cultures and to preserve its history. The Constitution recognizes ethno-linguistic diversities of groups and helps develop a sentiment of thrust to the federation. One thing worth mentioning is that this all is not the matter of constitutional recognition of NNPs by their ethno- linguistic diversity which enables them to actively participate in the nation building project for their common good. Instead, it is all about building institutions accessible and available to identity groups for their economic opportunity, political power and social prestige/status.²⁰⁰

4.4 Setbacks of Constitutional Engineering of Nation Building in a Multi-ethnic Ethiopia

4.4.1. Ambiguities of the Ethiopian Federal Set up in the Guise of ‘Ethnic Line’

The endorsement of federalism is justified and explained by economic and political necessities. Ethnic federalism is sought as a political and economic ‘payment’ for ethnic, linguistic and religious groups for “their acquiescence to the coercive power of the national government” and it is designed more importantly for “allowing the local and regional control of purely local and regional matters to discourage more distant and seemingly less controllable central

¹⁹⁹ *Ibid*, Article 4

²⁰⁰ Kymlicka, W. (2007) *Multicultural Odysseys: Navigating the New International Politics of Diversity*. Oxford: Oxford University Press. [Cited in Assefa, F. (2012) “Ethiopia's Experiment in Accommodating Diversity: 20 Years’ Balance Sheet”, *Regional & Federal Studies*, Vol. 22, No. 4, pp. 435-473]

governments”.²⁰¹ Ethnic federalism is, therefore, a conscious intention institutionalized to accommodate the interests and desires of national minorities for self- government.²⁰²

The Ethiopian Constitution establishes a federal state structure²⁰³ comprising of states delimited on the basis of “settlement patterns, language, identity and consent of the people”.²⁰⁴ The Constitution provides unbridled right to NNPs to establish their own independent state at any time if they demand to do so. So, it is safe to imagine equal number of regions with the numbers of NNPs by theorizing and interpreting this very Constitutional stipulation. Leave alone the future imagined regional governments; it is important to evaluate the way how regions have been established in order to see whether there are ambiguities and peculiarities in the Ethiopian federal arrangement.

The Ethiopian federalism has been entered and came in to being to reduce group conflicts by demonstrating a respect for diversity of the cultures of the minorities. However, the path through which the Ethiopian federation has been formed has been controversial among scholars in the field. Some scholars like Andreas Eshete, attach the formation of Ethiopian ethnic federalism with “a revolutionary overthrow of a unitary state”, hence they consider the federation as has been formed as a result of ‘coming together’ by the Ethiopian ethnic groups who freely decided to reconstruct their shared political community on the new basis.²⁰⁵ On the other hand, Assefa suggests that the formation of the Ethiopian ethnic federalism has been intertwined with the ‘holding together’ federation since there were not fully independent and autonomous regions capable of deciding the form of federation.²⁰⁶ By the same token, Keller has noted that the ethnic federalism began in 1991 as a ‘holding together’, since 1992 to ‘putting together’ type due to the

²⁰¹Filippov, M., Oreshhook, C. P. and Shvetsova, O. (2004) *Designing Federalism: A Theory of Self- Sustainable Federal Institutions*, Cambridge University Press, Pp. 6-12

²⁰² Kymlicka, W. (1998) “*Is Federalism a Viable Alternative to Secession*”? In: Lehning (ed.)

²⁰³ FDRE Constitution, Article 1

²⁰⁴ *Ibid*, Article 47(1 and2) illustratively enumerates comprising member States of the Federal Democratic Republic of Ethiopia which includes The State of Tigray, The State of Mar, The State of Amhara, The State of Oromia, The State of Somalia, The State of Benishangul Gumuz, The State of the Southern Nations, Nationalities and Peoples, The State of the Gambella, Peoples and The State of the Harari People.

²⁰⁵ Andreas, E. (2003) “Ethnic Federalism: New Frontiers in Ethiopian Politics”, in *First National Conference on Federalism, Conflict and Peace Building*, Addis Ababa, United Printers, Plc., pp. 6.

²⁰⁶ Assefa, *supra* note 83, pp. 132

monopolization of the political landscape by the EPRDF.²⁰⁷ The establishment of the Transitional Government of Ethiopia (TGE) proves that the EPRDF had the largest single bloc in the council during the signing of the Transitional Charter by the representatives of political movements and creation of council of representatives.²⁰⁸ Stated differently, the council charged with constituting a commission to draw up a draft Constitution consisted of the largest single bloc of EPRDF. The participation in the National Conference was not open to all political party organizations that existed at the time though “ethnic groups were invited to send representatives”.²⁰⁹ Merera argues that even the invited parties were “weak and the potential contenders for power were excluded from the process”.²¹⁰ This all deems that the federal arrangement can be viewed as an arrangement resulted from an “understanding among the identity based organizations that have participated in the July 1991 National Conference “from which EPRDF took the largest share because “it was powerful enough both militarily and politically to author and impose ethnic federalism”.²¹¹ This clearly shows the missing element of ‘consent of the people’ enshrined under the Constitution as a prerequisite.

The multiplicity of ethnic based liberation movements has forced Ethiopian federalism to be crafted largely along ‘ethno-linguistic line’ except the two cities of Addis Ababa and Dire Dawa.²¹² This seems an ignorance of the historical demographic movements and intermingling identities throughout the country. In Ethiopia, states have been delimited on the basis of ethno-linguistic lines having nine states²¹³ where more than two-third of the people that live in the five regions; Tigray, Amhara, Oromia, Somalia and Afar, belong to a single ethnic group. Strictly speaking these regions are not the home lands of single ethno-linguistic groups. On the other hand, SNNPR, Benishangul and Gambella regional states are of ethnically plural regional states where an important number of minorities are scattered in the midst of regionally –dominant ethno-linguistic groups. Had the federation been truly delimited on the basis of ethno-linguistic line, the number of regions would have been nine times the current regions. The criterion used to

²⁰⁷ Keller, E. (2002) “Ethnic Federalism, Fiscal Reform, Development and Democracy in Ethiopia”, *African Journal of Political Science*, Vol.7, No.1

²⁰⁸ *Ibid*

²⁰⁹ Kidane, *supra* note 192

²¹⁰ Merera, G. (2004) “Ethiopia: Constraints to Transition and Democratization”, in Nhema, A. (ed.) *The Quest for Peace in Africa*, Addis Ababa, OSSREA, PP. 245-267.

²¹¹ Aalen, *supra* note 179, pp. 40-48

²¹² Kidane, *supra* note 209

²¹³ FDRE Constitution, Article 46 and 47

delimit regions makes the Ethiopian federalism to be more complex and problematic; hence it is difficult to consider the Ethiopian federalism as fully ethnic based federalism instead it is partial/half-done federalism. The settlement patterns constitutionally assumed to delimit regional states didn't take in to account big group of people who have or share a large measure of a common culture or similar customs, mutual intelligibility of language, belief in common or related identities, for instance, the Sidama people in the SNNPR.

The forgoing discussion portrays that the Ethiopian federation has peculiarities and ambiguities intensified by the right to secession, the lack of an independent Constitutional court and the strong executive governmental organ which add to the conclusion that the Ethiopian federalism is a half done ethnic federalism.²¹⁴

4.4.2 Secession Clause: Unconditional Constitutional Right to Exit the Federation

The Ethiopian Constitution became effective on August 25, 1995 with the guiding principle to provide for a unified federal framework to the existing NNPs living scattered around the fringe of regional states. The FDRE Constitution declares that the federal arrangement took territorial integration and self-determination into account though 'territorial integration and self-determination' and their scope and extent are legally ambiguous.²¹⁵ This obscurity is not only limited to the Ethiopian context, it also extends to international level and it is an issue whether territorial integrity is limited to protect the inviolability of international boundaries or extends to internal affairs to disincentive secession because secession dismembers the territory of the states. Alike territorial integration, self-determination needs further elaborations and interpretations as to whom this right is ascribed. In the language echoed by ICCPR and ICESCR self-determination has been articulated as the right that all people have the right to self-determination to freely determine their political status and freely pursue their economic, social and cultural development. Yet, it is ambiguous as to who are the 'people' to exercise this right. The FDRE Constitution recognizes and accords this right to be exercised by each NNP as inferred from article 39(2). This right reads as "every NNP in Ethiopia has an unconditional right to self-determination, including the right to secession".²¹⁶ This right is the full measure of self-

²¹⁴ Aalen, *Supra note*, 211, pp. 63

²¹⁵ Marcelo, K. (2006) *Secession: International Law Perspectives*, Cambridge: Cambridge University Press

²¹⁶ FDRE Constitution, Article 39(1)

determination which includes the establishment of institutions to pursue their political, economic, social and cultural values.

The right to self-determination has not been given to the member states of the federation which are the building blocks of the federation,²¹⁷ instead to ‘the sovereign NNPs’²¹⁸ in the regions. It is the right accorded to NNPS to secede from the federation and from the member states. NNPs are defined as:

A "Nation, Nationality or People" for the purpose of this Constitution, is a group of people who have or share a large measure of a common culture or similar customs, mutual intelligibility of language, belief in a common or related identities, a common psychological make-up, and who inhabit an identifiable, predominantly contiguous territory.²¹⁹

This definition is questionable from two perspectives. First, this definition comes only after NNPs have been accorded sovereignty even five articles after the opening article (39(1) which proclaims unrestricted right to self-determination, and including secession before one knows what and who are NNPs. Second, this article consists of three words ‘Nation, Nationality, and people’ without distinctively defining each. This bad definition given to NNPs is problematic since it is so obscure to clearly and distinctively identify who are Nations, Nationalities and Peoples in the Ethiopian context. Abbink explains the right to secede accorded to NNPs as a design to counteract actual secession because “it is a Constitutional anomaly given to badly defined NNPs”.²²⁰ However, this assertion cannot help one to conclude that this kind of Constitutional clause of secession is a hurdle to exercise secession. This is because the demand to secede does not only take place from the mere Constitutional clause or articulation of secession, but also it takes place in states where there is Constitutional provision prohibiting secession or keeping silent.

What is special for Ethiopia of constitutionalizing of secession? Is it as a remedy for conflicts and oppressions?

²¹⁷ *Ibid*, Article 47(2)

²¹⁸ *Ibid*, Article 8(1)

²¹⁹ *Ibid*, Article 39(5)

²²⁰ Abbink, *supra* note 184

It can easily be inferred from the stipulation which elucidates that every NNP in Ethiopia has an unconditional right to self-determination, including the right to secession.²²¹ This Constitutional stipulation envisages the choice and voluntary justification of secession by maintaining that every NNP living in regions has the right to secede to establish a new independent state. It becomes, however, common to attach the right to claim secession with procedural requirements to effectuate secession so that it becomes a daily talk that the Ethiopian Constitutional clause of secession is anomaly and counteract of actual secession. The procedural requirements to exercise secession in the Ethiopian political structure and context may be rigid and untouchable; however, it is strictly different to claim the right in the first place. The Constitution declares that NNPs are fully cognizant that their common destiny can best be served by rectifying historically unjust relationships by at the same time promoting their shared interests. As has been explained briefly in the forgoing discussion the Ethiopian federalism is a holding together federation of non – consenting minority groups to correct the past injustices. Therefore, article 39 and the preamble of the Constitution seems to be that the benevolent central government has given the NNPs, the secessionist, the legal right to secede; now they have this right, they live in a more democratic consensual state than they did with the greater rights protection than they had before. It seems from this regard that it has been opted as one of the mechanisms to amicably solve and rectify the past injustices including the future one. This assumption is on the basis that secession solves conflicts among ethnic groups. But, this is a problematic articulation because *first*, Constitutionalizing secession is a failure of Constitutional arrangement of federalism since secession is incompatible with federalism because one cannot at the same time be a savior and secessionist, and *secondly*, it cannot solve conflicts in a container federation due to the fact that heterogeneity and minority – majority relation is non- avoidable and it exists even after the secession had taken place since ethnic based federalism, like what Ethiopia has adopted, is a container federation and the level of heterogeneity goes to the wider extent of family.

Amicably solving conflicts is the main motivation for stability and security in a pluralistic society which in turn is a very wonderful motivation toward nation building. While taking into account ‘vanity secession’²²² the root casual inclination to secession is the problem associated

²²¹FDRE Constitution, Article 39 (1)

²²² This is a type of secession opted by the seceding groups without being the victim of injustice. The desire to secede by these groups is merely to have their own separate state so that choice by these groups suffices to stake

with individual rights, democracy and equality.²²³ Instead of taking secession as a remedy for ethnic conflict, it is easier to amicably solve problems by establishing institutions which can possibly accommodate interests and ethnic essentialism.

Constitutionalizing secession in a multi-ethnic Ethiopia can be approached as a strategy to attract smaller ethnic and national groups into a larger political union for the purpose of enjoying perceived economic and social benefits. The problem arises if secession still remains legal once the political goal had been attained. The logic is that once the political goal had been attained, the legalized right of secession has to be delegalized, either through practical politics or legal repeal.²²⁴ However, the Ethiopian Constitution remains contested and untested as long as the right of secession is concerned. The unbridled Constitutional right to secede can be exercised even in circumstances where the entire state is in state of emergency that includes “external invasion, a break -down of law and order which endangers the Constitutional order and which cannot be controlled by the regular law enforcement agencies and personnel, a natural disaster, or an epidemic occur”.²²⁵ The Constitution declares that the right to self-determination and including secession cannot be suspended or limited by the council of minister while exercising its emergency power.²²⁶ Advanced economy and endowment of natural resources, structure and functioning of political institutions and political opportunity, combination with the extent in which social groups relate to one another give incentives to demand secession.²²⁷ In addition to these inducing factors, the occurrence of the above Constitutional lists causing to declare state of emergency may be taken as additional incentives and fitting conditions to demand secession by NNPs in the Ethiopia.

National unity is desirable because it is conducive to a greater security, political stability, social and economic development. Economic and political interdependence requires movement toward unity and integration. Nation building is in fact deceptive to employ those ethnic groups to try to

a legitimate claim to sovereign independence. This is a kind of secession left for the secessionist groups’ choice even during the time when the encompassing state performs its utmost duty to protect the rights and interests of minority groups and their members.

²²³ Kymlicka, W. (2000) “Federalism and secession: At Home and abroad”, *Canadian Journal of Law and Jurisprudence*, Vol. XIII, No. 2

²²⁴ Kreptul, A. (2004) “The Constitutional Right of Secession in Political Theory and History” *Journal of Libertarian Studies*, Ludwig von Mises Institute, Vol. 17, No. 4, pp. 39–100

²²⁵ FDRE Constitution, Article 93(1,a)

²²⁶ *ibid*, Article 93(4,c)

²²⁷ Keller, J. E. (2007) “Secession in Africa”, *Journal of African policy studies*, Vol. 13, No. 1

go from nothing to something or from something small and weak solidarity to something organic, big and strong cohesion. However, the forgoing discussion briefly explains that the right to secede is uniquely given to each NNP and this disqualifies Ethiopia from being a federal system to create unbreakable bond among each ethnic groups. Duplicating and even manufacturing differences aggravates the situation and overrides unity.

4.4.3 Ethno- Linguistic Identity in Ethiopia: Common Identity or Divisiveness?

Multi-ethnic states, in which Ethiopia is a typical example, have constantly encountered with problems of linguistic and cultural diversity especially in nation building project. Language is a slippery and fluid social expression which has a capacity of exclusion and inclusion of individuals so that it determines the membership of individuals with the community with whom they share the same language. In such case language plays an integral role in nation building and identity formation for communality interests of divided societies. This is due to the fact that language serves as a best mirror of human culture. The successful nation building project highly depends on the establishment of national linguistic and cultural identity. This is to mean that language is uniquely powerful instrument in unifying ethnically divided societies and under other circumstances it is also powerful by being a major source of disintegration and national conflict.

There are factors which strongly determine the solidarity and common identity of communities for their common destiny. The socio-cultural practices, traditions, language and religion are among the factors which contribute for one's ethnic identity and cohesion with others so that create essential link and serve as boundary markers. Language takes the largest share among these factors since language determines what one can do. This simply means language is a significant cultural marker of a particular ethnic group and has the capacity of generating imagined communities and building an effective solidarity.

The current resurgence of language in Ethiopia has taken a form of counteract against the past injustices which ignored the linguistic identities of various ethnic groups and reclaiming to developing the usage of languages and cultures. This is an assertion which can be inferred from the FDRE Constitution which stipulates it as follows:

Every Nation, Nationality and People in Ethiopia has the right to speak, to write and to develop its own language; to express, to develop and to promote its culture; and to preserve its history.²²⁸

This Constitutional stipulation is a kind of Constitutional arrangement intending to accommodate linguistic diversity²²⁹ and cultural diversities of divided societies. This linguistic right of NNPs is also recognized under international human rights instruments. International Convention on Civil and Political Rights (ICCPR), for instance, asserts that in those states in which ethnic or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.²³⁰ FDRE Constitution and ICCPR differs each other in their stipulation of language right. The former accords the language right to each NNP that is to the groups whereas the later accords the right to minorities living in the groups. However, what matters is the language policy adopted to accommodate linguistic diversity instead of language right regime. FDRE Constitution clearly outlines the language policy that Ethiopia follows as a strategy to rectify linguistic problems. Accordingly, the Constitution declares that all Ethiopian languages shall enjoy equal state recognition, Amharic shall be the working language of the Federal Government and members of the Federation may by law determine their respective working languages.²³¹ This Constitutional stipulation tells us that the language policy of Ethiopia is Territorial in which case the working language of each member of the federation would be that of the majority of the area.²³² This language policy is assumed to represent recognition of linguistic identities of diverse groups assuming that it gives ample option to identity groups to promote, preserve and develop their language and culture. The Constitution recognizes the existence of different language groups and their right to maintain and cultivate their languages on an equitable basis. This Constitutional configuration of integral role of language in establishing identity is supplemented with choice- a choice to either establish

²²⁸ FDRE Constitution, Article 39(2)

²²⁹ Linguistic diversity should not be taken as a measurement of linguistic variation. Linguistic variation is linked with divergence of linguistic behavior and it is viewed as potentially synonymous with syntactic, morphological phonological or terminological features. Therefore, a linguistic variation existing in a given geographical area is not accurate and reliable indicator of the existence of linguistic diversity. The notion of linguist diversity is meaningfully measured and appreciated by merely counting language names.

²³⁰ ICCPR, Article 27

²³¹ FDRE Constitution, Article 5

²³² Yonatan, *Supra note*, 152

one's ethnic identity through one's language or the choice to maintain one's ethnic identity through another language.

The issue in this regard is whether territorial language policy lead to greater divisiveness of diverse ethnic groups or communality- national identity ensuring a better participation in democratic indoctrination in common values reduce heterogeneity of preferences.

This question tends to lead to raise arguments contrary to each other that are minority language equalities (language rights and linguistic diversities) and national unity. Reduction of linguistic diversity for the sake of nation building may not necessarily bring loss of ethnic cultural identity of ethnic groups since it can be maintained by the day- today lifestyles, religion, views and attitudes, cultural norms and dense networks among the community.²³³ In other word, this means that cultural heritage of ethnic groups remain steadfast no matter what language or languages he speaks so long as the bilingual is surrounded by people of his group.²³⁴ This precisely means that there are more significant dimensions that contribute to the makeup of ethnic identity other than language; as a result, despite loss of communities' ethnic language ethnic identity can be maintained. The advocates of linguistic diversity on the other hand have standpoints that connect linguistic diversity with public good- 'the scientific and epistemological value of having multiplicity of linguistic varieties'.²³⁵ This is eco-linguistic stand that opposes the endangerment of linguistic diversity for the sake of nation building since loss of linguistic diversity would represent irretrievable loss of 'knowledge that would weaken the adaptation of our specious'.²³⁶ Opponents of linguistic diversity strengthen their argument by coining 'biological diversity' to link linguistic diversity with biological diversity with the assumption that linguistic diversity is greatest in areas of high biodiversity.²³⁷ For strong reason, linguistic diversity relates with linguistic human rights paradigm. In this regard, Phillipson associates linguistic diversity with linguistic human rights as follows:

²³³ Gill, S.K. (2014) "Language policy in a Multi-ethnic Malaysia", *Journal of Multilingual Education*, Vol. 8, No. 2, pp. 17-27

²³⁴ *Ibid*

²³⁵ Nettle, D. and Romaine, S. (2000) *Vanishing voices: The extinction of the World's languages*, Oxford: Oxford University Press

²³⁶ *Ibid*

²³⁷ Crystal, D. (2000) *Language and death*, Cambridge: Cambridge University Press

The perpetuation of linguistic diversity can be seen as recognition that all individuals and groups have basic human rights and, as necessary for the survival of the planet in a similar way to biodiversity.²³⁸

This is an emphasis that the reduction of linguistic diversity is a pulling down of universal human rights, as a result, linguistic diversity should be considered as basic human rights regardless of how they are defined.²³⁹ Ardent advocates of linguistic diversity concludes that linguistic diversity convergence on behalf of aspiring nation building is bad, undesirable and unjust so it must be found guilty since it contributes to loss in linguistic diversity.

So, by taking into account the above mentioned arguments, how does the Ethiopian language policy aim to contribute to nation building while maintaining linguistic diversity in a poly-ethnic Ethiopia?

In the poly-ethnic Ethiopia like what has been highlighted above, there are centrifugal and centripetal tendencies so long as linguistic diversity is concerned. These tendencies endanger the common destiny of the NNPs of Ethiopia unless there is a favorable compromise between them through theoretical and practical resolutions. The Constitution tries to resolve by selecting Amharic as the working language of the federal government assuming its importance of sense of shared citizenship and common solidarity. However, the entitlement of self-government right and the linguistic and cultural rights accorded to each NNPs of Ethiopia under Article 39(1 and2) with the choice given to the members of the federation to determine their working language (Article 5) and the current practices and claims in creating more and more special districts within the larger region carve out the NNPs along ethnic line in addition to complicating administrative levels. In addition to these consequences the language policy has created problems in some areas where an important number of minorities are scattered in the midst of regionally –dominant linguistic groups.²⁴⁰ This seems due to this highly complex problematic scenario of language policy that ethnically plural regional states have opted to retain Amharic as a working language – SNNPR, Benishangul Gumuz and Gambella regional states. Although a state’s desires and drives

²³⁸Phillipson, R. (1992) *Linguistic imperialism*, Oxford: Oxford University Press, see also Skutnabb-Kangas, T. (2006) “Language policy and linguistic human rights”, in: T. Ricento, (ed.) *An introduction to language policy theory and method*, Oxford: Blackwell, pp.273-291

²³⁹ Ibid

²⁴⁰ Yonatan, *Supra* note 132

to pursue assimilations policies which promote a homogeneous view of society is seriously undermined as long as its legitimacy is concerned, these regional states' option to retain Amharic as a working language envisages ambitious and voluntary linguistic assimilation which is pertinent to build a strong nation. Otherwise, commutatively, these cultural and linguistic rights intend to encourage 'affective communities to preserve their cultural and linguistic distinctiveness and choose to form an independent state of their own'.²⁴¹

Generally, in a poly-ethnic Ethiopia, where there is linguistic diversity, nation building project of which language policy naturally forms an important part, may be encountered with low level of participation in the civil life of the country and proportion of the population receiving anything more than the most basic level of education which tends to make limited social and geographical mobility as a consequence of schooling in various languages since contacts between individuals from diverse ethno linguistic groups remain relatively quite limited. As a result, this intends to make various ethnic groups remain highly localized as most people draw little meaning from wider social networks such as those associated with the federation and its institutions.

4.4.4 Freedom of movement and Its Impact on Economic Integration

Freedom of movement is one of the inherent and inalienable human rights recognized under international, regional and domestic human rights instruments. Freedom of movement and residence are two in each other's pocket rights which entail free travel, choice of one's own residence, freedom to linger in the place of one's own choice and protection against forced displacement and unlawful evictions. In order to fully grasp the rationalization and prominence of the right to movement and residence it is utmost essential to look these human rights instruments what they envisage and convey about this right.

UDHR, under Article 13, articulates the right to movement and residence as a right accorded to everyone to freely move and reside within the borders of his territory including to leave his own country and to return to his country.²⁴² In the same fashion, ICCPR provides that everyone lawfully within the territory of a state shall, within that territory, have the right to liberty of

²⁴¹ Alemante, *Supra* note176

²⁴² UDHR, Article 13(1)

movement and freedom to choose his residence.²⁴³ ICERD, under Article 5 states that all people have the right to freedom of movement and residence within the border of the State, the right to leave any country, including one's own, and to return to one's country and the right to nationality.²⁴⁴ The forgoing international conventions and declaration all together refer free travel, choice of one's own residence, freedom to linger in the place of one's own choice and protection against forced displacement and unlawful eviction and convey that to exercise this right reason or purpose by the person wanting to move and reside is not a precondition. What matters most for everyone to exercise this right is being lawful.

By the same token, regional human rights instruments give emphasis for the exercise and protection of freedom of movement and residence that include, for instance, African Charter on Human and People's Rights (ACHPR), American Convention on Human Rights (ACHR), etc. with supervisory machinery and compliant procedures for the instruments dealing with the right to freedom of movement and residence. To be precise, Article 12 of ACHPR provides that

Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law and the mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious groups.²⁴⁵

ACHPR prohibits massive expulsion of individuals including non-national on the basis of national, racial, ethnic or religious groups in order to secure the protection of freedom of movement and residence. Unlike the other regional human rights conventions considered above, the African Charter recognizes both civil and political rights and economic, social and cultural rights in one instrument. Furthermore, it also recognizes the collective or community rights of all peoples. The Charter obliges the States Parties to the 'African Charter' to recognize the rights, duties and freedoms enshrined therein and shall undertake to adopt legislative or other measures to give effect to the rights enshrined therein. In addition, the Charter contemplates on the part of the States Parties that they owe the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in this African Charter, and to see to

²⁴³ ICCPR, Article 12

²⁴⁴ ICERD, Article 5

²⁴⁵ ACHPR, Article 12(1 and 2)

it that these freedoms and rights as well as corresponding obligations and duties are understood.²⁴⁶

Ethiopia as a State Party to African Charter and other international human rights instruments owes the obligations and duties to promote and ensure the implementation of rights enshrined therein. To end this, Ethiopia has adopted legislative measures to give effect to rights enshrined therein in general and freedom of movement and residence in particular. The FDRE Constitution affirms that any Ethiopian national lawfully in Ethiopia has, within national territory, the right to liberty of movement and freedom to choose his residence as well as the freedom to leave the country at any time he wishes to.²⁴⁷ The right to freedom of movement and residence is protected well if citizenship right that guarantees any Ethiopian national to live everywhere in Ethiopian territory is assured. The economic disparity between regions and ethnic groups inherited from level of economic development or distribution of natural resources and the economic necessity force individuals to move place to place in Ethiopia. The economic necessity of Ethiopian nationals has been constitutionally guaranteed as right to engage freely in any economic activity and to pursue a livelihood anywhere within the national territory.²⁴⁸ This all is about a constitutional form guaranteeing nationality, freedom of movement and economic rights of citizens exercised everywhere in the territory of the state provided he/ she abides by the law.

If this so, why proliferated and inherited tensions among ethnic groups causing evictions and displacements?

One of the primary reasons for the emergence of ethnic federalism in ethnically divided society is to “further stability via the recognition of autonomy and self-determination claims, the application of rule-of law principles in political practice, and the mediation of conflicts”.²⁴⁹ More importantly, ethnic federalism is justified on economic grounds by its potential to provide a necessary foundation for fostering healthy “economic competition, expanding resources,

²⁴⁶ ACHPR, Article e 25

²⁴⁷ FDRE constitution, Article 32(1)

²⁴⁸ FDRE Constitution, Article 41(1)

²⁴⁹ Abbink, *supra* note 188

enhancing the efficiency of the nation as a whole”.²⁵⁰ Elazar explains the economic justification of ethnic federalism as follows:

Due to the existence of federalism ... resources are inevitably spread over a number of centers. At the very least, the capital of every federated state has some claim on the national resources, and together they work to prevent the single metropolis syndrome. This means that more people have a chance to benefit from development efforts. At least, it means that some of the worst excesses of resource concentration are eliminated, and a basis for truly national development begins to emerge.²⁵¹

However, many Human Rights Reports note that classification of citizens and territorial groupings on the basis of their ethnicity have been casual factors for minorities’ discriminations and ethnic inequality.²⁵² Ethnic federalism needs to be legally and institutionally capable of recognizing and pragmatically handling these dynamic aspects and ensure a freely moving and engaging in any economic activity of citizens.

The federal structure is insecurely democratic and produces competition between ethnic groups, specifically their aspiring elites, about “resources” and about “communal or religious identity”.²⁵³ This is the notion of ethnic federalism in Ethiopia, where the boundaries of the constituent units are purposely delineated on the basis of ethnic line, potentially restricts the mobility of labor, goods and capital across sub national jurisdictions and this impedes the networking of economic arena and common market for economic integration among ethnic groups. This is because identity based federalism enables to emphasize ethnic identity and ethnic allegiances since groups are designed to be ‘ethnocratic and agent to their sub national government’, as a result ethnic leaders enforce impediments to inter-jurisdictional mobility factors.²⁵⁴ Ethnicity as source of power and resource has caused forcefully massive displacement and eviction of migrants from different regions which still remain unsettled in various parts of

²⁵⁰ Weingast, R. B. (1995) “The Economic Role of Political Institutions: Market Preserving Federalism and Economic Development”, *Journal of Law*, Vol. 11, No.1, pp. 5-8, [Cited in Alemante G. S. (2003) “Ethnic Federalism: Its Promise and Pitfalls for Africa”, *Yale Journal of International Law*, Vol. 28, No. 51, p. 80.]

²⁵¹ Elazar, D.L. (1987), “Exploring federalism”

²⁵² United States Department of State (2012) “Ethiopia: Ethiopia 2012 Human Rights Report”, *Country Reports on Human Rights Practices for 2012*

²⁵³ Abbink, *supra* note 249

²⁵⁴ *Ibid*, pp. 90-92

the country.²⁵⁵ In situations where there is salience of ethnicity the ethnical cleavage would boom to a wider extent of a cross-cutting cleavage structure thus becomes difficult to reach a solution that would satisfy all groups involved. This ethnical cleavage is of critical importance to increase a political saliency of ethnicity. Despite ethnic federalization is considered as a “macro-method” of managing such kinds of difference in “ways which are fully compatible with democratic norms and rule of law, it is unlikely to satisfy groups that are demographically minorities within a constituent political units”.²⁵⁶

This all instigates conflicts. Potentially, conflicts hamper movement and freeze mobility of factors of production/ investment across regions. It in turn weakens economical integrity of regions. Poor economic linkage of regions brings decline of economic activities and the perpetuation of economical asymmetry of regions thus worsen the way and promise to Ethiopian constitutional aspiration to build one democratically inclusive economic and political community for common destiny.

4.4.5 The Electoral System: Political Compromise and National Consensus

Electoral system is the method used to calculate the number of elected positions in government that individuals and parties are awarded after election. In other ways, it is the way that deals ‘the rules that specify how votes are translated into seats in parliament or in other areas of government for representation in the main legislative making body’.²⁵⁷ There are many different types of electoral system in use around the world and even in individual countries. The main electoral systems are reduced into two major electoral systems. These are ‘the plurality electoral system/ and proportional representation/PR’.²⁵⁸ A country may design one of these electoral

²⁵⁵ United States Department of State, *supra* note 252

²⁵⁶ McGarry, J. and O’Leary, B. (1993) Introduction: The Macro- Political Regulation of Ethnic Conflict. In: McGarry, J. and O’Leary, B. (eds.) *The Politics of Ethnic Conflict Regulation*, London: Routledge, pp. 1-47, [Cited in Erk, J. and Anderson, L. M. (2010) “Introduction” in Erk, J. and Anderson, L. M. (eds.) *Paradox of Federalism: Does Self-Rule Accommodate or Exacerbate Ethnic Division?*?, London and New York: Routledge, pp. 3-11]

²⁵⁷ Ezrow, L. (2010) *Linking Citizens Parties: How Electoral Systems Matter for the Political Representation*. Oxford University Press, pp. 7-12

²⁵⁸ Also called “first- past- the post” or “winner- takes- all” which attempts to provide for a greater degree representativeness by requiring the candidates to achieve a majority of votes in order to win. Majority is normally defined as 50%- plus one vote. If no candidate gets majority of votes, then a second round of voting is held. In the second round of voting, only a select number of candidates from the first round are allowed to participate. Majority system usually relies on single- member constituencies and allows voters to indicate only one preference on their ballot whereas PR is the general name for a class of voting systems that attempt to make the

systems or mixed, but what matters is not the type of electoral system rather it is the ‘institutions’²⁵⁹, parties and pathways of representation.

The electoral system is measured by its compatibility and ability of bringing into effects of proportionality of seats to votes, accountability to constituents/ people, durable governments, interethnic and interreligious conciliations and minority office holding.²⁶⁰ The interethnic and interreligious conciliation take the largest share in bringing the sense of rootedness and national identity. This is because an electoral system may induce political parties “to compromise politically with other ethnic groups for electoral successes”.²⁶¹ This is to assert that an electoral system, which gives a good ground for political parties to assume cooperation across ethnic lines, is important to achieve national plurality and strong national cohesion by fostering conciliatory behaviors among ethnically divided societies but territorially proxy of ethnicity. In the sense of democracy, political parties organize themselves in order to peacefully mediate heterogeneous and conflicting interests existing in a pluralistic society by avoiding their effort to cultivate only ethnic groups and supporters whom they belong which is hard to politically compromise for the common good. However, diverse of opinions and social conflicts come to be legible for peaceful political compromise and mediation in an appropriate manner when political parties are able to agree to ‘principles of political games, for instance, if they agree on the democratic Constitution’.²⁶²

percentage of awarded to candidates, reflect as closely as possible the percentage of votes that they received in the election. It most widely used set of electoral systems in the world, and its variants can be found at some level of government in almost every country. The most straight forwarded version of PR is simply to award a party the same percentage of seats in parliament as it gets votes at the polls.

²⁵⁹ Institutions include any form of constraint that human beings devise to shape human interaction. Institutions can be either formal or informal. . Institutions may be created or they may simply evolve over time. Both in formal constraints – such as rules that human beings devise – and in informal constraints –such as conventions and codes of behavior play a role in structuring the number of competitive parties, policy making and the quality of representation in the political system. See Also Lijphart, A. (1984) *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-One Countries*, New Haven, CT: Yale University Press

²⁶⁰ Horowitz, L. D. (2006) “Electoral System and Institutional Design: A Primer for Decision Makers” in: Diamond, L. and F. Marc (eds.) *Electoral Systems and Democracy*, The Johns Hopkins University Press: Baltimore, pp.4-15

²⁶¹ *Ibid*

²⁶² Hofmeister, W. and Karsten, W.(2011) *Political Parties: Functions and Organization in Democratic societies*, Konard: Adenauer Stiftung, pp. 14-18

Is the Ethiopian electoral system fitting and compatible with the federal set up designed to accommodate ethnic diversity and building a common identity for political compromise and national consensus?

Members of the House of Peoples' Representatives shall be elected by the people for a term of five years on the basis of universal suffrage and by direct, free and fair elections held by secret ballot.²⁶³ Members of the House shall be elected from candidates in each electoral district by plurality of the votes cast.²⁶⁴ This article clearly stipulates the adoption of FPTP in which the candidates with the most votes is declared winner by reserving 20 seats for minority nationalities. Having this stipulation in mind, the necessity of federalism in a country where there are diverse ethnic groups is to accommodate these diversities. The mechanism to this effect is the electoral system that the country follows. The electoral system opted by a country should enhance the representation of minority nationalities. As indicated above, majority electoral system gives a little room for the representation of small parties in the parliaments. This arrangement is based on the truth that in Ethiopia there is no single large ethnic group that is widely scattered throughout the country without being territorially concentrated in some parts of the country.²⁶⁵ Still there may be a possibility of exclusion of ethnic groups as a result of the application of the plurality system, but this can be mitigated by the Constitutional provision that guarantees the representation of minority groups in the House. The member of the House, on the basis of population and special representation of minority nationalities and peoples, shall not exceed 550; of these minority nationalities and peoples shall have at least 20 seats.²⁶⁶ One thing that cannot be denied here is that there are votes wasted as a result of the plurality system especially the votes of migrant ethnic groups.

The plurality system adopted by Ethiopia affects the right of political participation of minorities living scattered in different regions which highly related with freedom of movement. This right is guaranteed by international human rights instruments which Ethiopia has ratified and domestic legislations. Every citizen shall have the right and opportunity, without any distinction to take part in the conduct of public affairs, directly or through freely chosen representatives; to vote and

²⁶³ FDRE Constitution, Article 54(1)

²⁶⁴ *Ibid*, Article 54(2)

²⁶⁵ Yonatan, *supra* note 157

²⁶⁶ FDRE Constitution, Article 54(3)

to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the voters and to have access, on general term of equality, to public service in his country.²⁶⁷ ICCPR recognizes and protects the right of every citizen to take part in the conduct of public affairs. The covenant requires states to adopt such legislative and other measures as may be necessary to ensure that citizens have an effective opportunity to enjoy this right whatever form of government or Constitution is in force. In the same token, the ACHPR clearly stipulates this right in the same wording under Article 13. Likewise, the FDRE Constitution expressly provides this right which states that every Ethiopian national, without any discrimination based on colour, race, nation, nationality, sex, language, religion, political or other opinion or other status, has rights to take part in the conduct of public affairs, directly and through freely chosen representatives, on the attainment of 18 years of age, to vote in accordance with law and to be elected at periodic elections to any office at any level of government; elections shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.²⁶⁸ These guarantees include non-discrimination, the right to take part in the conduct of public affairs, and the right to free elections. The principle of non-discrimination is mentioned in the provisions dealing with the particular right to vote and be elected. Accordingly, these rights are to be exercised without any discrimination based on colour, race, nation – nationality, sex, language, religion, political or other status.

Article 38(1) of the Repealed Election Proclamation No 111/1995 stipulates that any person registered as an elector shall be eligible for candidature, where he...b) is versed in the vernacular of the National Region of his intended candidature. In the same fashion, Article 45(1) of the new Election Proclamation No 532/2007 provides the criteria for candidature which states that any person shall be eligible for candidature, where he is versed in the working language of the Regional State or the area of his intended candidature.²⁶⁹ Article 38 of the FDRE Constitution guarantees the right to stand for election without any form of discrimination including on the ground of language. This meant the language requirements of any sort are inconsistent with the Constitutional provision; hence, these election laws are unconstitutional to the extent they

²⁶⁷ ICCPR, Article 25

²⁶⁸ FDRE Constitution, Article 38

²⁶⁹ Federal Negarit Gazeta (2007)“The Electoral Law of Ethiopia”, *Proclamation* No. 532/ 2007

exclude candidates based on language requirements. The absence of any internal limitation clause (other than age requirement) and a general limitation clause, in the provision that guarantees the right to stand for election implies that this right may not be limited at all. Hence, the language requirement violates the right to stand for election without discrimination and this is the direct violation of the national law and the international laws.

The violation of the Constitution and international laws as long as political participation is concerned, indirectly endangers civic citizenship right/nationality, freedom of movement and residence and economic rights of citizens.

This all anticipates that the Ethiopian plurality voting formula often inclines to manufacture a majority seats for one party in a legislative, this is because the party that wins a nationwide plurality will at the same time tend to be represented and hold a majority of seats in the parliament. This in other way violates the very essence of democracy in terms of ‘representativeness’ where more parties and smaller or minority interests can gain representation in the legislature in a way that is commensurate with level of popular support. The simple majority voting system exercised in Ethiopia tends to impede party competition. Constitutional engineering of electoral system is, however, expected to encourage cooperation and accommodation and thereby reduce the salience of ethnicity for the formation and strengthening of a core of moderate middle sentiment with the electorate as a whole in order to reach on a national consensus which is important to build organic solidarity unbroken by internal and external forces. However, the scenario in Ethiopia is different in this regard. The Constitutional engineering of electoral system of Ethiopia, where there is high level of salience of ethnicity, erodes, *firstly*, the provision of electoral incentives for campaigning politicians to reach out to and attract votes from ethnic groups other than their own, thus encouraging candidates to moderate their political rhetoric on potentially divisive issues and forcing them to broaden their policy positions, *secondly*, it erodes the presence of an arena of bargaining, in which political actors from different groups have an incentive to come together and cut deals on reciprocal electoral support, and hence perhaps on other more substantial issues as well and *thirdly*, the development of centrist, aggregative, and multiethnic political parties or coalitions of parties that are capable of making cross ethnic appeals and presenting complex and diverse range of policy options to the electorate. This is missing the very essence of ethno-national based federation

assumed to build and maintain one economic and political community by rectifying the past injustices in order to provide fundamentally different channels through which political representation can take place aiming to foster political compromise which eases the way to build an organic solidarity and supra national identity leading to common economic objective and sustainable development.

4.5 Extra constitutional Factor: Institutionalization of Memory of Oppression

Though memorization might at a first glance seem to be connected to the past, it is also closely linked to the present and the future. However, there is always contestation, very often conflicting account of what actually happened in the past and who, for that matter, is entitled to speak for the past in the present. Finding out the truth about ‘who did what’ may not really matter rather what importantly matters most is “representation” i.e. which memories should be publically represented and in which form and whose voice will be heard”.²⁷⁰ Public representation of memories of the past need rationalization and conscious decision before putting them in place to have effect of political, economic and social, and identity construction. Memories should have to be first included into widely accepted, shared, and publically expressed narratives before they will get political effect.²⁷¹ To put it differently, memorization and institutionalization of historical events should not be interpreted and given meaning by those who have access to power and able to lead the public discourse and decide which memories to ban and which memories to promote.²⁷² Those who lead official memory discourse may decide alone as to whose memories will be preserved and institutionalized and whose repressed will be forgotten to gain political benefit over identity construction in present even in the future.

Selective construction and institutionalization of national histories are supposed to communicate a unified coherent vision of the nation’s past, present and future. Memorization and institutionalization of historical events thereof, especially, oppressive expressions, may not be as such important for the political, economic and social discourse. Instead, forgetting or ignorance of past events maintained by minority groups may be preferred since it would probably advance

²⁷⁰ Friedman, J. (1992) “The past in the future: History and the Politics of Identity” Vol. 94, No. 4, pp. 837-859

²⁷¹ Ashplant, T., Dawson, G., Rober, M. (2000) “The politics of War Memory and Commemoration: Context, structure, and Dynamics” In: Ashplant, T. Dawson, G., Rober, M. (eds.) *The politics of War Memory and Commemoration*, London: Routledge, pp. 3- 85

²⁷² Natzmer, C. (2002) “Remembering And Forgetting: Creative Expression And Reconciliation In Post-Pinochet Chile” In: Climo, J., Cattel, M. (eds.) *Social Memory And History: Anthropological Perspectives*, Altemir

competing historical narratives and generate social conflict and tensions between groups. Competing historical narratives would possibly categorize and label groups either oppressor or oppressed and build antagonistic groups to each other. Memories, narratives and symbols representing the past may find wider resonance and trigger people to be powerful to mobilize and encourage themselves to think and act in a certain way.²⁷³ In such situations cautiousness needs to be taken to reconcile and interpret the past events and decide which memories to discard and which to promote and institutionalize for the purpose of peaceful coexistence of divided societies.

The ways by which the past events are framed and interpreted can play an important role in present day politics and minority claims making. The presentation of the past events in the context of oppressions provides for political strategies to politicians who desire to benefit by exacerbating ethnic conflicts and oppressions. The political elites celebrate and communicate the ethnic conflicts and institutionalize thereof in order to organize and legitimate their political power.²⁷⁴ The practices of reconstruction and manufacturing of oppression of historical pasts by political elites aim to justify their occupying regime to govern the present and the future. In this situation, “common glorious pasts” face ignorance of attentions and celebrations.²⁷⁵ Common glorious pasts serve the purpose of developing common identity with the help of giving people common past as integral element of national consciousness and solidarity for the common purpose.

If this is so, how historical events are being constructed, institutionalized and introduced in the public discourse in Ethiopia? What are the ways through which historical events are celebrated and to what extent they affect the nation building process of a multi-ethnic Ethiopia?

The Ethiopian Constitution has confirmed that Ethiopia is home land of highly divided societies. The Constitution underlines that these societies are the biggest asset of the country. Accordingly, it accords NNPs “all sovereign power” and the constitution is an expression of them. This is a radical response to curtail the past discriminations and isolations of NNPs and defiance of the

²⁷³ Zerubavel, E. (1996) “Social Memories: Steps to a Sociology of the Past”, *Qualitative Sociology*, Vol. 19, No. 3, pp.283-300

²⁷⁴ Jeffrey, O et al., (2008) “The collective Memory Reader”, in: Erll, A. and Nunning, A. (eds.) *Cultural Memory studies, an International and Interdisciplinary Handbook, the Journal of Memory Studies*

²⁷⁵ Gellner, E. (1983) *Nations and Nationalism*, Oxford: Blackwell.

decades old ethnic oppression and subjugation of the wider mass by the elites.²⁷⁶ To end such diversity, public celebrations of ethnic differences are the notable element of the Ethiopian federalism. The colorful folkloric aspects of differences of NNPs are organized on the large street posters, on National Television Programs, on ethnic dance and ethnic song, on postage, stamps, via touristic productions and in cultural festivals.²⁷⁷ The government has been celebrating, for instance, ‘flag day’ annually since 2006, with a mission to reflect the hope of NNPs and ‘NNPs day’ annually since 2008. Ethiopian NNPs Day is celebrated every year with the coordination of House of Federation and hosted by the regions in rotation. The Day is celebrated in the context that “the constitution marks the rebirth of the Ethiopian people by reversing Ethiopia’s long history of war, violence, famine, migration and decline/ massive sacrifices paid for this Day”.²⁷⁸

This Day is taken as a special day of acknowledging the existence of many NNPs and serves as an emotional expression of traditional customs, sing traditions songs and dances. Thus, it appears a dancing celebration or occasion. However, considering it as an opportunity which never existed before is an exaggeration and strategic method to construct the legitimacy of EPRDF by focusing on differences. And the Day is presented in aggressiveness of the past events in terms of ignorance of ethno-linguistic and cultural rights, and massive sacrifices of lives of NNPs. In this occasion ethnic groups always gather and focus on their difference. Thus, it is inevitable that ethnic identities/differences would be duplicated, fabricated, exacerbated, perpetuated and internalized by the people to wider and significant extent. This may bring and “enhance more mutual prejudice and stereotyping”²⁷⁹ among NNPs. The FDRE Constitution fundamentally stresses to correct wrong political, economic and social interactions handed down from the past regimes in order to build one and democratically inclusive political and economic community. However, such public celebrations of diversities may not tend to achieve this constitutional objective unless a countervailing effort is done to reverse this highly exaggerated public presentation of differences to the presentation of a common glorious pasts which serve as

²⁷⁶ Hibre Biher Magazine (2014/15) “The 9th Ethiopian NNPs Day: The 20th Anniversary of the Constitution”, *Special Edition*, Berhan ena Selam Printing, PP. 33-36

²⁷⁷ Abbink, *supra* note 254

²⁷⁸ Hibre-Biher Magazine, *supra* note 276

developing communalities with the help of giving the common past as integral element of national cognizance and organic unity for the common destiny.

For instance, in the Ethiopian history, Adwa is a common glorious past having an internal and external aspects and elements of the past and as well as the future. The internal aspect of Adwa refers the constitutive meaning and practices of the internal cohesion against the external enemies- strong patriotic feeling. The external aspect, on the other hand, refers Ethiopians as exemplary to other African States fallen under European colonization since Ethiopia was an exceptional African state which showed a threat and resistance to external oppression. It was during Adwa War in the first time in Ethiopian history that all important political forces agreed to sacrifice their particular interests and stood together in order to ensure freedom and unity of Ethiopians though “Italians denied the existence of an Ethiopian nation by dichotomizing it into Abyssinians, Christians and Muslims”.²⁸⁰ Therefore, memorizing and institutionalizing Adwa, a common glorious victory of Ethiopians, is a good opportunity of this day to cultivate the present and the coming generation in a way to have common understanding of the past and collective memory instead of manufacturing and introducing differences of the people in the context of oppressed and oppressors.

The practice of reconstruction of the past of Ethiopia whose pasts are either lacking or hidden from view by subsequent accretions is usually elaborated by nationalist intellectuals. In most cases nationalist historians associate the already existing elements, legends and motifs. However, it has become common to add bits of pure fabrication of misleading pictures of the historical past in order to justify the political legitimacy of the existing regime. Before getting deeper into articulating the public representation of historical pasts and memory politics, it is important to investigate the conflicting accounts of what actually happened in the past so much as who is entitled to speak for the past in present.

If this is so, ‘ANOLE Memorial Monument’ for instance, does it contribute to managing differences and demystifying Pan-Ethiopianism or inflaming ethnic consciousness?

²⁸⁰ Mennasemay, M. (1997) “Adwa: A Dialogue between the Past and the Present”, *Northeast African Studies*, Vol. 4, No. 2, Michigan State University Press, pp. 43-89

It is not the intention of the paper to find out about the truth of the happening of such event rather it is to highlight its impact on the architect of nation building. It has been a year when the ‘ANOLE Memorial Monument’, which cost about 20 million Birr, was inaugurated in a remarkable ceremonial fashion to commensurate those Oromo heroes who were assumed harshly slaughtered and killed for their strong resistance against the then regime. The establishment of this historical memorial monument has been believed to serve as Oromo cultural heritage hall, center for studies and research, a tourist attraction center and a place for the identity of Oromo people.²⁸¹ What does one understand and draw from the way by which it has been presented? ‘ANOLE Monument’ has been articulated as a collective memory serving a public representation of the past events before getting deeper into widely shared or publically expressed narration of it.²⁸² Historical events whatsoever they were should be first supported by the evidences extracted from the intellectuals and the media in order to avoid the creation of illusionary of historical continuity. It is important to set aside those contradicting facts, historical distortions, and construction of pseudo-facts and get in depth to the correct and common interpretation of the events of the historical past. Put differently, various textual sources that carry important information about the past should unequivocally determine the truth about the past events. In absence of it, a forceful introduction of a distorted version of history of the people does not play a role in building collective identity with a common dream.

Internal power struggle between competing forces for internal power expansion and consolidation to dominate the people is often effectuated through inclusion and assimilation. Therefore, it inevitably brings exploitations and oppressions. The memorization of such oppressive pasts and institutionalizing thereof by exaggeration and aggressive presentation makes the road appealing for the construction of negative lexicalization and negative generalization among ethnic groups; enemy building discourse. Nation building needs a prioritization of security, humanitarian relief, and democratization in order to transfer diversified and violent societies to peaceful coexistence by keeping their distinctive and separate diversities in terms of history, culture, linguistic and psychological makeup. National consensus is a primary key to succeed in a long lasting democratic inclusion and economic integration. To the

²⁸¹ Ethiopian News Agency (ENA) (2006) “December 2006”, see also Dire Tube- Ethiopia Large.... Available online at <http://www.diretube.com/articles/read> ,

²⁸² ሰንቁ መጽሐፍት (2006), ቅጽ 6, ቁጥር 116

contrary, construction of oppressive memories for the purpose of political gain and legitimization helps understand and restore the effects of evil pasts/ historical grievances that are antagonistic to national aspiration and togetherness. In this regard, 'ANOLEY Memorial Monument' as a representation of the public discourse, deforms the historical narratives and creates different argumentation strategies of exaggerations and aggressiveness presentation, polarization of good 'us' and bad 'them' or cultivation of 'enemy discourse' to create an atmosphere of fear and suspicious with one another.

Chapter Five

Concluding Remarks

This concluding part focuses mainly on indicating the major research findings of the study, i.e. whether ethnic federalism is successful in Ethiopia in promoting integration, consolidation and belongingness of various identity groups to form a community of citizens under shared political and economic system by at the same time fulfilling the demands of various ethnic groups. It also briefly states how ethnic federalism is linked with nation building and impact development, including the implications which have been reflected from the 1995 Ethiopian Constitution in bringing national integration for collective aspirations and common economic and political destiny. The challenges encountered in the course of the Ethiopia's multi-ethnic federation in the course of assuring the propriety of acts of political units in the course of self-administration and the corresponding sense of shared destiny and cooperation among different national communities are also issues of concern.

Federalism has turned the attention of the majority of the world's states. It is an increasingly desirable and feasible constitutional arrangement which facilitates the creation of governmental institutions in which the central authority and the sub authorities exercise their autonomous power on their sphere. Mapping out federalism as a stable theoretical floor is a less demanding task. The difficulty is how the rights of ethnic groups are respected, how their grievances are addressed and how they are democratically included. So, the legitimacy of the foundation of institutional design of federalism matters, for instance, self-determination, autonomy, ethno-cultural autonomy, and their function by the guise of rule of law and democracy.

The pre-federation dynamics induced ethnic based liberation movements in Ethiopia which introduced a new radical strategy of recognition of ethnic groups with the task of reconstructing the Ethiopian States from the centralized rule to federal state. To this end, Ethiopia has adopted its Constitution declaring that Ethiopia is a federal state by marrying ethnicity with federalism to accommodate ethnic cleavages. The Constitutional endorsement of ethnic federalism has defined and recognized national citizenship, self-determination on ethno-linguistic basis, political representation and decision making at all administrative levels and related policies. However, the careful scrutinizing of the establishment of Ethiopian federalism from the very beginning in

terms of democratic inclusiveness of NNPs on the basis of settlement pattern, language, identity and consent, appeals that it has not been fully consented by democratic mobilization. Instead, it a kind of imposition that did not seriously take into account the level of diversity in each region, historical demographic movements and intermingling identities. Had it been a factual federalism to consciously respond to grievances, secession would have not been devised as a remedying institution for resolving conflicts rather it should be just to daunt such secessionist resentment in the first place and when this is not successful, allow for the likelihood of secession in accordance with terms of democracy, justice and rule of law. The secession clause of Ethiopia still remains contested and constitutionally unjustified. This demands a revisit of the Constitutional arrangement through practical politics or legal repeal.

The plurality electoral system serves best in homogenous society. In democratically established and functioning government political parties organize themselves in order to peacefully mediate heterogeneous and conflicting interests existing in a pluralistic society by avoiding their effort to cultivate only ethnic groups and supporters whom they belong. The plurality electoral system/ FPTP, which serves best in a homogenous society, obliges political parties to cultivate only ethnic groups and supporters whom they belong. Therefore, this simple majority vote adversely affects democratic representativeness and an arena of bargaining in which political actors from different groups have an incentive to come together and cut deals on reciprocal electoral support in order to develop centrist, aggregative, and multiethnic political parties or coalitions of parties. The Ethiopian Electoral System shades the democratic principle of multiparty system and challenges political parties to act in a correct order and different national communities to cooperate. So, the federal arrangement needs reconstitution of the simple majority vote to PR by putting thresh-holds in order to reward and encourage multiethnic political parties for ethnic fluidity and intermix by politically discouraging ethnically organized political parties. In addition, language as a precondition to be elected should be disregarded and the opportunity, in the first place, should be open for those who qualify constitutional requirements and the remaining requirements should be left to the society to decide and elect the capable representatives.

The Ethiopian federation is insecurely democratic and produces competition between ethnic groups by their ethnocratic leaders aspiring about resources and power which brings mute

rivalry. Conditions of insecurity in Ethiopia caused by lack of protective institutions and ethnic consciousness have been causing frustration and proliferated tensions among ethnic groups. The notion of open market is badly affected by these proliferated tensions since citizens hesitate and restrict the mobility of labor, goods and capital across sub national jurisdictions. Evidently, it fuels the flame for economic disparity and economic disintegration; hence the economical asymmetry remains unaddressed among regions. In addition to such economic disparity and identity grievances, it largely shades citizenship right and directly encumbers the effort to build social cohesion and organic solidarity/ common identity for inclusive political and economic destiny. This recalls the cooperation of the federal and the regional governments to establish and penetrate democratically functioning and transparent institutions in the local governments.²⁸³

The missed and strategic use of membership of ethnicity by political elites striving for political supremacy easily generates ethnic consciousness or essentialism. The elites, which claim exclusive rights in representing an ethnic group, can easily be tempted to manufacture, duplicate and exaggerate differences and exclusionism for self-seeking benefits. Ethnic consciousness creates more egocentric nature of demands than the original claims. Egocentric demands impede efforts to foster Pan- Ethiopian identity because they are very difficult to suppress down once they have been grown into permanent cleavages as elites striving for political supremacy “harvest more benefits and privileges into bifurcation”.²⁸⁴

Promotion of an overall identity could possibly avert ethnic polarization because the commitment to common citizenship could tone down the claims to power and resources rather it leads to interethnic cooperation. The territorial language policy makes limited social and geographical mobility and job opportunity. This loosens integrity among ethnic groups for common idea and dreams to sustainable development and political compromise triggering for inclusiveness. Instead, it creates developmental inclination along ethnic line and induces disintegration/ secession. This appeals that collective and transformative investment like, for instance, the Grand Ethiopian Renaissance Dam which has been an impressive display of the patriotism and single mindedness, necessities the creation of organic solidarity and common vision Ethiopia’s future. In addition to this, there should be a simultaneous temptation to

²⁸³ Assefa, *supra* note 164

²⁸⁴ Berhanu, *supra* note 183, pp.271-273

strengthen common citizenship, patriotism and nationalism since Pan-Ethiopian identity is more than the summation of NNPs. Lack of adequate capacities and proper qualifications negatively affect socio-economic progress through corruption, inefficiency and underutilization. In order to be democratically inclusive and successful institutions should be blind of ethnicity and need to operate on the basis of meritocracy (ability) to deliver meritorious service.

In Ethiopia, the ethnic perception and ethnic mobilization that has emerged due to political, economic and social justification more so than before is attributable to political elites. To this end, public celebration of differences and memorizing and institutionalizing historical events has become a misleading picture of historical events and internalization of differences to develop the sentiment of stereotype to each other. Labeling and categorizing groups as oppressors and oppressed negatively affects the solidarity and harmonization to integrated economic and political development by cultivating discourse or atmosphere of hatred, fear and suspicion. This encourages further ethnic cleavages and consciousness by forming distinctiveness and differences and this appears to suggest that exaggerated differences should give way to nation building, national consciousness and shared memories and aspirations thereby giving due attention to the common past as an integral element of national cognizance and building up organic solidarity for a common destiny.

References

- Aalen, L. (2002) “Ethnic Federalism in a Dominant Party State: The Ethiopian Experience, 1991- 2000”, *Development Studies and Human Rights Report*, Bergen: Chr. Michelsen Institute
- Abbink, J. (1997) “Ethnicity and Constitutionalism in the Contemporary Ethiopia”, *Journal of African Law*, Vol. 41, No. 2, Pp. 159- 174
- Abbink, J. (2011) “Ethnic Federalism and Ethnicity in Ethiopia: Reassessing the Experiment after 20 Years”, *Journal of East African Studies*, Vol. 5, No. 4, Routledge: London, pp. 596-618. It is also available at <http://dx.doi.org/10.1080/17531055.2011.642516>.
- Adetiba, T.C and Rahim, A. (2012) “Between Ethnicity, Nationality and Development in Nigeria”, *International Journal of Development and Sustainability*, Vol. 1 No. 3, pp. 656-674.
- African (Banjul) Charter on Human & Peoples’ Rights, Adopted 27 June 1981, OAU Doc.CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered in to force 21 October 1986.
- Alem, H. (2005) “Multiethnic Federalism in Ethiopia: A Study of the Secession Clause in the Constitution”, *Publius: The Journal of Federalism*, Vol.35, No.2, pp.313–335
- Alemante , G. (2003) "Ethnic Federalism: Its Promise and Pitfalls for Africa", *Yale Journal of International law*, Vol.28, No. 51, *Faculty Publications*, Paper 88
- Anderson, B. (1983) *Imagined Communities: Reflection on the Origin and Spread of Nationalisms*, London: Verso
- Anderson, G. (2008) *Federalism: An Introduction*, Oxford University Press
- Andreas, E. (2003) “Ethnic Federalism: New Frontiers in Ethiopian Politics”, in *First National Conference on Federalism, Conflict and Peace Building*, Addis Ababa, United Printers, Plc.
- Andrei, K. (nd) “Constitutional Right of Secession in Political Theory and History”, *Journal of Libertarian Studies*, Vol. 17, No. 4, Ludwig Von Mises Institute, PP. 39-100
- Ashplant, T., Dawson, G., Rober, M. (2000) “The politics of War Memory and Commemoration: Context, structure, and Dynamics” In: Ashplant, T. Dawson, G. and Rober, M. (eds.) *The politics of War Memory and Commemoration*, London: Routledge

-
- Assefa F. (2012) “Ethiopia's Experiment in Accommodating Diversity: 20 Years’ Balance Sheet”, *Regional & Federal Studies*, Vol.22, No. 4, pp. 435-473
- Assefa, F. (2006) “Theory versus Practice in the Implementation of Ethiopian Ethnic Federalism”, in Turton, D. (ed.) ‘Ethnic Federalism: The Ethiopian Experience in Comparative Perspectives’, *East African Studies*, James Curry: Oxford, Ohio University: Athens and Addis Ababa University Press: Addis Ababa
- Atwood, B. (1994) “Nation Building and Crisis Prevention in the Post- Cold War World”, *Brown Journal of World Affairs*, Vol. 2, No. 1, pp. 11–17.
- Bagdady, A. and Wolf, R. (2005) (eds.) “State-Building, Nation-Building, and Constitutional Politics in Post Conflict Situations: Conceptual Clarifications and an Appraisal of Different Approaches”, *Max Planck Yearbook of United Nations Law*, Vol. 9, *Koninklijke Brill N.V., the Netherlands. p. 579-613*
- Bahru, Z. (1991) *A History of Modern Ethiopia: 1855-1974*, London: James Curry
- Beken, D. C. (2012) *Unity in Diversity: Federalism is a Mechanism to Accommodate Ethnic Diversity: The Case of Ethiopia*, Global book marketing, London
- Berhanu, G. (2007) *Restructuring State and Society: Ethnic Federalism in Ethiopia*, *SPIRIT – Doctoral Programme Series*, Thesis No. 8 Aalborg University: Denmark
- Berna, H. (1984) “A Liberal Theory of Secession”, *Political Study*, Vol. 32, No. 2, PP.21-31
- Buchanan, A. (nd) “Towards a Theory of secession”, *Journal of philosophy and Political Affairs*
- Buchanan, A. (2003) *Justice, Legitimacy and Self- Determination: Moral Foundations for international law*, Oxford University Press,
- Buchanan, A. (1996) “What is So Special about Nations”? In: J. Couture, K, and M. Seymour (eds.) *Rethinking Nationals*, Calgary: University of Calgary Press
- Cairns, A. (1977) “The Governments and Societies of Canadian Federalism”, *Canadian Journal of Political Science*, pp.695- 725
- CGAR (2009) “Ethiopia: Ethnic Federalism and Its discontent”, No. 153
- Chandra, K. (2001) *Commutative Findings in the Study of Ethno politics*, APSA- CP, 12
- Committee on Civil and Political Rights General Comment No. 28: Article 3 (The Equality of Rights between Men and Women), Adopted at the Sixty-eighth session of the Human Rights Committee, on 29 March 2000.

Committee on Civil and Political Rights General Comment No. 29: on state of emergency, at the 1950th meeting, on 24 July 2001

Committee on Civil and Political Rights, General Comment No. 15: the Position of Aliens under the Covenant adopted at the twenty-seventh session of the Human Rights Committee, on 11 April 1986

Crystal, D. (2000) *Language and death*, Cambridge: Cambridge University Press

DeZwart, F. (2005) “The Dilemma of recognition: Administrative Categories and Cultural Diversity”, *Theory and Society*, Vol.34, No. 2, Pp. 137- 169

Dietrich, F. (2010) “The status of Kosovo – Reflection on legitimacy of secession”, *Journal of Ethics and Global politics*, Vol 3, No. 2, PP. 64 132

Elazar, D. (1985) *Federalism and Consociational Regimes*, *Publius*

Elazar, D.L. (1987) *Exploring federalism*

Erk, J and Anderson, L. M. (2010) “Introduction” in Erk, J and Anderson (eds.) *The Paradox of Federalism: Does Self-Rule Accommodate or Exacerbate Ethnic Division?*

Erk, J. (2006) “Does Federalism Really Matter”? *Comparative politics*, vol. 38, No. 4

Erk, J. and Anderson, L. M. (eds.) (2010) “The Paradox of Federalism: Does Self-rule Accommodate or Exacerbate Ethnic Division”, Routledge: London and New York

Erner, G. (1983) *Nations and Nationalism*, Oxford: Basil Blackwell

Ethiopian News Agency (ENA) (2006) “December 2006”, see also Dire Tube- Ethiopia Large.... Available online at <http://www.diretube.com/articles/read> ,

Ezrow, L. (2010) *Linking Citizens Parties: How Electoral Systems Matter for the Political Representation*, Oxford University Press

Federal Negarit Gazeta (2007) “The Electoral Law of Ethiopia”, *Proclamation* No. 532/ 2007

Filippov, M., Ordeshook, C. P. and Shvetsova, O. (2004) *Designing Federalism: A Theory of Self-Sustainable Federal Institutions*, Cambridge University Press

Fishman, J. (1980) “Social theory and ethnography: Neglected Perspective on language and ethnicity in Eastern Europe”, in Peter, S. (ed.) *Ethnic Diversity and Conflict in Eastern Europe*. Santa Barbara: ABC-Clio

-
- Friedman, J. (1992) "The past in the future: History and the Politics of Identity" Vol. 94, No. 4, pp. 837-859
- Friedrich, C. (1968) *Trends in Federalism in Theory and Practice*, New York, NY: Praeger
- Gagiano, G. (1990) "The Contenders", in: Esterhuyse, W. and DuToit (eds.) *The Myth Makers: The Elusive Bargain For South Africa Future*, Hail Way House, Southern Book Publishers
- Gamber, I. (2014) *The Challenge of Nation Building: The Case of Nigeria*
- Geertz, C. (1973) *The Interpretation of Cultures*, New York: Basic Books, Inc
- Gellner, E. (1983) *Nations and Nationalism*, Oxford: Blackwell.
- Ghai, Y. (2000) "Autonomy as a Strategy for Diffusing Conflict", in: Stren, P.C. and Druckman D. (eds.) *International Conflict Resolution after the Cold War*, Washington, D.C: National Academy Press
- Gill, S.K. (2014) "Language policy in a Multi-ethnic Malaysia", *Journal of Multilingual Education*, Vol. 8, No. 2, pp. 17-27
- Greez, C. (1963) "The Integrative Revolution: Primordial Sentiments and Civil Politics in the New States", in Clifford, G. (ed.) *Old Societies and New States*, New York: Free Press, pp. 105-157.
- Hameso, S. Y. (1997) *Ethnicity in Africa*
- Harbeson, W. J. (2005) "Ethiopia's Extended Transition", *Journal of Democracy*, Vol. 16, No. 4, pp. 145- 148
- Haysom, N. (2003) "Constitution Making and Nation Building", in Blindenbacher, R. and Koller, A. (eds.) *Federalism in a Changing World*, Montreal and Kingston: McGill Queens University Press, pp. 216-239
- Heller, M. (1987) "The Role of Language in Formation of Ethnic Identity", in: Phinney, J. and Rotheram, M. (eds.) *Children's Ethnic Socialization: Pluralism and Development*, Newbury Park, CA: Sage
- Hibre -Biher Magazine (2014/15) "The 9th Ethiopian NNPs Day: The 20th Anniversary of the Constitution", *Special Edition*, Berhan ena Selam Printing, PP. 33-36
- Hippler, J. (2005) "Violent Conflicts, Conflict Prevention and Nation-building – Terminology and Political Concepts" in: Jochen, (ed.) *Nation Building*, Pluto Press, London • ANN ARBOR, MI

-
- Hofmeister, W. and Karsten, W. (2011) *Political Parties: Functions and Organization in Democratic societies*, Konard: Adenauer Stiftung
- Horowitz, D. L. (2003) “The Cracked Foundations of the Right to Secede”, *Journal of Democracy*, Vol. 14, No. 2
- Horowitz, L. D. (2006) “Electoral System and Institutional Design: A Primer for Decision Makers” in: Diamond, L. and F. Marc (eds.) *Electoral Systems and Democracy*, The Johns Hopkins University Press: Baltimore
- Horowitz, D. L. (1985) *Ethnic Group in Conflict*, Barkley, Los Angeles, and London: University Of California Press
- Hutchinson, J. (1996) *Ethnicity*, Oxford and New York: Oxford University Press
- International Covenant on Civil and Political Rights, Adopted and opened for signature, Ratification, and Accession by General Assembly Resolution 2200 A (XXI) of 16 December 1966
- Jan, N.P. (2004) “Ethnicity and Ethnic Groups”, in Stephen, M., J, Erk and Judith, S. (eds.) ‘Ethnicity, Nationalism and Minority Rights’, Cambridge University Press, UK
- Jeffrey, O et al., (2008) “The collective Memory Reader”, in: Erll, A. and Nunning, A. (eds.) *Cultural Memory studies, an International and Interdisciplinary Handbook, the Journal of Memory Studies*
- Kazakhstan’s National Unity Doctrine (2010)
<http://www.ecmi.de/fileadmin/downloads/publications/JEMIE/2011/Kesici.pdf>
- Kazancigil, A. and Dogan, M. (1986) “The State in Global Perspective: Comparing Nations: Concepts, Strategies, Substances”, Gower/UNESCO, France
- Keller, J. E. (2002) “Ethnic Federalism, Fiscal Reform, Development and Democracy in Ethiopia”, *African Journal of Political Science*, Vol.7, No.1
- Keller, J. E. (2005) “Making and Remaking State and Nation in Ethiopia”, in Recardo, R. L. (ed.) *Borders, Nationalism, and the African State*
- Keller, J. E. (2007) “Secession in Africa”, *Journal of African policy studies*, Vol. 13, No. 1
- Kesici, O. (2011) “The Dilemma in the Nation Building Process: The Kazakh or Kazakhstani Nation?”, *Journal on Ethno Politics and Minority Issues in Europe*, Vol. 10, No. 1,

pp.31- 51, this article is also located at:

<http://www.ecmi.de/fileadmin/downloads/publications/JMIE/2011/Kesici.pdf>

- Kidane, M. (1997) “New Approaches to State Building in Africa”, *African Studies Review*, Vol. 40, No. 3, pp. 111–132.
- Kidane, M. (2004) “Africa’s Intrastate Conflicts: Relevance and Limitation of Diplomacy,” *African Issues*, Vol. 32, No. 1
- Kreptul, A. (2004) “The Constitutional Right of Secession in Political Theory and History” *Journal of Libertarian Studies*, Ludwig von Mises Institute, Vol. 17, No. 4, pp. 39–100
- Kymlicka, W. (1998) “Is Federalism a Viable Alternative to Secession?” in Lehning, (ed.) *Theories of Secession*, London: Routledge
- Kymlicka, W. (1995) *Multicultural citizenship*, Oxford: Clarendon Press
- Kymlicka, W. (2007) *Multicultural Odysseys: Navigating the New International Politics of Diversity*. Oxford: Oxford University Press.
- Leossi, A.S., Grosby, S. (eds.) ‘Nationalism and Ethno symbolism: History, Culture and Ethnicity in the Formation of Nations’, Edinburg University Press, Edinburg
- Lijphart, A. (1979) “Consociational and Federation: Conceptual and Empirical links”, *Canadian Journal of political Science*, Vol. 12, No, 3, pp. 499-515
- Lijphart, A. (1984) *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-One Countries*, New Haven, CT: Yale University Press
- Livingston, W.S. (1956) *Federalism and Constitutional Change*, oxford: Clarendon Press
- Lovise, A. (2002) “Ethnic Federalism in a Dominant Party State: The Ethiopian Experience 1999-2000”, *Development Studies and Human Rights*, Chr. Michelson Institute
- Marcelo, K. (2006) *Secession: International Law Perspectives*, Cambridge: Cambridge University Press
- Marglit, A. and Razi, J. (1990) “National Self- Determination”, *Journal of Philosophy*, Vol.87, No. 9, pp.439-461
- Markakis, J. (1994) *Ethnic conflict and the State in the Horn of Africa*
- McGarry, J. and O’Leary, B. (1993) “Introduction: The Macro- Political Regulation of Ethnic Conflict” In: McGarry, J. and O’Leary, B. (eds.) *The Politics of Ethnic Conflict Regulation*, London: Routledge

-
- Mennasemay, M. (1997) "Adwa: A Dialogue between the Past and the Present", *Northeast African Studies*, Vol. 4, No. 2, Michigan State University Press, pp. 43-89
- Merera, G. (2004) "Ethiopia: Constraints to Transition and Democratization", in Nhema, A. (ed.) *The Quest for Peace in Africa*, Addis Ababa, OSSREA, PP. 245-267
- Merera, G. (2006) "contradictory interpretation of Ethiopian history: the need to a new consensus", in Turton, D. (ed.) "Ethnic Federalism: The Ethiopian Experience in Comparative Perspectives", *East African Studies*, James Curry: Oxford, Ohio University: Athens and Addis Ababa University Press: Addis Ababa
- Merera, G. (2007) "Ethnicity, Democratization and Decentralization in Ethiopia: the Case of Oromia", *Eastern Africa Social Science Research Review* 23, PP. 81-106
- Messay, K. (2001) "Directing Ethnicity toward Modernity", *Social Theory and Practice*, Vol. 27, No. 2, New Jersey and Asmera, the Red Sea Press, Inc.
- Miles, R. (1984) "Marxism versus the Sociology of Race Relation", *Ethnic and Racial studies*, vol. 7, pp.217-237
- Minasse, H. (1996) "The New Ethiopian Constitution: It's Impact up on Unity, Human Rights, and Development", *Suffolk Transitional Law Review* 2
- Montserrat, G. (1996) *Nationalism: The Nation State and Nationalism in the Twenty- First Century*, Cambridge: Polity
- Montserrat, G. (2004) "A Critical Assessment on Nations and National Identity by Anthony D. Smith", Open University, Walton Hall, Milton Keynes
- Moore, M. (1998) "Introduction", in Moore, M. (ed.) *The Self- Determination Principle and the Ethics*, Oxford: Oxford University press
- Natzmer, C. (2002) "Remembering and Forgetting: Creative Expression and Reconciliation in Post-Pinochet Chile" In: Climo, J., Cattel, M. (eds.) *Social Memory and History: Anthropological Perspectives*, Altemir
- Negarit Gazetta (1995) "The Constitution of the Federal Democratic Republic of Ethiopia", Proclamation No. 1/1995, Year 1, No. 1
- Nettle, D. and Romaine, S. (2000) *Vanishing voices: The extinction of the World's languages*, Oxford: Oxford University Press

-
- Nielson, K. (2003) "Liberal Nationalism and Secession", in Moore, M. (ed.) *National Self-Determination and Secession*, Oxford, Oxford University Press, pp. 34-61
- Norman, W. (2003) "The Ethics of Secession as a regulation of Secessionist Politics", in Moore, M. (ed.) *National Self-Determination and Secession*, Oxford University Press
- Norman, W. (2005) "From Nation Building to National Engineering: The Ethics of Shaping Identities", In: Ramon, M. and Ferran, R. (eds.) *Democracy, Nationalism and Multiculturalism*, Frank Cass, London and New York
- Norman, W. (2006) *Negotiating Nationalism: Nation Building, Federalism and Secession in Multinational States*, Oxford University Press: New York
- Orman, J. (2008) *Language policy and Nation Building in Post-Apartheid South Africa*
- Osaghae, E.E. (1995) *Structural Adjustment and Ethnicity in Nigeria*, Uppsala: Nordic Africa
- Ottaway, M. (1994) *Democratization and ethnic nationalism: African and Eastern European Experiences*, Washington DC: Overseas Development Council
- Ottaway, M. (1995) "The Ethiopian Transition: Democratization or New authoritarianism", *Northeast African Studies*, Vol. 2 No. 7, pp. 64- 84
- Paine, S. (ed.) (2010) *Nation building, State Building and Economic Development: Case Studies and Comparisons*, M.E. Sharpe: Armonk, New York, London: England
- Pavkovic, A. (2000) "Recursive Secession in Former Yugoslavia: Too Hard case for Theories of secession", *Political Studies*, Vol. 48, No. 3
- Pavkovic, A. and Radan, P. (2007) *Creating New States: Theory and Practices of Secession*, Aldershot: Ashgate Publishing Limited
- Phillipson, R. (1992) *Linguistic imperialism*, Oxford: Oxford University Press
- Requejo, F. (2004) *Federalism and the Quality of Democracy in Multinational Contexts*, London: Routledge
- Reynolds, A. (1999) *Choosing an Electoral System: Electoral System and Democratization in Africa*
- Richrd L. C., John, K. and Alejandro, R. (2004) "Public Opinion in Federalism and Federal Political culture in Canada, Mexico and the United States", *Publius: The Journal of Federalism* , pp. 201- 221
- Riker, W. H. (1964) *Federalism: Origin, Operation, Significance*, Boston: Little Brown
- Rivkin, A. (1969) *Nation-Building in Africa: Problems and Prospects*, New Brunswick

-
- Rothschild, J. (1981) *Ethno politics: A Conceptual Framework*, New York, Colombia University Press
- Schepele, K.L. (1989) "The Ethics of Federalism: Essay on the Theory and Practice of Federalism"
- Seol, B.S. (2008) "A Critical Review of Approaches to Ethnicity", *International Area Review*, Vol. 11 No. 12, pp. 333-364.
- Seymour, M. (2007) "Secession as a Remedial Right", *Inquiry: An Interdisciplinary Journal of Philosophy*, pp.395-421
- Sives, A. (2008) "Dwelling Separately: The Federation of the West Indies and the Challenge of Insularity" in Kavalski, M. and Zolkos, M. (2008) (eds.) *Defunct Federalism: Critical Prospects on Federal Failure*, Ashgate Publishing Limited
- Skutnabb-Kangas, T. (2006) "Language policy and linguistic human rights", in: T. Ricento, (ed.) *An Introduction to language policy theory and method*, Oxford: Blackwell
- Smiley, D. V. (1987) *the Federal Condition in Canada*, Toronto: McGraw-Hill Ryerson Ltd
- Smith, A. (2000) *the Nation in History: Historiographical Debates about Ethnicity and Nationalism*, Cambridge: Polity Press
- Smith, D. (1986) *the Ethnic Origin of Nations*, Oxford: Blackwell
- Smith, D. (1991) *National Identity*, London: Penguin
- Smith, D. (2006) *Ethnicity and Nationalism*, London: Sage
- Snyder, J. (2000) "From Voting to Violence: Democratization and nationalist conflict", New York:
- Solomos, J. (1986) "Varieties of Marxist Conception of Race, Class and State: A Critical Analysis", in J. Rex and Mason, D. (eds.) *Theories of Race Ethnic Relations*, Cambridge: Cambridge University Press, pp.84-109
- Thaler, P. (2001) *The Ambivalence of Identity: The Austrian Experience of Nation Building in a Modern Society*, Purdue University Press, West Lafayette, Indiana
- Thompson, R. H. (1989) *Theories of ethnicity: A Critical Appraisal*, London: Greenwood Press
- Tsegaye, R. (2010) "Learning to Live With Conflict: Federalism as Tool of Conflict Management in Ethiopia- An Overview", *Mizan Law Review, Law Journal*, Vol. 4, No. 1, St. Mary's University College, Faculty of Law, Pp. 52-101

-
- Turton, D. (ed.) “Ethnic Federalism: The Ethiopian Experience in Comparative Perspective”, *East African Studies*, Ohio University Press, Athens, Addis Ababa University Press, Addis Ababa
- United Nations (2012b) *Charter of the United Nation*, available at:
<http://www.Un.org/en/documents/charter/Index.shtml>.
- United Nations, Economic and Social Council, Commission on Human Rights, internally displaced persons, Mr. Francis M. Deng, Report of the Representative of the Secretary- General, Submitted Pursuant to Commission on Human Rights resolution 1997/39, E/CN.4/1998/53, 11 February 1998
- United States Department of State (2012) “Ethiopia: Ethiopia 2012 Human Rights Report”, *Country Reports on Human Rights Practices for 2012*
- Universal Declaration of Human Rights, Adopted and proclaimed by General Assembly Resolution 217 A (III) of 10 December 1948.
- Walker, C. (1994) *Ethno Nationalism: The Quest for Understanding*, Princeton, NJ: Princeton University Press
- Walleign, M. (1969) “On the Question of Nationalities in Ethiopia”, *Struggle*, Vol. 2
- Watts, L. R. (1999) *Comparing Federal Systems*, Montreal, QC: McGill-Queen’s University Press
- Watts, L. R. (2008), *Comparing Federal Systems*, 3rd edition, London, McGill- Queen’s University Press
- Watts, R. L. (2001) *Federalism and diversity in Canada*, in Ghai, Y. (ed.) *Autonomy and Ethnicity: Negotiating Competing Claims in Multi-ethnic States*
- Watts, R. L. (1999) *The Theoretical and Practical Implications of Asymmetrical Federalism in Accommodating Diversity: Asymmetry in Federal States*, Montreal & Kingston: School of Policy Studies Queen’s University
- Watts, R. L. (2007) *Comparing Federal Systems*, Queen’s University Press, McGill
- Watts, R.L. (1996) *Comparing Federal Systems in the 1990s*, Kingston: Institute of Intergovernmental Relations, Queens University
- Watts, R.L. (1999) *Comparing Federal Systems*, 2nded, Montreal and Kingston: School of Policy Studies: Queens University

-
- Weber, M. (1948) “The Nation” in Wright-Mills, C. (ed.) *From Max Weber: Essays in Sociology*, London: Routledge and Kegan Paul
- Weingast, R. B. (1995) “The Economic Role of Political Institutions: Market Preserving Federalism and Economic Development”, *Journal of Law*, Vol. 11, No.1, pp. 5-8
- Weinstock, D. (1999) “Building Trust in Divided Society”, *Journal of Political Philosophy*, vol. 7, No. 3
- Wheare, K.C. (1946) *Federal governments*, London: Oxford University Press
- Yang, P. Q. (2000) *Issues and Approaches, Ethnic Studies*, New York, State University of New York Press
- Yared, L. (2011) “Secession under Federal and Subnational Constitutions: Navigating the Distance between Text and Structure”, in Yonas, B. (ed.) *Some Observations on Sub National Constitutions of Ethiopia, Ethiopian Constitutional Law Series* , Vol. 1v, School of Law, Addis Ababa University
- Yonatan (?) “Federalism and the Challenges of Accommodating Ethnic Diversity”, *Research Fellow Community Centre*, University of Western Cape
- Yonatan, F. (2009) “Ethnic Identity and Institutional Design: Choosing an Electoral System for Divided Societies”, *International Law Journal*, pp.324-338
- Yonatan, T. (2009) “A Tale of Two Federations: Comparing Language Rights in South Africa and Ethiopia”, *African Human Rights Law Journal*, pp. 501-523
- Young, M. C. (2004) “Revisiting Nationalism and Ethnicity in Africa”, *James S. Coleman Memorial Lecture Series*, UCLA International Institute,
- Young, M.C. (1986) “Nationalism, Ethnicity and Class in Africa: A Retroactive,” *Cahiers D’ Etudes Africaines*, Vol. 26, pp. 421- 495
- Zerubavel, E. (1996) “Social Memories: Steps to a Sociology of the Past”, *Qualitative Sociology*, Vol. 19, No. 3, pp.283-300
- እንቁመፅሐት(2006) ቅፅ 6 ቁጥር 116**