

**Prevention, Management and Transformation of
inter-ethnic conflict under FDRE:**

**A study on state constitutions as instruments of conflict
management**

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(Constitutional and public law).**

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Table of Content

Chapter One

Introduction

1.1 Background -----	5
1.2 Statement of the Problem-----	10
1.2.1 Hypothesis /the research questions -----	17
1.3 Objective of the Study-----	17
1.4 Relevance of the study-----	18
1.5 Methods of Data collection and analysis-----	19
1.6 Outline of the study -----	20

Chapter Two

Conflict in pre and post- federal Ethiopia and their management

Introduction

2.1 Conflict and Inter-ethnic conflict-----	22
2.1.1 Preliminary consideration-----	22
2.1.2 The nature and process of Inter-ethnic conflict-----	25
2.2 Causes and condition of inter-ethnic conflict-----	33
2.3 Stages of inter-ethnic conflict-----	34
2.4 Inter –ethnic conflict in Ethiopia-----	36
2.4.1 Inter-ethnic conflict in pre-federal structure of Ethiopia-----	38
2.4.2 Inter-ethnic conflict in post-federal structure of Ethiopia-----	50

Chapter Three

Federalism and inter-ethnic conflict Management in Ethiopia

Introduction

3.1 Federalism as an instrument of inter-ethnic conflict management-----	55
3.2 Inter-ethnic Conflicts and their management-----	60
3.2.1 Inter-ethnic conflict-----	61
3.2.2 Tensions between Regional Majorities and Settler Minorities-----	70
3.2.3 Inter-ethnic Conflict Defining Boundaries of Regional States-----	71
3.3 Inter-ethnic conflict Management-----	75
Conclusion-----	80

Chapter Four

State Constitution and inter-ethnic conflict management in Ethiopia

4.1 Introduction----- 81

4.2 State constitution in general----- 81

4.3 State constitution and inter-ethnic conflict management in Ethiopia----- 87

 4.3.1 Ethnic diversity at the Regional level in Ethiopia----- 87

 4.3.2 Constitutional mechanisms for the Management of
inter-ethnic conflict in Oromia----- 87

 4.3.3 Constitutional mechanisms for the Management of inter-ethnic
conflict in Southern Nations Nationalities and people regional states.- ----89

4.4 Conclusion----- 98

Chapter Five

Conclusion and Recommendation

5.1 Conclusion ----- 102

5.2 Recommendation-----109

References----- 110

Chapter One

1.Introduction

1.1 Background to the problem

The origin of ancient state of Ethiopia date to the 2nd century BC in the Axumite kingdom. The power of the kingdom was initially limited to a small region in the northern highland plateau of Tigrai. It then expanded extensively southward directions and covered large parts of the present day of northern Ethiopia and the red sea coastline. Under such circumstances, the existence of the kingdom depended on exacting tributes from the territories it controlled, as well as trade with most part of the Arabian Peninsula.¹

The modern state of Ethiopia was formed in the second half of the 19th century by wars of expansion and conquest.² Up to that time, the borders of the Abyssinian kingdom enclosed the northern plateau, Shoa in the south, Wollo in the east, the blend of the Blue Nile in the west and the highland region beyond the Mereb River in the north (that was to become the Italian colony of Eritrea)³.

Within the Abyssinian domain, they had assimilated most autochthonous groups, although pockets of Agew speakers remained.⁴

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1. John Markakis, Conflict in Prefederal Ethiopia, in first National conference on federalism, conflict and peace building, May 2004, Addis Ababa. P.11.
 2. See, Merera Gudina, Ethiopia: competing Ethnic Nationalism and the Quest for Democracy, 1960-2000 (Shaker Publishing: PHD. thesis, 2003): 1.
 3. See, John Markakis, 'Conflict in pre Federal Ethiopia', in First National Conference on Federalism, Conflict and Peace Building, (Addis Ababa: united printers plc. 2003): 11.
 4. Ibid.

The effects of the war of expansion and conquest, thus, had an impact not only on people and events of yesteryear but also on the way the present is understood and the future faced. More precisely, the wars that led to the creation of the modern multi-ethnic state of Ethiopia in the last quarter of the 19th century and the historical dynamics that defined its subsequent evolution resulted in national domination by one or two ethnic groups over the multitude of others, which in turn triggered inter-ethnic tension and conflicts.

Another factors that characterize the historical context of the modern multi-ethnic state of Ethiopia are the fact that Orthodox Christianity reigned supreme ⁵. It was introduced in the 4th century. Islam religion was preserved among a minority converted to this faith centuries earlier, and a form of Judaism survived among the Falasha people. Adherents of the last two faiths were barred from holding state office and owning land, and were socially shunned by the Christians. Amharic, the language of the major Abyssinian branch, was the official language. Therefore the historic Ethiopia was identified with Orthodox Christianity, speakers of Amharic language and culture. These were so despite the fact that the Ethiopian state constitutes heterogeneous political entities, language, religions and ways of life ⁶.

The spectacular expansion of Abyssinia in the second half the 19th century was launched from Shoa, the southern most principality of the kingdom ⁷. The expansion was masterminded by the provincial ruler of Shoa who became Emperor Menelik in 1889, and was completed by the time he died in 1913 ⁸.

5. Ibid

6. See, Bairu Tafla, 'Historical Back ground to the conflicts in Ethiopia and the prospect for peace,' in peter Woodward and Murray F.eds, conflict and peace in the Horn of Africa (Aldershot: Dartmouth, 1994): 3.

7. Jhon Markakis, supra note 3

8. Ibid.

The lands to the south, east and west that were conquered by Menelik today make up all but two of the nine regions of the Federal Republic of Ethiopia, and are home to about three fifths of its total population ⁹.

Ethiopia was and is a mosaic of ethnic groups and cultures. More than 80 ethnic groups have been officially identified. Confronted with the vast diversity of cultures in its domain, the imperial regime simply ignored reality and pretended the Ethiopian Empire state was Abyssinia writ large. In the early years, Ethiopian generals conducted mass conversion ceremonies ¹⁰.

The official myth presented Ethiopia as a purely Christian state. In a speech before the United State Congress, Haile Selassie described Ethiopia as an island of Christianity in a sea of Islam; this myth was widely accepted abroad and was propagated by the first generation of foreign scholars who studied Ethiopia. According to one of them, "monophysite Christianity alone represents most truly the essence and substance of Ethiopia and her people"¹¹. The identification of Abyssinian Christianity with the political and cultural life of the country is so complete that no numerical increase of Islam can touch the intrinsic nature of this phenomenon¹². Thus the study even the mention of ethnic, language and cultural diversity was a taboo subject in Ethiopia.

9. Ibid.

10. Ibid.

11. Ullendorff.E, *The Ethiopians*, London Oxford University Press, 1965:110

12. Ibid.113

This historical process of oppression continued up to the second half of the 20th century, until it became unbearable to the various ethnic groups in the country. Political and socio-cultural domination and the forced alienation of land from the indigenous peoples have provoked different forms of resistance by the subjected people¹³.

The revolutionary upheaval of 1974 ended the country's imperial regime. The revolution is meant to end national oppression as well. The new military regime, however, having assumed state power by usurping the leadership of the revolution from the popular forces, could not resolve the deep-rooted inter-ethnic conflicts via its top-down approach to regional autonomy. Instead, the military's Red Terror aggravated the ethnic cleavages among the country's population. The result was the decimation of the cream of one dynamic generation and a devastating civil war that led to Eritrea's separation from Ethiopia in 1991 and a host of other ethnic related problems in the rest of the country.¹⁴

Since the demise of the military regime in may 1991, there has been an attempt to democratize Ethiopia's multi-ethnic society with a predominantly ethnic-based federal government system and a multi-party democracy¹⁵. The 1995 FDRE Constitution institutionalized the federal system of governance in the country¹⁶. Federalism is a political legal instrument used to organize the state to promote unity in diversity or vis-ver-sa. It also serves as an instrument of conflict-management in multi-ethnic state like Ethiopia.

13. Merera Gudina, *supra* note2:

14. *Ibid.*

15. *Ibid.*

16. Article 1 of FDRE Constitution.

Following the institutionalization of the federal form of governance, there are nine regional states in Ethiopia¹⁷. Each state has their own constitution. Several articles of both the federal and state constitutions provide principles, procedures and institutions for the management of inter-ethnic conflicts. For example, state constitutions provide for the establishment of regional council, which plays an important role in the management of inter-ethnic conflicts. The regional councils have both explicit and implicit roles in conflict management, which include conflict prevention as well as conflict resolution¹⁸. At the highest level of generality, the councils are charged with establishing regional police forces and issuing directive essential to the maintenance of peace and order in the state. But there are other more specific roles. For example, the new Council of Nationalities in the SNNPRS is specifically charged to “strive to find solution to disputes or misunderstanding that may arise between administrative hierarchies”. The speaker of the Regional Council in Gambella is given a constitutional role in resolving conflicts concerning boundaries between administrative units¹⁹.

17. Proclamation No.7/1992, a proclamation to provide for the establishment of National/Regional self governments Negarit Gazeta 51st year No.2, Addis Ababa, 14th January 1982.

18. See, James H. plhemus, Ethiopias Emerging Regional councils: New players in conflict management in the first national conference on federalism conflict and peace building, united printer plc. Addis Ababa, 2004

19. Ibid.

Beyond the explicit conflict management roles are a series of implicit ones. The very make up of the regional councils themselves is sometimes designed to register the make up of the state in terms of nations, nationalities and peoples, thereby defusing a potential source of conflict. If the make –up is wrong, this can exacerbate the problem. To the extent that the executive branch engages in conflict-management activities, the councils have the rights and obligation of oversight ²⁰.

This is what has made imperative a need for a study of federalism and state constitutions as an instrument of inter ethnic conflict-management.

1.2. Statement of the problem

It is an accepted or rarely disputed fact that the ancient and modern Ethiopian state is constituted of heterogeneous political entities, languages, religions and ways of life. This is not a recent phenomenon, as some writers allege. Ancient Ethiopia had been a motley state throughout the last seven hundred or more years ²¹. Even the societies of Aksum and Lasta were by no means homogeneous. They were all brought together through the instrumentalities of force, and to a limited extent inheritance, at different times and under different circumstances. They also warred against each other intermittently so that on the surface Ethiopian history looks like a mere records of inter-ethnic conflicts ²². This happened because of a variety of recurrent factors and the lack of efforts on the part of those who had the responsibility for making a permanent solution.

20. Ibid.

21. Bairu Tafla, *supra* note 6:3

22. Ibid.

The wars displayed in the historical records were not all regional or national conflicts, although in some cases the overlap was so extensive that it is rather difficult to determine their categories with precision. We may distinguish; however at least four types of wars: wars of expansion, wars of defense or retribution, religious wars, and wars of dissatisfaction. Let us review each of them briefly to see whether we can relate them to any or all of the more recent inter-ethnic conflicts.

a) The war of expansion or war of pacification ²³.

Expansion was the classical method of state building in Ethiopia as also elsewhere in the world. The stone inscriptions of Adulis, Matara and Aksum boast of conquests of dozens of peoples who had their own political institutions. Some were even removed from their home region and resettled elsewhere²⁴. Most of these peoples were assimilated into the dominant society in the course of subsequent centuries. But the same process continued as the political center moved further south to the central highlands.

The boundaries of the ancient Ethiopian kingdom were elastic and expanded or contracted depending on the military talent of the leadership. This very fact required an intermittent war of expansion, particularly on the regions close to the political center. This was so for security and economic reasons. Hence a series of conquest launched between fourteenth and seventeenth centuries against Kushitic-speaking peoples of the Gibe region (e.g. Kafa, Konta, Janjero).²⁵

23. Ibid

24. Ibid.

25. Ibid.

The expansion came to a climax in the late nineteenth century when Menilek II brought under his control all the regions, which constitute southern Ethiopia today. This operation gave Ethiopia its present form and enlarged the magnitude of the problems Ethiopia had to tackle. Its political institutions were not as elaborate and effective as its military organization could, therefore, offer no better alternatives to the new peoples brought under its rule of administration. In addition to this, the expansion was atrociously bloody in some regions and the subsequent administration was oppressive and exploitative ²⁶. Some of the political movements of today point to the history of this expansion to explain their existence.

b) The wars of defense or retribution:

This could be documented from the fourth century, when Aksum ruined Moeroe, to the twentieth century, when Ethiopia had to fight against European colonialism. Nevertheless it had no significant impact on the present inter-ethnic conflict, suffice it to mention that very few internal contention have been linked to external invasions²⁷. Desertions and uncooperativeness were limited to individuals, as in the cases of Dejjazmatch Kasa Mertcha in 1867-68, Ras Wolde Mika'el in 1876, Negus Menilek in 1889 and Dejjazmatch Haile Selassie in 1936. The peoples usually laid their difference aside to resist foreign invasions, and this was particularly the case in the Egyptian Ethiopian war of 1875-76 and the Italo-Ethiopian wars of 1895-96 and 1935-36. In view of this age-old tradition and the absence of substantial evidence, the accusation that the present popular political movements are instrumental to foreign elements is hardly justifiable.

26. Merera Gudina, Supra note 2:

27. Ibid

c) Religious wars:

Religious bigotry was not a typical attribute of Ethiopian society and hence, we do not find records of extraordinary religious conflicts comparable to those found in Middle east and European history. The purge launched by Zar'a Ya'eqob (1434-67') against the followers of the indigenous religions, the conflicts between the follower of Orthodox and Catholic Church under Susenyos (1607-32), and the brief attempt of Yohannes IV (1872-89) to Christianized the Muslims of Wollo, is the major instance of "pure" religious war recorded in Ethiopian history ²⁸. But religion was also the undertone of the wars, which raged for centuries between the Christian and Muslim, whose primary motives were political domination and economic exploitation. The leaders on either side used religion to arouse feelings and rally the support of the peoples at the outbreak of the war but did not pursue a policy of religious suppression after victory. The exceptional case is that of Imam Ahmed Mohammed el-Ghazi ²⁹. However I know no contemporary political movement that has attempted to employ the instrumentality of religion to rally the support of the people. The allegation that some political fronts are organized on religious grounds is apparently based on numerical evidence for which other factors can equally well account.

d) Civil wars:

Finally, we have a series of wars in Ethiopian history, which are collectively referred to by various writers as civil wars, internecine war, tribal war, ethno-religious conflicts, etc. They greatly varied in motives, frequency, degree of intensity and persistence. The response of the central government also varied accordingly depending on the strength and prudence of the rulers. Among the outstanding causes were successions to the throne, rancor of offended individual notables, rivalry of political aspirants, and popular reaction to oppression ³⁰. The last point should fix our attention as it contains components most relevant to the question under consideration.

28. Bairu Tafla, *supra* note 6:5

29. *Ibid.*

30. *Ibid.*

The Ethiopian political system had been traditionally autocratic. The kernel of the system was the person of the sovereign the nature of whose powers is described by many a writer as extensive and unlimited. Thus the political tradition concentrated on personality cult and failed to develop permanent political and judicial institutions to which the peoples could orient themselves. The institution of judicial administration was indeed one of the oldest components of Ethiopian culture, but it was rendered subservient to the political organ in the course of time. The head of state, the chief executive, the commander-in-chief of the military and the chief justice was one and the same person, and his provincial governors were nothing but miniatures of their master. Therefore in the absence of political and judicial institutions through which the people's complaint could be voiced,³¹ uprisings were usually the means employed to express their discontent.

In the same way that the Ethiopian political tradition is bestowed power and authority up on a single personality, so it tended to favor centralism. It failed to recognize the significance of regional or local government as part of serviceable political system.

The rulers usually confused administrative plurality with disintegration and anarchy. The aversion to it became stronger after the eighteenth century when secession menaced the Empire. By refusing to pay tribute to the king of kings and by defeating the imperial army, Shoa became the first autonomous region to secede around 1730 and could not fully be reintegrated until 1889. Then followed the chaotic period known as the Era of the princes (1769-1855) when the power of the monarchy waned to its lowest ebb and the provincial lords warred against one another³².

31. In critical situations, the people could make use of direct appeal to the common sense of the head of state, but the effectiveness of this possibility was limited of geographical distances and intrigues of the ruling cliques.

32. Bairu Tafla, *supra* note 6:6

In modern times almost all the rulers favored centralism. Tewodros II preferred external candidates to local ones for gubernatorial offices, though he turned to the latter at the critical moments; Menilek II respected local governments in the early years of his reign, but he attempted latter to undermine regional autonomy. Haile Selassie I. systematically removed all traditional regional or local prerogatives and perfected centralism. In fact, he removed most of the traditional territorial boundaries and clustered different political units into arbitrary province ³³. In short, he equated unity with uniformity. His Prime Minister, Aklilu Habte-wold, lauded him on various public occasions as the initiator of "rule through proxy" verses the "hereditary system of local government. But this innovation was devoid of efficiency, equity and distribution of wealth, and hence it caused everywhere intense dissatisfaction in the comprehensive sense of the term: unhappiness caused by the failure of one's hopes, desires, or expectations. The loss of hope is perhaps the most important elements in the outbreak of the political commotion in Ethiopia. None of the movements took arms before trying to solve the problems through peaceful means. For example, the Eritreans accepted the compromise settlement of their political future in 1952 with the hope that they might continue to enjoy at least the few democratic rights they had, although the imperial government violated the federal constitution from the very beginning. Protest became loud only when the systematic dismantling of the federal structure was well advanced and hostilities broke out openly after the constitution was totally revoked. Similarly, the numerous protests of the intellectuals and students of the 1960's and early 70's were based on the hope that reforms could be brought about without bloodshed. The hopes and expectations of the same people were dashed not only by the adamant attitude of the imperial government, but also by the military government, which they supported in its seizure of power ³⁴.

33. Ibid.

34. Ibid.

Thus, the existing conflicts in general and interethnic conflicts in particular in Ethiopia are evidently the results of historical problems, which were never dealt with effectively. While the Ethiopian political organ succeeded in bringing about a large state, it failed to develop a mechanism by which that state could be maintained permanently. It relied entirely on its military power to rule the people. Its administrative politics have been crude and harsh, and the rule of law has been practically neglected. Armed uprising became, as a matter of course, the popular reactions to these invariable problems. In the course of time, a huge gap appeared which had repercussions on internal relations: namely, a mutual lack of confidence. From the view point of the people, both the old regime and the one that replaced it were total failures which could not be tolerated in any way. Conversely, from the point of view of these two regimes, all political movements were sinister instruments of foreign elements designed to disintegrate the country. This crisis of trust can by no means be solved easily. A change of attitude on the part of all groups concerned is a prerequisite for peace in Ethiopia.

If, and when, circumstances allow negotiation of all parties at the round table (and this is the most trustworthy course to peace), federalism or to be precise, the equitable distribution of political power may be worth considering as a permanent solution for the troubled region. However plausible this may sound it is by no means without difficulty. Federalism has had an unfortunate history in the region and is regarded in some quarters as repulsive. The Eritrea-Ethiopian Federation which set an ominous precedent, had two inherent problems: it was imposed from outside and was tolerated by both Eritrea and Ethiopia. The basis is that 'half a loaf is better than nothing'. It was also a marriage between two incompatible beings the giant and the dwarf, the strong and the weak, the rich and the poor, the autocratic and the democratic. This mistake must by all means be avoided in the future. If we accept the fact that federation by definition necessarily implies equality of the involved entities, then it would be important to make a clear distinction between Ethiopia and its modern components. This requires recognition of historical realities, which may be difficult for some. It is a fact that there is no core to be identified as Ethiopia. Ethiopia is a political superstructure embracing a number of political entities brought together in the course of a long history.

It is this entity that will constitute the membership of a federation and Ethiopia if you like, but not the fabric that one attempts to create on the basis of political expediency.

Thus it should be noted that the guarantee for permanent peace and stability even under a federal system lies in decisions based on the explicit will of the people.

In light of this historical realities, the study attempts to find out whether the present federal system of state structure in general and the state constitutions in particular has provided a mechanism through which inter-ethnic conflicts can effectively be addressed, managed and transformed so that the recurrence of inter-ethnic conflicts is minimized. To be precise the constitution of Oromia and SNNP regional state have been selected for further study.

1.2.1 Hypothesis / the research questions

The study has been guided by the following sets of key research questions:

1. What is the nature and level or phases of conflict of any sort in general and inter-ethnic conflict in particular?
2. What are the historic processes that have led to the rise of inter-ethnic tensions and conflicts in Ethiopia? Why did the response of the successive regimes fail to resolve inter-ethnic contradictions to date? Or what are the pitfalls of past attempts at resolving ethnic conflicts?
3. To what extent have the present government's policy initiatives such as constitutional engineering, the predominantly ethnic-based federal state structure model addressed the problem of inter-ethnic conflict prevention, management and transformation with a view to bring about sustainable peace and development?
4. What is the role of different constitutional institution in preventing, managing and transformation inter-ethnic tensions and conflicts?

The above key questions help us to identify the pitfalls of past attempts at resolving ethnically motivated conflicts in Ethiopia and how the present federal state structure and state constitutions addresses the problem of inter-ethnic conflict-management. For the purpose of the study Oromia and SNNPRS have been selected to show how the state constitutions can serve as an instrument of conflict management.

1.3. Objective of the study

The objective of this study is to investigate the dynamic and systematic nature of inter-ethnic conflicts in Ethiopia both historically and in their contemporary forms and how the federal system and state constitutions serve as an instrument of inter-ethnic conflicts prevention, management and transformation with a view to bring about sustainable peace, security and developments. As such the main objectives are:-

1. We need insight into the genesis, the nature, dynamics and phases or levels of conflicts in general and inter-ethnic conflict in particular to gain a holistic understanding of the process as events unfold.
2. The second objective is to identify the pitfalls in the attempts to efficiently and effectively manage inter-ethnic conflicts in Ethiopia historically.
3. We need to explore to what extent the divergent interests of all nation, nationality and people of Ethiopia is addressed through the new federal arrangements and the implication for an age old inter ethnic conflicts.
4. We need to see how the federal system on one hand and state constitutions on the other serve as an instruments of inter-ethnic conflict-management and what is the role of different institutions both at federal and state level to that effects.
5. A last objective is to make a contribution to the expanding frontiers of knowledge on inter-ethnic conflicts and the constitutional principles, procedures and institutions provided for peaceful resolution of conflicts in a multi-ethnic societies like Ethiopia.

1.4 Relevance of the study

As the result of the failure of the “nation-building” project of the imperial and military regime, the Ethiopian state and society have been undergoing a multi-dimensional crisis, which includes major armed struggles and occasional uprising. During the imperial regime armed conflicts occurred in Eritrea, Bale, Ogaden and Gojjam.

Save for the land reform of 1975, the military regime, which assumed power at the head of a popular revolution in 1974, followed the same political trajectory of 'national-building' in many major respects with the same outcomes. More precisely, using socialism as a passport to power, it initiated a regional autonomy' approach by introducing some cosmetic changes in the direction of decentralizing Ethiopian state while its top-down and authoritarian nature remained. Badly enough, the end result was the precipitation of further crisis that ended in the most devastating civil war the country had ever known.

A new national constitution that recognizes ethnic groups rights to self-determination including secession and which instituted a federal form of government has been adopted. Federalism by itself serves as instruments of inter ethnic conflict-management. Besides, following the federal system, all the regional states have adopted their own constitutions. Both the federal and state constitution provides principles, procedure and institutions by which the inter-ethnic conflicts can effectively be managed and transformed.

Hence, the relevance of this study lie in making a contribution both theoretically and practically to the understanding of the nature, dynamic, levels and causes of inter-ethnic conflict in Ethiopia which have been at the core of the country's crisis for years and investigate whether the federal state structure and state constitutions serve as an instrument of inter-ethnic conflict-management. This means, at a more general level, an attempt to contribute to the understanding of the dynamic and systematic nature of inter-ethnic conflicts and the decentralization of power through federalism have been dealt with. At a specific level, it seeks to identify whether the state constitution serve as an instrument of inter-ethnic conflict management of Ethiopian's multi-lingual and multi-cultural society. In other words, the pitfall of the successive Ethiopian government policies and strategies of accommodation of various interests will be identified. The present federalism and its implication for state constitutions and inter-ethnic conflict management will also be analyzed. In this way, I hope the study will contribute to the understanding of our age-old ethnic problems and the prospects for sustainable peace and development in the country.

1.5 Methods of data collection and analysis

The study makes use of multi-method data collection techniques for the various chapters. The literature survey for the theoretical chapters was mainly based on secondary sources. The data for the rest of the chapters are federal and state constitutions, proclamations, regulations and directives. Besides, key informants in selected regions of the country were asked to share their knowledge regarding the various aspects of inter-ethnic conflicts and their management both on theoretical and practical levels through interviews. All along personal observations have been made.

For the theoretical and historical setting the genesis and the dynamics of inter-ethnic conflicts and their management in Ethiopia (chapter 2), available archival materials at AAU, Law Faculty and other important centers were used. Thus, the methods of data collection include secondary sources, structured and unstructured interviews with key informants, personal observation, and research of written primary data (government and non-government reports, political statements, programmers and occasional publication of political parties). The key informants are selected for their specific knowledge of the information needed for the study. Careful use was made of interviews and personal observations because of the diverse ethnic and professional background of the informants.

1.6 Outline of the study

The study is divided into five chapters. The first chapter is devoted to an introduction.

The second chapter takes up the theoretical and historical setting of conflict and inter-ethnic conflict within the context of Ethiopia.

Ethiopia has embarked on federal form of government since 1991, from her long and historically unitary form of government. Federalism is a system by which a country is organized and/or reorganized politically. Some writers think and strongly argue that federalism serves as an instrument of inter-ethnic conflict-management and others cast their doubt as to the instrumentality of federalism for inter-ethnic conflict management.

Chapter three deals with a host of issues of federalism and inter-ethnic conflict-management, federalism and its implication for state constitution.

Chapter four takes up the central issues of the study: state constitutions as an instrument of conflict-management. In a federal state structure it is an inherent elements that power is divided between the central/federal and states or regions one area of states/region's competence is to adopt their own constitution taking into account their specific and local interests.

Both the federal and state constitutions provide principles, procedures and institutions, which is relevant in the area of inter-ethnic conflict-management. At federal level, the House of federation, House of Peoples Representative, the executive/Ministry of Federal Affairs/, federal police and defense force play an important role in preventing, managing and transforming inter-ethnic conflicts. And so are the regional councils and House of nationality in the case of SNNPRS and police. Their role in preventing, managing and transforming inter-ethnic conflict vary depending on the level or phases of the conflicts. Hence these and related area of concern have been dealt with.

Finally, the study make a summary of the findings and recommendation so that interested organ make use of it or point to the need for further research.

Chapter Two

Conflicts in pre and post-federal Ethiopia and their management

Introduction

Violent conflicts are among the most severe challenges confronting contemporary world in general and Africa in particular. Several countries in Africa are going through various kinds of internal conflicts while others have just emerged from those conflicts. The greater Horn of Africa is also suffering from on-going conflicts and tensions. The methods to deal with conflicts range from preventive measures to stopping active wars in order to protect and strengthen peace and avert violence.

Each conflict within a state has devastating effects on its population and economic resources. Among these are systematic and widespread violations of Human rights, diversion of democracy, politicization of ethnicity and race, discrimination of groups within the society and foreign interference linked to exploitation of natural resources and arms trade.

Ethiopia, belonging to the wider Horn of Africa, has a relatively large geographic and demographic coverage of various nations and nationalities. With a multitude of ethnicities-more than 80 ethno-linguistic groups with their own culture and tradition living together in various parts of the country, the occurrence of conflicts in general and inter-ethnic conflict in particular is a very likely phenomenon.

The consequences of these conflicts have been devastating. Not only have they resulted in the loss of life and destruction of physical property with detrimental implications for growth and development, but also have threatened the very existence of Ethiopian state.

In this chapter therefore an attempt will be made to explore conflicts in general and interethnic conflicts in particular within the context of Ethiopia. This will be done in historical perspective. Further, the causes and condition of conflicts will be dealt with.

2.1 Conflict and Inter-ethnic conflict

2.1.1 Preliminary considerations

Conflict is a dynamic phenomenon characterized by phases of initiation, escalation, controlled maintenance, and management, perhaps leading to some kind of termination reflective of settlement, resolution or transformation³⁵. Put in other words, conflict is a situation in which at least two parties, or their representatives, try to pursue their perceptions of mutually incompatible goals by undermining directly or indirectly, each other's goal-seeking capability³⁶. A conflict in this sense is not a bad thing, indeed, it may be an early warning sign that something has gone wrong in an otherwise important relationship that needs to be addressed before it gets worse. Rather it is a motivating factor for change and development. The bad aspect or phases of conflict is when it escalates to a violent level. A violent conflict is a situation in which at least two parties, or their representative, attempt to pursue their perception of mutually incompatible goals by physically damaging or destroying the property and high-value symbols of one another (e.g. religious shrines, national monuments) and/or psychologically or physically injuring, destroying, or otherwise forcibly eliminating one another³⁷.

35. See Sandole, (1993), 'paradigms, The Ories and Metaphors in conflict and conflict resolution: coherence or confusion? In Sandole and H.vander Merwe/eds), conflict resolution Theory and practice: Integration and application, Manchester University Press, Manchester (England) and St.Martin's Press, New York.p.6

36. Ibid

37. Ibid.p.7

Inter-ethnic conflict involves 'social, political and economic conflict between groups of people who identify each other in ethnic terms: colour, race, religion, language, and national origin.'³⁸ Inter-ethnic conflict does not necessarily imply and is not confined to war situations. The term covers a wide range of situations.³⁹ It involves a wide range of events from articulation of discontent, protest, mobilization, confrontation, sporadic or sustained violence, and civil war or insurrection in which ethnicity plays a significant factor.⁴⁰ It can also take the form of denial of linguistic or cultural rights as a result of state policy, whether deliberate or not.⁴¹

38. R Stavenhagen as note 15 above 17

39. As above.

40. Z K Smith (2000) 'the impact of political liberalization and democratization on ethnic conflict in Africa: An empirical test of common assumptions'³⁸ *Journal of Modern African Studies* 22.

⁴¹ Such are, for example, dealt with under Art.27 of the ICCPR.

Various types of ethnic conflicts could be identified. Of particular interest for this study are the two types of conflicts identified by Rodolfo Stavenhagen. The first type of inter-ethnic conflict is communal or tribal, which is essentially inter/intra ethnic conflict. Here, writes Stavenhagen, 'the conflict occurs between two relatively self-contained communities within the wider society, communities which identify themselves and each other in ethnic terms.'⁴² The state is involved, if at all, only as a keeper of the peace. The other type is what may be called state centered inter-ethnic conflict. This is the case where the state is itself a part of the conflict. It happens where the state is strongly identified with a dominant or majority ethnic group. In such a situation 'inter-ethnic conflict involves an ethnic minority or an oppressed ethnic majority, then the ensuing conflict may take place between the group and the state itself.'⁴³ In Ethiopia inter-ethnic conflict invariably takes the second form. Often the state is processor and primary allocator of societal values and resources that are the object of inter-group competition, and itself becomes a participant in the struggle.⁴⁴

2.1.2 The nature and process of inter-ethnic conflict

Inter-ethnic conflicts generally involve a clash of interests or a struggle over rights: to land, to education, to the use of language, to political representation, to freedom of religion, to the preservation of ethnic identity, to autonomy or self-determination, and so forth.⁴⁵

42. Stavenhagen as note 15 above 19.

43. As above

44. O C Okafor Re-defining legitimate statehood: International law and state fragmentation in Africa (2002) 95.

45. Stavenhagen as note 15 above 20.

Contrary to the flawed view of some writers⁴⁶, ethnicity is not so much a result of deeply ingrained primordial sentiments; remnant of some ancient past. Ethnicity has acquired significant prominence as a powerful political phenomenon through an evolutionary process of construction and deconstruction.⁴⁷ Thus viewed; ethnicity is to a large extent a relatively recent phenomenon. It is primarily since the advent of colonialism that it increasingly manifested particular social and political presence. There is therefore a trend among most students and politics to locate the origin of ethnicity in the colonial period.⁴⁸ Jean-Francois Bayart emphasized that 'the precipitation of ethnic identities becomes incomprehensible if it is divorced from colonial rule.'⁴⁹ What this particularly suggests is, however, that colonial rule has artificially catalysed the drawing up of ethnic cleavages.⁵⁰ How did colonial rule affect ethnicity?

46. As Osaghe observed the trend of western scholars has been 'to treat ethnicity as an endemic 'African problem', the legacy of a backward past and the manifestation of a continued backwardness'. E H Osaghe 'Ethnicity in Africa or African ethnicity: The search for a contextual understanding' in UIF Himmelstrand et al. (eds.) African erspectives on development (1994) 141.

47. This process involves the perception and subsequent consciousness of group distinctness and the portrayal by outsiders of such, usually on the basis of what Andrea Astings called 'observable characters' as note 28 above.

48. Osaghae as note 43 above 141.

49. J Bayart (1993) *The state in Africa: The politics of the belly* 51.

50. Okafor as note 41 above 98.

Colonial powers settled their rivalry for territorial conquest in Africa, for example, by partitioning the continent among themselves in the infamous Berlin Conference of 1885.⁵¹ This was achieved by carving up new boundaries that provided a fixed and definite territorial component to political authority.⁵² The boundaries thus drawn do not have parallel to the cultural preferences and ethnic configuration of African societies.⁵³ The impact of this on the socio-political evolution of Africa transcended well beyond the colonial times into the times of independence and after.⁵⁴

This new political system forced the reorganization of pre-colonial African societies. It agglomerated numerous, distinct and unequal socio-cultural groups within one political pot. There resulted an increase in the interactions among these diverse groups 'as the relative mutual isolation of pre-colonial times decline.'⁵⁵

51. See Okafor as above 26-28.

52. This new arrangement contrasted the pre-colonial political organization of African societies where 'boundaries were more fluid and permeable than a static notion of a primordial ethnicity might suggest' to Welsh 'Ethnicity in sub-Saharan Africa'⁷² International Affairs (1996). 481.

53. In the Libya V. Chad case judge Ajibola noted that 'the colonial penchant for geometric lines led to the creation of an Africa where many state frontiers were many state frontiers were delineated with little thought for geography, ethnicity, economic convenience or communication. Separate opinion of Judge Ajibola Case Concerning the Territorial Dispute (Libya V. Chad) I.C.J Rep. (1994) 6,52-53.

54. 'The colonial era...was a very short period in Africa's longest development. But it was a time of profound upheaval and irreversible change for all of Africa's peoples. Nothing would be the same again' B Davidson Modern Africa: A social and political history as quoted in Okafor as note 41 above 30.

55. See Welsh as note 49 above 481.

This brought about ethnic self-consciousness into the fore and set the stage for ethnic rivalry.⁵⁶ The result was a 'more pronounced cleavages between groups which have given rise to lasting patterns of tension in post colonial times.'⁵⁷

An important feature of the colonial administrative system was 'its ambivalent centralized, military and homogenizing character.'⁵⁸ The centralization and homogenization tendency of the colonial state involved the crushing of African systems and diverse peoples. Writing about Nigeria Oke Chukwu Oko has made the following observation.

The creation of a nation state and the attendant modernization transformed the society from homogeneous and autonomous, bound by shared cultural values, to a highly fragmented society in which citizens were forced to re-adjust to an alien order... The re-adjustment proved especially traumatic as powerless inhabitants painfully watched the colonialists discard, discredit, and at times, desecrate traditional institutions and customs that preserved order in the society.⁵⁹

56. (W)ith the placement of communities with antagonistic histories within the same territorial unit...the stage was set for the suppression of many ethnic nations, the eruption of genocide, and inter-tribal conflict. Li-ann Thio 'Battling balkanization: Regional approaches toward minority protection beyond Europe' 43 Harvard Law Journal (2002) 446.

57. D Rothchild 'Reconfiguring state-ethnic relations in Africa: Liberalization and the search for new routines of interaction' in P Lewis (eds.) Africa: Dilemmas of development and change (1998) 215.

58. Okafor as note 41 above 31.

59. 'Partition or perish: Restoring social equilibrium in Nigeria through reconfiguration' 9 Indiana International and Comparative Law (1998) 317.

The uneven distribution of the goods of modernization process that accompanied the introduction of the nation state system also affected ethno-genesis in Africa and elsewhere. Coastal zones and people living in those areas were exposed 'to greater administrative intensity, more commercial activity, and a more active missionary and education presence⁶⁰ than peoples in the hinterland.

The uneven exposure to modernization further intensified the process of ethnic self-consciousness which involved 'tension between ethno-regions that were advantaged by close contact with western education, infrastructural improvement, and agricultural and industrial development and those in the hinterland that remained neglected.'⁶¹ This resulted in unequal access to, and control over, economic and political resources among the groups, a factor which in most cases heighten inter-ethnic conflict.⁶²

Ethiopia, as a country that was never colonized, presents an exception, albeit not so much in substance. As such inter-ethnic conflict in Ethiopia is rather a result of the historic union of the state with a dominant culture and the resultant subordination of other cultures. Apart from this, the following part applies to Ethiopia to a large extent.

The end of the colonial period did not serve the continuity of the forces that initiated ethnic self-consciousness and engendered the incidence of inter-ethnic conflict. Having inherited a deeply divided state in urgent need of sustained socio-economic development, the leaders of the post colonial African state set as their mission the construction of a cohesive nation state. Thus, the first thing that they did was to settle the issue of colonial borders. Alarmed by the peril inherent in the arbitrarily drawn up borders, the leaders opted for affirming the status quo ante at independence.⁶³

60. Welsh as note 49 above 479.

61. See Rothchild as note 74 above 215.

62. See Osaghae as note 63 above 144.

63. A resolution of the Assembly of head of states and Governments of the Organization of African Unity sanctified the colonial borders by legitimizing in law. See Organization of African Unity Resolution on Border Disputes, 1964.

Uniting into one nation of the diverse ethnic communities within the newly sanctified colonial borders became the next top agenda in the construction of the post-colonial African state.⁶⁴ What this acquired was the active strategy of 'nation-building' which in the wake of independence was pursued religiously.⁶⁵

The nation-building project was meant to facilitate homogenization of intra-state diversity by supplanting the individual's ethnic ties, usually through repression. It assumed that ethnic affiliation is an ailment that stood on the way of the nation building process.⁶⁶ Thus, in affirming the oneness and indivisibility of the state, the nation building process was sought to stamp out socio-cultural differences.⁶⁷ For that, while some took an abolitionist path others attempted to supplant the differences by forging artificial cross cutting identities.⁶⁸

The endeavors of homogenizing the state had an inherent tendency to foster the co-option of the institutional apparatuses of the state by one or more dominant groups to the relative exclusion of others.⁶⁹

64. See S K B Asante 'Nation building and human rights in emergent African nations' 2 *Cronell International Law Journal* (1969) 83-84.

65. As Welsh put it "in the heydays of independence, began in Ghana in 1957 and accelerating in the 1960s and beyond, 'nation building' was assumed to be the priority of all the newly emerging (African) states." As note 69 above 477.

66. Historically diverse nationhood has been perceived as divisive. Thus, 'the intense fragmentation (ethnic diversity) of the new (African) states was seen as quite negative, extremely divisive, and intolerably centrifugal'. Okafor as note 61 above 101.

67. FRELIMO, the Mozambiquan ruling party, in the 1970s solemnly pledged 'to kill the tribe to build the nation' M.Cheg 'Remembering Africa' 71 *Foreign Affairs* (1992) 146.

68. See Wunsch as note 30 above 36.

69. See Okafor as note 41 above 102.

And when one or two groups are found in control of the state apparatus, the repression of other groups take the 'form of state sanctioned imposition of cultural or political motives of one or more groups on the rest of the population'⁷⁰. This has been a dominant feature of the conflicts in such countries as Liberia⁷¹, Sudan⁷², Burundi and Rwanda.⁷³

The institutionalization of unitary functional and institutional systems has also been instrumental to the coercive nation-building project of the post-colonial state. Many African states have, therefore, adopted the use of European languages as their national language. In a similar vein, they have also retained the colonial legal system and institutions.⁷⁴ The centralized political administration of the post colonial state also targeted all avenues that might encourage ethnic loyalty and reduce the level of control exercised by the center over groups and provinces within the state.⁷⁵

70. As above.

71. The domination by American-Liberians of the government and the concomitant exclusion of indigenous Liberians to a large extent explains the conflict in Liberia.

72. The civil War in the Sudan resulted from the policy pursued by successive governments to Arabize and Islamize the largely Christian and animist South. See generally A An-Na'im 'Constitutionalism and Islamisation in the Sudan' 99 Third World Legal Studies (1988).

73. According to Crawford Young 'Rwanda is unambiguously associated with Hutu domination, as Burundi is with Tutsi.' Quoted in G. Silassie as note 16 above at 48,10.

74. This undermined the use of national languages and African cultural and legal institutions. See G.silassie as mote 16 above 19.

75. According to Crawford Young the adoption not only of "unitary doctrine of the 'one nation, one people, one party, one leader variey' but also 'monopolistic formulations of governance, whether through single parties, military rule or combination of the two" has been the order of the day. C Young 'Ethnicity and the colonial and post colonial state in Africa' in P Brass (eds.) Ethnic groups and the state (1985) 84.

Consequently, with rare exceptions, African leaders eschewed, 'federation, minority rights and other techniques that sought to place limits on the powers of the ruling party.'⁷⁶ Such rights as freedom of speech and association as used by groups to advance their particular interests have been routinely discarded.⁷⁷

This trend continued for 30 years until the unceremonious end of the bipolar era of the cold war at the end of the 1980s. Beginning from 1989 a new wave of change blew over Africa.⁷⁸ This had two components. On the one hand it involved the fall of authoritarian regimes⁷⁹ and the increase in the voices of suppressed groups. On the other hand, it forced the shift by the state towards democracy as manifested through widespread constitutional making, adoption of new electoral systems and multiparty and liberalization.⁸⁰

Despite the hangover of the past, the resultant tendency in some places to heed to Africa's diversity aroused expectations. As Rothchild put it:

With political liberalization gaining momentum and, in certain quarters at least, ethnicity gaining a grudging acceptability, the 1990s has come to represent an opportune time to explore the possibility of a new national consensus on reconfiguring state-society relations.⁸¹

76. Welsh as note 49 above 483. This led to struggles for regional power, local autonomy and for decentralization, which in some cases escalated into violent conflicts. Okafor as note 61 above 103.

77. See Asante as note 61 above 86.

78. See L Diamond 'Africa: The second wind of change' in Lewis as note 74 above (1998) 263-272.

79. See S Decalo 'The process, prospect and constraints of democratization in Africa' 91 African Affairs (1992) 7.

80. Diamond as note 95 above.

81. As note 54 above 222.

2.2. Causes and conditions of inter-ethnic conflict

Conflicts might have multifarious causes. Consequently, one cannot be exhaustive and comprehensive in his/her list of causes of conflicts at any given time in any given society. Some studies have shown that the principal causes of conflict include:

- a) Unfair distribution of political, social, economic opportunities⁸². Here poverty, inter-group inequality (disparity between the rich and the poor, or exclusivist elite group having access to socio-economic resources), unsustainable economic development, etc can be mentioned as examples.
- b) Illegitimate and ineffective governance⁸³. Legitimacy deficit of government and of public institutions, insufficient or declining public services, criminality, social and political violence, biased application of law and enforcement of security services, etc might lead to a brittle peace situation in society.
- c) Absence of mechanisms for the peaceful conciliation of group interests and for bridging dividing lines between different identity groups⁸⁴. Lack of peace culture, strong and effective peace institutions, or predictable mechanisms of dispute settlement fosters a sense of insecurity and beckons groups to gravitate to a non-peaceful mechanism of pursuing their aspirations. Absence of diversified debates and distrust among diverse identity groups also has a contribution to emergence of conflicts.

82. Tsegaye Regassa: (2005), conflict Management, some methods and strategies (A discussion paper prepared for training sessions organized by prison fellowship Ethiopia, Jimma (unpublished materials)

83. Ibid

84. Ibid

- d) Lack of effective implementation of good governance and enforcement of human rights can also be taken as one category of causes of conflict⁸⁵. Absence of transparency of government activities and accountability of public officials and their offices create a sense of distrust on public institutions. Precariousness of the enforcement of one's constitutionally entrenched right creates a sense of frustration (and of insecurity) so much so that parties concerned might resort to violence.
- e) Environmental degradation and consequent competition for resources⁸⁶ has the potential to ignite, escalate, or aggravate conflicts in some places.

2.3. Stages of Inter-ethnic conflict

In the preceding pages, we have underscored the fact that conflict is a process, not an event. We have stressed the fact that it is dynamic, not static. Its dynamicity informs us, albeit only tacitly, that it has stages or levels of intensity. Different conflict experts (e.g. Patz 2004; Hoehl 2004) identify various stages in the making of a conflict. These stages can be roughly categorized into five, namely:

- a) **"Pre-conflict" level⁸⁷**: is the level of the emergence of friction. This is a level at which parties discover the discord and develop a sense of competition with or resentment to each other. This is a time at which the discord is handled silently probably each thinking that they are not going to let the other party to outsmart it. A lot of calculation and scheming goes on. It is a pre-confrontation, or a pre-crisis stage.

85. Ibid

86. Ibid

87. Ibid

- b) **The Level of Confrontation:** is a stage of escalation of discord⁸⁸. At this level, parties begin to experience heightened sense of betrayal by one another. Parties often exchange warnings and threats of use of force. The confrontation might not be explicit; it is there nonetheless. Signs of preparation for a violent encounter start to show up in both camps. Sense of being agitated prevails. Mostly, it is at this stage that polarization, antagonization and mutual “demonization” starts. Time for mediators and conciliators to arrange for negotiation between parties. If negotiation is successfully handled, then violence may be avoided. If not, we move on to the third stage in the build up of conflicts.
- c) **The Level of Crisis:** is a stage of overt (i.e., open) conflict often expressed in terms of crude violence⁸⁹ (e.g. war). Devastation might occur. Harm may be perpetrated. Tragedy might strike. Time for peacemakers to rush up and down to see how violence can be desisted from, or cease-fire can be secured. Successful work at this stage might shorten the length of violence and minimize harm.
- d) **The Level of De-escalation:** At this stage, parties take a step aback and weigh the outcomes of the violence⁹⁰. They consider the costs, reckon their losses, and speculate about the expected compensation to be claimed from the adversary. From the perspective of peace processors, this stage also coincides with the peacekeeping stage. This is the stage at which parties consider repatriation of war prisoners, exchange of victims, return of looted properties, or adjudication of unfair “players” in the violence. It is a stage of depolarization and normalization. At this stage, it is necessary for the parties to be careful about choice of words in the portrayal of one another. Emotions begin to subside. Sense of being the belligerent declines. Sense of being agitated decreases. Use of more neutral languages is advised at this stage. A readiness to compromise facilitates transition to the next stage.

88. Ibid

89. Ibid

90. Ibid

- e) **The “post-conflict” level:** This stage is the stage of consolidation of peace so that future outbreak of violence is prevented⁹¹. At this stage, arrangements are made for preventing re-emergence of violent conflict. Here is a stage at which building of peace culture must be intensified so that those who have won the war might not lose the peace or so that we will not fall into the trap of a vicious cycle of violence. Here parties identify, coordinate and arrange their common interests, worries and concerns harmoniously and establish predictable procedures for practical orchestration. Parties try to forge a new level, or a new order, of relationship.

2.4 Inter-ethnic conflict in Ethiopia.

Over the past years, several conflicts have occurred in Ethiopia that repeatedly makes big headlines. Conflicts in Ethiopia-as in other countries-only come to the surface and become violent when the mechanisms to resolve disputed problems fail. In these cases, much time and energy had to be spent to overcome the resulting crisis.

The history of the exercise of power in Ethiopia, the way inter-ethnic relations and other culturally rooted features of society are only some of the factors that have contributed these conflicts⁹².

Conflict as such is a natural phenomenon that occurs in all societies irrespective of social setting. It ensues when the relationship between different parties who have-or think they have-an incompatible goal becomes strained to the point of open conflict. Unless they escalate into the violent stage, conflicts can be considered as a common and even necessary part of a vital society; in fact they have often been referred to as the motor of development and social change. It depends on their handling whether conflicts are the fuel for a useful machine or the fuel that sets the house on fire.

91. Ibid

92. Teshome Mekonen (2005) conflict in pre- and post federal Ethiopia (unpublished Material)

In other words, conflicts offer opportunities for development if they are acknowledged and dealt with in a constructive non-violent way. Addressing conflicts constructively means not only to prevent potential destruction but also to find creative answers to overcome social deadlocks. In such cases of positive conflict handling, intellectual and economic resources are made available for the improvement of social, economic and political conditions⁹³.

To satisfy the need and desire of citizens for human and economic security, it is a must to see and recognize conflict on a wider scale and to genuinely address the conflicting issues. No political system can achieve this goal in the longer run; it is only possible to try to control some conflicting parties so that they do not apply violence. In current Ethiopia, State is the only form of social constitution in sight, which could take on this role on a wider scale⁹⁴. This is not meant to deny the importance of the traditional councils of elders within their geographical sphere of influence.

With the above background, in this section an attempt will be made to analyze and discuss the causes and impacts of conflicts in three recent historical periods:

- The first is the imperial period with the reign of Haile Selassie prior to the 1974-revolution
- The second was during the bloody rule of the Marxist military junta, the Dergue regime, and the period of civil war between 1974 and 1991
- The current Government-Federal Government of Ethiopia-starting from 1991 to the present.

Each regime has implemented different sets of policies that suited their interests best. External intervention played an important role in the initiation and continuation of conflict in Ethiopia. Even if this is not the primary objective of this paper, it is possible to classify the conflict as historic (religious and colonial) cold war-related conflict with neighboring countries and the goal of strategic dominance in the Horn of Africa that also attracted the interests of the super powers.

93. Ibid

94. Ibid

2.4.1 Inter-ethnic conflict in pre federal structure of Ethiopia

2.4.1.1 Inter-ethnic conflict and the Imperial regime.

The imperial state was founded on an explosive conjunction of antagonistic class and ethnic divisions that made it inherently unstable. To stabilize it, the state administration during the long rule (1931-1974) of Haile Selassie became highly centralized and bureaucratized, and Ethiopia built the largest army in black Africa with material support from the United States. This force was used against ethnic and regional rebellion in Tigray, Eritrea, Ogaden, Bale, Sidamo and Gojjam, until the army itself rebelled and overthrew the Emperor in 1974⁹⁵.

The third quarter of the 20th century was marked by a series of violent conflicts in which subordinate ethnic groups challenged the imperial regime. The earliest of these were led by traditional elements that lacked ideology or clear goals, and were susceptible to compromise. The first incident occurred in Tigray in 1943, when several districts rose in rebellion against reimposition of Amhara rule and taxation after the Italian occupation. The imperial government was forced to seek British military assistance to put down the rebels. Afterwards, it banned the Tigray language, kept the restless province under tight reign, and did nothing to relief the crushing poverty of its people. Woyane, as the rebellion was called, became a celebrated in the long history of Tigray-Amhara rivalry, and was the symbol of the Tigray Peoples Liberation Front (TPLF) in the struggle against another regime in Addis Abeba three decades later.

95. See John Markakis, conflict in prefederal Ethiopia: First National conference on Federalism, conflict and peace building (Addis Ababa: united printers, 2003), p.14

It was the name of the TPLF radio station, and the name by which the front itself is popularly known in Ethiopia today⁹⁶.

In 1963, an uprising broke out among the Somali in the southeastern corner of the Empire. Stimulated by the independence of the Somali Republic in 1960, the pastoralists in the Ogaden launched an irredentist struggle to join their kinsmen across the border. The rebellion soon spread to Bale and Sidamo provinces in the south, where it was joined by the Arsi oromo and lasted until 1968. Another rebellion broke out in the second half of the 1960, in Gojjam, where the peasants objected to the reform of the traditional land tenure system and the privatization of landed property. The expansion and modernization of the imperial army enabled the regime to suppress these rebellions with brute force. However, the price was to exacerbate the alienation of the people in these regions, and to strain the capacity and loyalty of the army⁹⁷.

The challenge the regime was unable to meet and which ultimately proved to be its undoing came from the northern most corner of the Empire, Eritrea. This region passed from Italian colonialism to British military rule in 1941, and in 1952 was linked with Ethiopia in a federal union decreed by the United Nations. The then Federation granted Eritrea considerable autonomy, a glaring anomaly in the imperial state which the regime found intolerable, Ethiopia unilaterally abolished the federation in 1962, annexed Eritrea forcibly and reduced it to the status of an imperial province. The process of eliminating the use of Tigrigna and Arabic, the two languages chosen by the Christian and muslim communities respectively in Eritrea-began immediately⁹⁸. By way of conclusion, therefore, one can say that the Ethiopian Empire was a classic example of what Mazrui (1975) called an "ethnocratic state"⁹⁹.

96. Ibid.p.15

97. Ibid.

98. Ibid.

99. See Mazrui, A (1975), soldiers and kinsmen in Uganda: The making of a military Ethnocracy: (Beverly Hills, CA: sage)

Ethnicity was the political essence of the imperial state, where the distribution of power was based on an ethnic calculus that gave a near monopoly to the Amhara ruling class. The class dimension needs to be emphasized, because the Amhara peasantry belonged to the dominant group in cultural and psychological terms only, having no share of power or economic privilege. Invariably access to state power controls access to economic privilege and social status. The main economic resource in Ethiopia being land, control over it was the foundation of the imperial political economy. The defining features of that system were the exclusion of the mass of the population from the process of government, and the economic exploitation of the producers by an ethnically defined ruling class. Furthermore, the imperial regime practiced a crude form of cultural suppression that sought to deny, if not erase, the identity of all subordinate ethnic groups in its domain¹⁰⁰.

Ethnic and class division in the imperial state were fused in an explosive mixture. Political exclusion, economic exploitation and cultural suppression provided optimum conditions for the political maturity of ethnicity. Yet, this did not occur during the first half of 20th century, and Ethiopia's rulers had relatively little trouble controlling the empire. The main reason for this was the absence of an intelligentsia-the essential catalyst in the politicization of ethnicity-among the subordinate ethnic groups. A handful of men from these groups who managed to acquire modern education were thoroughly assimilated and absorbed into the Amhara ruling class, where they became imperial retainers. At the same time the co-opting of the traditional leadership of many subordinate groups into the imperial administration left the peasantry leaderless¹⁰¹. But, the explosive potential of fused ethnic and class contradictions matured after WWII, with the onset of decolonization throughout the continent and the emergence of an intelligentsia that represented the oppressed and exploited peoples in the Ethiopian empire. Finally the imperial regime came to an end¹⁰².

100. Supra, note 1,P.16

101. Ibid.

102. Ibid.

2.4.1.2. Inter-ethnic conflict and the Military Regime

The military junta-known as the Derg-that disposed Haile Selassie and seized power in September 1974 comprised a large number of members (about 120) collection of relatively young men ranging in rank from plain soldier to major. As a group, they were innocent of ideology and without political programme. Many officers belonged to the same generation of the radical intelligentsia and were susceptible to its political appeal. They also felt the need to attract support from the intelligentsia and students who had significant influence in the urban sector.

In fairly short order, the soldiers sought to make up for their ideological confusion and lack of programme by adopting the radical orientation of the Marxist intelligentsia, terminology and vocabulary included, and appropriated most of the radical agenda as well. A thorough nationalization of the economy, including land, decreed within months after the seizure of power, was undoubtedly the most significant measure taken by the new regime¹⁰³. It dismantled the economic foundation of the imperial system and ruled out a return to the status quo ante. It also lifted the yoke of landlordism from the peasantry. The 1975 land reform decreed that land be divided more or less equally among the cultivators who were given use fruit rights on it. Those who benefited most were the people conquered by the Abyssinian for they were freed from the exactions and services due to alien landlords. Most of the latter abandoned the countryside and congregated in the towns, or returned to the regions of their origin. The peasants were grateful to the regime and manned the Derg's armies in the wars it was soon to become involved. Initially, the regime appeared willing to make political concessions as well. It organized the peasants into territorial associations mandated to carry out the land reform and administer local affairs¹⁰⁴.

103. Ibid.

104. Ibid.

In the sphere of culture, the military regime denounced the Abyssinian chauvinism of its predecessor. Since the identity of its full membership was never made public, the ethnic composition of the Derg was not known. Nevertheless, it was far from homogeneous, and several of its prominent members were not Abyssinians. Its first proclamation, before coming to power, promised the abolition of certain traditional customs, which may hamper the unity and progress of Ethiopia. After coming to power, it did not oppose an upsurge of cultural self-assertion among certain ethnic groups, particularly the Oromo, and allowed the printing, broadcasting and teaching of other languages¹⁰⁵. The status of Islam was raised with the recognition of Muslim holidays, while the Orthodox Church lost its official status, along with its lands and financial support of the state. The new regime repeatedly proclaimed the equality of all nationalities and culture in Ethiopia, and promised them regional autonomy and self-government. It soon became obvious that the soldier's perception of "national contradiction" was limited to the realm of culture. The overthrow of the feudal regime, it claimed, had ended national and class oppression and the socialist revolution guaranteed the equality of all peoples and cultures in Ethiopia. Consequently, national contradictions no longer existed, only the legacy of cultural oppression remained. This would be eliminated through the cultural emancipation of formerly subordinate groups and the promotion of their cultures¹⁰⁶.

105. See Fisseha Mekonnen (1997), "some socio-psychological Implications of the Trend towards promoting the languages of Ethiopia," in Ethiopia Broader perspective (papers of the XIIIth international conference of Ethiopia studies): Kyoto.

106. Ibid.

As the result, political demands by nationalities undermined the unity of Ethiopia and the integrity of the state and were not tolerated. The Derg's position on the unity of the state was unambiguous. Its chosen slogan, "Ethiopia first" showed how much the regime was committed for the unity of the state. In his first public address (November 1974), Mengistu Haile Mariam, the emerging strongman of the regime, offered Ethiopians a stark choice between "unity and death", and this was to become the regime's battle cry. One month later, the Derg issued a "Ten point programme" which among other things guaranteed the "indivisibility of Ethiopian unity"¹⁰⁷.

The regime's action, most emphatically in Eritrea, showed that genuine political reform was not on the Derg's agenda, and this drove disillusioned radicals to take up arms against it. The regime was first involved in a violent confrontation with the Ethiopian peoples Revolutionary party (EPRP), a radical group that fancied it self to be the proletarian vanguard in Ethiopia, and aimed to oust the Derg and replace it with popular government. The Derg managed to secure the support of a rival radical faction called the All-Ethiopia socialist movement (MEISON, in Amharic), which sought to infiltrate the regime in order to supplant it. Both factions believed in the primacy of the class struggle, but disagreed on whether Ethiopia was ready for a dictatorship of the proletariat. Even so, such was the prominence of the nationality issue by this time, that both the EPRP and MEISON felt it necessary to establish ethnic affiliates. The split greatly weakened the radical movement and contributed to its failure¹⁰⁸.

As a reaction to the Derg regime political programme different ethnic-based political organization had been flourished in the country and waged war on the regime.

The Oromo Liberation Front (OLF) was founded in the mid-1970s. Its founders belonged to the same generation of radicals who dominated the political stage in Ethiopia at the time.

107. Ibid.

108. Supra note 1, p.18

Both the EPRP and MEISON had Oromo activists in their ranks, and both sponsored Oromo affiliates. These threatened to pre-empt the political terrain and leave a budding Oromo nationalism without a constituency. The national consciousness of Oromo University and secondary school students had been stirred by the activities of the Metcha Tulama Self-help Association a decade earlier. The leader of that organization, General Tadesse Birru, had escaped death in the hands of the imperial regime, only to be executed by the Derg in 1975. It was then that a small group of young men formed the OLF. Its programme defined the position of the Oromo people as colonial and declared its goal to be independence for Oromia, a state whose boundaries were drawn to include most of central and southern Ethiopia¹⁰⁹.

The nationalist appeal of the OLF was undermined by the 1975 land reform, a class action that trumped the nationalist card. The Oromo peasantry was the main beneficiary, and it repaid the regime by sending its youth to fight the Derg's wars. Consequently, unlike the Eritrean and Tigray movements, the OLF found it difficult to establish a viable armed presence in the Oromo countryside. It found it difficult to also establish a base in a neighboring state. The regime in Somalia resented OLF claims on territories in southern Ethiopia. Kenya was linked with Ethiopia through a mutual defense treaty aimed at Somalia, the common enemy¹¹⁰.

It was only at the close of the 1970s that Sudan, a generous host to the Eritrean and Tigray rebels, allowed the Oromo to set up an office in Khartoum, from where they were able to establish contact with and receive assistance from the EPLF. Subsequently, the OLF infiltrate the border region of Benishangul where Oromo live. By the mid -1980s, the Derg had forfeited peasant support due to its disastrous economic policies, and was compelled to forced conscription for its armies.

109. Ibid.

110. Ibid.

It also managed to further alienate the Oromo intelligentsia by its ruthless treatment of suspected OLF sympathizers. The Oromo nationalist appeal now found fertile ground. In the second half of the 1980s as the wars in Eritrea and Tigray sapped the Derg's military strength, the OLF was able to expand into Oromia properly, where it attracted many followers as the military regime foundered¹¹¹.

Tigray Peoples Liberation Front (TPLF) was also formed in 1975 to challenge the military regime. The TPLF was formed by a group of university students who broke ranks with their radical peers to launch a struggle on an ethnic basis. They argued that although normally class contradictions must be resolved first, under certain conditions, such as prevailed in Ethiopia at the time, national liberation takes precedence because it is an essential precondition for victory in the class struggle. The TPLF's call for national liberation got a warm response from the people of Tigray, the poorest of the Abyssinian provinces and the site of biblical famines in the late 1950s and early 1970s¹¹². Although it regarded Tigray as an oppressed 'nation', therefore, entitled to independence, the TPLF did not adopt the colonial thesis favored by the Eritrea's, nor did it espouse independence as its ultimate goal. Instead, it claimed to be fighting for self-determination, not secession. The end result could be "anything from autonomy, federation, and confederation, up to and including independence". The choice would depend on the outcome of the struggle waged by nationalities and classes in Ethiopia. A positive outcome could result in re-integration within a multi-national and democratic Ethiopian state. "Independence is taken as an alternative, if and only if, all possibilities for unity based upon equality are exhausted and it becomes impossible to live together"¹¹³.

Before securing its position in Tigray, the TPLF had to fight off several rivals. The first was an incipient nationalist organization named the Tigray Liberation Front (TLF) whose goal was independence.

111. Ibid.

112. Ibid.

113. Supra, note.1. P.19

It was denounced for 'narrow nationalism' and forcefully eliminated. Another was the Ethiopian Democratic Union (EDU), a conservative faction opposed to the Derg, led by Tigray's former provincial ruler and a son-in-law of Haile Selassie. It was denounced as reactionary and expelled from Tigray after a violent struggle. The third was the EPRP, which was hoping to launch a guerrilla struggle against the Derg from bases it had established in Tigray in 1975. For a couple of years, the two groups sparred ideologically. The EPRP saw national oppression as a derivative of class oppression, and maintained that national and class domination both could be eliminated through a struggle waged by a united front of all nationalities under proletarian leadership. The TPLF countered that although national subjection derives from class domination, it is not necessarily resolved by class struggle. Conditions in Ethiopia, it claimed, had reached a point where class-consciousness was submerged by national consciousness, making unity among nationalities in the struggle against the Derg impossible¹¹⁴.

The ideological screen barely concealed the political issue at stake. Its recognition of the principle of self-determination notwithstanding, the EPRP was opposed to the rise of ethnic political movements, fearing it would lead to the disintegration of Ethiopia. The young radicals were fighting to overthrow the military regime, not to dismantle the state. Devoted Marxists, they planned to use the state to transform and develop Ethiopian society. Consequently, they opposed the TPLF's efforts to promote what they called 'narrow nationalism'. The TPLF, on the other hand, had no intention to become a minor cog in a large multi-national movement led by the EPRP. Recognizing the EPRP's attachment to a unitary and centralized state, it accused it's rival of 'greater national chauvinism', meaning Amhara chauvinism, despite the fact that Tigrians were prominent in the latter's leadership. The issue was finally resolved by force in 1978, when the EPRP was forcefully ejected from Tigray. The TPLF went on to become a formidable fighting force and was eventually to lead the onslaught that ended the reign of the Derg¹¹⁵.

114. Ibid.

115. Ibid.

Somali irredentism reappeared invigorated in the mid-1970s through the direct intervention of the Somali Republic. Anxious to take advantage of the political turmoil in Ethiopia at the time, the Siad Barre regime organized Somali and Oromo refugees and exiles from Ethiopia into two guerrilla movements. The Western Somali Liberation Front (WSLF) laid claim to the Ogaden, while the hybrid Somali and Abo Liberation Front (SALF) claimed ill-defined territories in Bale and Sidamo provinces of southern Ethiopia. Their armed units infiltrated these regions in 1976, opening another front for the beleaguered regime in Addis Ababa. When guerrilla tactics produced meager results, the regime in Mogadishu committed its own forces in a major invasion of Ethiopia in 1977. Initial success proved ephemeral. Equipped by the Soviet Union and supported by Cuban soldiers, the Ethiopian army easily expelled the invader the following year. WSLF and SALF lapsed into obscurity in the years that followed, and were to reappear briefly in 1991 under radically changed circumstances¹¹⁶. The Sidama Liberation Front (SLF) was an offshoot of SALF. It was formed by a group of Sidama who joined SALF in 1978, and then decided to leave this hybrid and inactive organization to form a movement of their own in 1982.

Yet, another front had opened in 1975, this time in the Afar region in the east. Never quite reconciled to Ethiopian rule, the Afar pastorlists were aggrieved by the loss of valuable grazing land along the banks of the Awash River that had been ceded by the imperial regime to foreign investors to produce cotton. The traditional Afar ruler of the region and his retainers also went into cotton production and became instantly wealthy. Consequently, they were not opposed to the spread of commercial agriculture into the pastoralist domain. But, when their cotton plantations were nationalized in the land reform of 1975, the Afar notables reacted violently and an Afar Liberation Front (ALF) appeared overnight. Although it never became more than a thorn in the side of the military regime, it did place the Afar on the political map of Ethiopia¹¹⁷.

116. Ibid.

117. Ibid.

Besides the militant assertion of nationalism and ethnicity on the part of the groups mentioned above, other developments during this period contributed to awaken and reinforce ethnic sentiment among the population. Very important in this respect was the mass literacy campaign conducted in the 1980s, which highlighted the role of language in the definition of ethnic identity. The forerunner of the literacy campaign was the dispatch of tens of thousands of students and teachers to the countryside at the end of 1974, in an officially sponsored drive to explain the objectives of the revolution to the peasant masses¹¹⁸. Literacy was part of the 'student campaign', as it became known. For reasons of efficiency, it was decided that literacy would be taught in indigenous languages in areas where Amharigna was not widely used, while elsewhere it was considered wasteful to use a second language. A consultation process involving university lecturers and officials of the Ministry of Education recommended the use of five languages: Amharigna, Tigrigna, Oromiffa, Somali, Afar- and teaching material was produced in these languages in the Geez alphabet used by both Amharigna and Tigrigna. The 'student campaign' lasted until mid-1975 and set the pattern for the mass literacy drive conducted in the 1980s¹¹⁹.

Fifteen languages were used this time, those of Amhara, Tigray, Oromo, Tigre, Somali, Afar, Sidama, Kambata, Wolayta, Hadiya, Keffa, Gedeo, Kunama, Saho, Silte. These were believed to cover 93 percent of Ethiopia's population. The consultation process that led to their choice was brief, informal and amateurish. Although non-Amhara were involved, the process was not representative of the country's ethnic mosaic, and few of those who took part were expert in a subject about which precious little was known at the time. There were hardly any scientific studies of Ethiopian languages other than Amharigna. The first countrywide survey appeared in 1976¹²⁰.

118. Tesfaye Shewaye & C. Taylor (1976), "Language curricula." In M. L. Bender(ed), *language in Ethiopia* (Oxford: Oxford university press).

119. Ibid.

120. Ibid.

The first census in the history of Ethiopia was taken in the mid-1980s and included data on language and religion.

Inevitably, the choice of languages was arbitrary. One criterion was group size- the lower limit was set at 100,000-with the largest groups enjoying preference. Another was alphabetization. Languages that were written in the Geez alphabet courtesy of foreign missionaries also enjoyed preference. Many languages that did not meet these criteria and were not represented in the consultation process were not considered. On the other hand, one was chosen without anyone asking for it. This was the Silte language of the so-called Gurage linguistic cluster, which was chosen on the grounds that the Silte, of all Gurage groups, were least familiar with Amharigna. The Silte themselves were not consulted. The unsolicited singling out of the Silte was to bear political fruit a decade later, when this group rejected the Gurage identity, formed its own ethnic political organization, and demanded and got autonomy in its own administrative district¹²¹.

The National Literacy Campaign lasted from 1979 to 1991. Impressive claims were made for it, and it won praise internationally. Women benefited most, representing the majority of those awarded literacy certificates. Unfortunately, there was no follow-up and much of the effort was wasted. Obviously, the literacy campaigns had a stimulating effect on ethnicity. Language is the prime indicator of ethnic identity and the appearance of vernaculars in written form had a manifold impact. The writing of a native tongue is the confirmation and validation of an ethnic identity, distinct and different from others. Writing standardizes the use of a language that can vary considerably in oral form¹²². Consequently, standardization consolidates and unifies the group that shares a language, and provides criteria that have come to be accepted, at least in Ethiopia, as the definitive indicator of ethnic identity.

121. Cooper R, L (1976), "Government Language policy," In M. L. Bender(ed), language in Ethiopia (Oxford: Oxford university press).

122. Ibid.

Proof of the stimulating effect of what amounted to linguistic emancipation in Ethiopia was the study of ethnic histories and cultures that became the fashion at the time, the appearance of publications devoted to formerly subordinate ethnic groups, as well as the staging of theatrical, musical and dance performances with ethnic themes¹²³.

2.4.2 Inter-ethnic conflict in post federal structure of Ethiopia

When the imperial regime collapsed, hopes flourished for political reform that would provide fair representation and equal access to state power for all groups. Such hopes were dashed by the successors and the military regime, which opted forever-greater centralization and rule by coercion. This resulted in the formation of different opposition parties for armed struggle.

In 1991, the Ethiopian People Revolutionary Front (EPRDF), a coalition of and led initially by the Tigrian Liberation Front (TPLF) came to power after sixteen years of armed struggle against the military regime that ruled Ethiopia since 1974.

Since the changes of Government in 1991, Ethiopia has embarked on predominately ethnic based federal system with a view to resolving the “question of nationalities”. It restructured the state by introducing a federal system not only to decentralize power but also to accommodate the various ethno-linguistic groups. In short, 1995 constitution declares Ethiopia as a multicultural state. While the authors of the constitution contend that this is the only way to peace and development, their critics argue that the ethnic based federal system is further reinforcing ethnic tension and conflict among the various ethno-linguistic groups. In this part the paper will try to examine whether the new federal arrangement has been able to minimize or rather reinforce tensions among the ethno-linguistic groups compared with the past situation. Chapter three will take up the issue of federalism and inter-ethnic conflict management.

123. Ibid.

The EPRDF inherited a country-devastated infrastructure, economically and psychologically by war and totalitarian rule. A number of months after assuming power, the EPRDF convened a conference to which it invited 26 groups that had opposed Mengistu's rule. The conference established the two-year transitional government of Ethiopia (TGE) and adopted a Charter embracing the Universal Declaration of Human Rights and ensuring many freedoms, including the right to self-determination. The new government officially renounced Mengistu's Marxism and committed itself to building a democratic society respectful of human rights.

So far the processes of change have not been very smooth in Ethiopia. The TGE faced challenges including the rehabilitation of a devastated economy, the orderly demobilization of hundreds of thousands of soldiers from the previous regime, the prosecution of more than 2000 people accused of human rights violation, and as a further challenge-the general absence of a democratic tradition.

Being in the above condition, all opposition parties against Dergue sketched a new constitution and efforts were made to change the highly centralized system into a decentralized federal system of government with autonomous ethnic regions and districts as its constituent units. These changes of the governance system (from centralized to a decentralized federal system) solved long-standing major ethnic based conflicts and resulted in comparative internal peace compared to the previous regime.

As mentioned earlier, conflict is not a new phenomenon in Ethiopian history. When it still occurs in post-federal Ethiopia, it is the continuation of the pre-federal situation. Being the cumulative effect of a long history of conflict in the country, the formation and establishment of ethnic based states changed the form rather than the substance of conflicts in Federal Ethiopia, however.

Among the internal conflicts, which changed its form rather than its substance, the ones that cost the lives of many people are the regional disputes about boundaries. The various ethno-linguistic groups have to be territorially defined in order to give them a mother state and their own local government. This assumes that there are a neatly defined territories. In many parts of the country to define this has, however, not been an easy exercise.

Although some of the conflicts over grazing land, water and other resources have a long history that predates the introduction of an ethnic based federation, the politics after 1991 seem to have changed the dimension of this type of conflict.

In many parts the traditional conflicts between two communities is emerging into a conflict between two adjacent regional states. Examples are the dispute about the ownership of Moyale, a town between Oromia and Somali regional states, between Afar and Isa Somali (between Afar regional states and Somali regional states), between Gedeo in SNNPRS and Gujji Oromo and the like. Additionally there are conflicts within a region, e.g. Gambela (Anuak with Highlander, Anuak with Nuwere) Somali (with different clans) and so on. The government has at present managed most of them and few of them still exist.

There is also a conflict about restructuring the state. In a country of more than 80 ethnic groups, of which almost every one demands to establish their own state or sub-state units, it is impossible to guarantee each of them their own state. Although, this move was not welcomed by the regional states as well as the federal government of Ethiopia in some areas it has still remained as a cause of conflict between ethnic groups.

Considerable conflicts also arise because dominant ethnic groups consider themselves to be the owner of the mother state, while other citizens with another background or those who do not like to associate themselves with any ethnic group have practically no place.

Whether it is significant or not, the current government also faces a clash with a few opposition parties in jungle like OLF.

The outbreak of the war between Eritrea and Ethiopia, which had devastating effects on the economy, cost loss of human live and resulted in the displacement of many people, is one of the external conflicts which challenges the EPRDF.

Chapter Three

Federalism and inter-ethnic conflict Management in Ethiopia

Introduction

In the contemporary world, state restructuring has become a global phenomenon. In almost all corners of the world, there are currently movements aimed at redesigning structures of states in response to demands of communities for recognition of their identities and increased participation in the political realm.

The federal principle, which aims at balancing political autonomy and union, greatly attracts multi-ethnic states as a means of managing their ethno-linguistic diversities. Today, many countries the worlds over are experimenting with the federal option and other forms of territorial autonomy in order to accommodate ethno-linguistic groups in national politics and lessen inter-ethnic tensions and conflicts. Nevertheless, attempts aimed at redesigning state structures could also lead to inter-ethnic tensions as patterns of relationships between communities experience change because of state restructuring processes.

Ethiopia witnessed a major turning point in the arena of national politics since the early 1990s. One of the most important features of the political changes in post 1991 Ethiopia is the recasting of the Ethiopian state through a model of predominantly ethnic based federalism. In an attempt to introduce a radical reorganization of state structures and state society relations, the ruling regime has constitutionally formalized ethnicity as a fundamental principle of political organization. Although the dominant factor is ethnicity, it is not the only factor, however. FDRE Constitution also recognized the language, the settlement patterns of the people and their consent as a factor for reorganization of the state¹²⁴. Thus, Ethiopia is presently experimenting with a federal form of government, which officially advocates decentralization of power in favor of ethno-linguistic regions and multi-party democracy.

124. Proclamation No.1/1995, proclamation of the constitution of Federal Democratic Republic of Ethiopia, Federal Negarit Gazeta, 1st year No.1, Addis Abeba-21st August, 1995, adopted on 8th of December 1994 and came into force on 21st August 1995.Art.46 (2).

There are two stages of development in the federal experiment of Ethiopia. First, there was the establishment of fourteen regional states with substantial devolution of power in 1991¹²⁵ and second, the enactment of the new federal constitution in 1995¹²⁶. The party in power, the Ethiopian Peoples Revolutionary Democratic Front (EPRDF),¹²⁷ proclaims that this new model will be the basis for the reformed Ethiopian state structure and bring about a solution to the age-old crisis of the Ethiopian state and society characterized by conflicts in general and inter-ethnic conflict in particular.

The EPRDF also presents ethnic federalism as a political instrument that serves the management of the country's conflict ridden ethnic relations. The institutionalization of ethnic federalism in the country could also be viewed as an aspect of the recognition of the rights of "nations, nationalities and peoples" for "self-determination up to and including secession"¹²⁸.

125. The Transitional Government's Proclamation No.7/1992 laid the foundation for the establishment of national and regional governments. According to this proclamation, fourteen regional governments were established. Oromia, Amhara, Somalia, Tigray, Benishangul, Gurage/Hadya, Sidama, Wolayita, Omo, Kafa, Gambela, Harar and Addis Abeba. While the first thirteen were national states, Addis Abeba and later on Dire Dawa were given special status because of their population make up.

126. The Federal Constitution lists nine regional states as members of the new federation. These are: Tigray, Afar, Amhara, Oromia, Somalia, Benishangul-Gumuz, Southern Nations, Nationalities and Peoples, Gambella peoples, and Harari people. Addis Ababa has become the federal capital city. Dire Dawa in eastern Ethiopia is administrated under the federal government.

127. The Ethiopian People's Revolutionary Democratic Front (EPRDF) is a coalition of four ethnic-based organizations, i.e the dominant Tigray People's Liberation Front (TPLF), the Amhara National Democratic Movement, the Oromo People's Democratic Organization (OPDO) and the Southern Ethiopian People's Democratic Republic of Ethiopia.

128. Perhaps the unique aspect of the new Ethiopia's federal constitution is the recognition of the right of nations, nationalities and peoples to self-determination including secession. See, article 39 of the Constitution of the Federal Democratic Republic of Ethiopia.

Because of the restructuring of Ethiopian state, both ethnicity and governance have experienced several changes. The political changes that are closely associated with the re-constitution of the Ethiopian state pose opportunities and challenges in the management of inter-ethnic tensions and conflicts in the country. This chapter aims at examining the effects of ethnic federalism on the management of ethnic relations in the country.

3.1. Federalism as an instrument of inter-ethnic conflict management.

Multi-ethnic state like Ethiopia, has historically, as we have seen above, used different strategies to manage or eliminate ethnic conflicts. For Mc Ferry and O'Leary (1993)¹²⁹ and Esman (2000),¹³⁰ macro-ethnic conflict regulation strategies broadly include methods of eliminating and/or assimilating and managing ethnic cleavages.

Mc Garry and O'Leary identified four specific methods belonging to each of the two categories. The specific methods for elimination /assimilation includes: genocide, forced mass population transfers, partition and/or secession and integration and/or assimilation. The second category (management of ethnic differences consists hegemonic control, arbitration, canonization or federalism and consociationalism or power sharing¹³¹.

129. Macgarry, J. and O'Leary, B.1993. Introduction: The macro-political regulation of ethnic conflicts. In J.MacGarry and B,O'Leary,(eds). The politics of ethnic conflict regulation: case studies of protracted ethnic conflicts. London, Routledge, Merera, G.2000 conflict in view of state and society, Henersh Boll Foundation Networking with a view to promoting peace. Towards sustainable peace civil society Dialogue Forum for the Horn of Africa Nairobi 10-13 December 2000 conflict documentation.

130. Esman,M.2000. Ethnic pluralism: strategies for conflict Management center for development Research Facing ethnic conflicts. 14-16 December 2000.

131. Ibid

In Ethiopia, as we have seen above, some of the methods enumerated were used by different regimes in the history of the country. Among the methods of eliminating the difference Haile Selassie regime promoted policies of assimilation the military regime undertook forced population transfer and the present ruling party, EPRDF, allowed Eritrea's secession and autonomy to the other nation, nationalities and peoples of Ethiopia through federal arrangement of ethnic relations. These include power sharing arrangements by the establishment of the transitional government of Ethiopia in 1991,¹³² the federalization of the Ethiopian state and the emergence of the EPRDF as a dominant political force that seeks to maintain its hegemonic control of the country's politics.¹³³ From the four methods of managing ethnic cleavages enumerated here, federalism and hegemonic control are of particular interest in the analysis of the Ethiopian case.

132. The composition of the transitional Government of Ethiopia (established in July 1991) at least at the initial stage was representative of the several opposition forces, which fought against the military regime. From among the 87 seats of the council of peoples representative, the EPRDF assigned to it 32 seats while the rest of the seats were given to the other political organizations that participated in the process.

133. The proliferation of political organizations under the tutelage of the EPRDF/TPLF (the PDO structure) ensures the hegemonic position of the EPRDF in the post 1991 political order in Ethiopia.

The federal idea, which aims at achieving both self-rule and shared rule, greatly attracted multi-ethnic states as a means of managing their ethno-linguistic and/or cultural diversities.¹³⁴ The self-rule notion of federalism could be interlinked with ethnic autonomy or the rights of groups to maintain and develop their particular identities. The institutionalization of federalism in Ethiopia is also interrelated with the question of national self-determination for the diverse ethnic group of the country. Federalism in its original application, however, was not intended as a device to manage ethnic diversity or as a mechanism to exercise self-determination. It was, rather, a formula that was used to unify territorial units of separate entities¹³⁵.

Theoretical discourse on the utility of federalism as an instrument of managing any sort of diversity exhibits two broad contending views. Many scholars increasingly advocate the use of federalism as an option for multi-ethnic states, like Ethiopia, which have been plagued by enter-ethnic or communal conflicts and tensions (Osashae 1996: Watts 1998: young 1994: Kimenyi 1998, Horowitz 1985: and Harris and Reilly 19980). On the other hand other scholars reveal their doubts about the use of federalism as a means of managing ethno-linguistic diversity (Basta Fleiner 2000; Cornell 2002).

According to Ronald Watts¹³⁶, of all the perceptions of the utility of federalism, the most popular one is its utility as a solution to the problem of governing multiethnic, multiracial, multicultural and multi religious, especially those described as deeply divided.

134. According to P.Harris and B.Reilly,(EDS), the adoption of federalism in Switzerland and Canada was partially motivated by the need to accommodate diverse communities. In addition, the federal device was used frequently for the settlement of ethnic problems at the end of World WarII, for example in India, Malaysia and Nigeria (Harris and Reilly, 1998).

135. Young, C. 1994. Ethnic Diversity and public policy: an overview occasional paper world summit for social development, No.8. Geneva: UNRISD.p.12

136. Watts, R, 1998. Federal systems and Accommodation of distinct groups: A comparative survey of Institutional Arrangements for Aboriginal people working papers No.3. Institute of intergovernmental relations, King stone, Ontario, Queen's University. P .

He further notes how the “Federal option” was popularized when forces of integration and separation were at odd with each other in many of the post colonial multi-national states at times of independence¹³⁷. He further emphasizes that despite some criticisms concerning the sustenance of multi-ethnic and multi national federations:

The presence for well over a century of the federation of Switzerland, where most of the cantons are distinct and internally homogenous in terms of language or religion, and the reorganization of the states within India and Nigeria along primarily linguistic and ethnic lines, which occurred sometime after the federation in order to accommodate internal pressures suggest that in certain conditions, federation based on distinct ethnic or national units can be sustained and may help reduce tensions. Indeed, there is yet no evidence that any other form of political organization has successfully reconciled political integration and territorially based ethnic diversity for any extended length of time except by the imposition of force¹³⁸.

Likewise, Young emphasizes that “the most fundamental argument for the federal system is that, for large and culturally complex countries, no other formula could work,” arguably other than a federal arrangements¹³⁹. By the same token, Horowitz (1985) in his classical study of ethnic conflicts enumerated five mechanisms of conflict reduction. These include:

137. Ibid.p.12

138. Ibid.p.15

139. Young, supra note 12, p.13

1. Dispersion of inter-ethnic conflict by proliferating the points of power;
2. Emphasizing intra-ethnic conflicts to reduce inter-ethnic conflicts.
3. Promoting policies that create incentives for inter-ethnic cooperation;
4. Promoting policies that encourage alignments based on interests other than ethnicity and
5. Reducing disparities between groups.

Therefore, Horowitz emphasizes on the possibility of using a federal arrangement to weaken competing ethno-nationalisms.

In contrast to the above view, Kimenyi, proposed ethnic-based federalism as a means of harmonizing ethnic claims. He argues that ethnic-based federalism is the only system organizing collective activities to protect groups from oppression and accommodate diversity¹⁴⁰. In fact, many scholars are now legitimizing ethnicity as a valid factor of national politics as compared to the view that it is an outdated remnant of the past¹⁴¹.

Some scholars on the other hand, argue that federalism, when modeled on the basis of ethnic or linguistic or both factors will tend to be anti-liberal and anti-majority; prone to conflicts and fragmentation, and frustrate countrywide free mobility of citizens (Basta Fleiner 2000; Cornell 2002; Watts 1998). Apparently these seems the case in Ethiopian federal experience since its inception.

As witnessed in the experiences of ex-communist federations, Basta Fleiner underscores that in federal polities, every constitutional conflicts could easily turn into an ethnic conflict with fatal consequences for sustainable internal peace and stability¹⁴².

140. Kimenyi, M. 1998. Harmonizing ethnic claims in Africa: A proposal for ethnic based federalism *Cato Journal*, vol.18.Issue 1.p.59.

141. Salih, M.A and Markakis, J. 1988. Introduction. In M.A. salih and J. Markakis, (eds). *Ethnicity and the state in eastern Africa* uppsala Nordiska Afrikaiska titutet.p.7

¹⁴² Basta Fleiner, L.2000. Can ethnic federalism work? Paper for the conference, facing ethnic conflicts. Bonn, Germany 14-16. Center for development research. p.4.

Designing federal arrangements on an ethno linguistic line is also noted as a factor that could foster ethnic mobilization, increased secession, and even armed conflict. (Cornell 2002:247). In fact, as Ronald Watts observed, while the socialist federations, which were established following ethno-linguistic diversity have fragmented, there are secessionist tendencies that could undermine the federal systems of such countries like Canada, India and Nigeria¹⁴³.

By way of conclusion there is no consensus at a theoretical level of discourse on utility of the federal arrangement as an instrument of managing multi-ethnic polities. The contending views reviewed here concerning the use of federal arrangements as a means of managing ethnic conflicts, reflects the actual problems of designing state structure that would help managing ethnic conflicts. With these general backgrounds about the advantages and disadvantages of federal system as an instrument of conflict management I will proceed to the experience of Ethiopian highly ethnic based federalism. Mean while I will see the practical cases of conflicts.

3.2. Inter-ethnic Conflict and their management

As we have already taken note of, the history of Ethiopia is riddled by intra and inter-ethnic conflicts. In its modern and present history, the country had to withstand several external aggressions. Internally as well, Ethiopia experienced, for much of its history, acute social, political and economic contradictions. Merera, for instance, characterizes the history of the Ethiopian state as the history of conflicts¹⁴⁴. The perennial nature of conflicts could be explained by the nature of the Ethiopian state, which is traditionally exclusionary, and its system of domination. The large majority of the people are usually ruled by military power. Thus conflicts in Ethiopia have class, ethnic, religious and regional dimensions.

143. Watts, *supra* note 13: p.16

144. Merera Gudina (2003), *Ethiopia: Completing Ethnic Nationalisms and the quest for democracy, 1960-2000*. Shaker Publishing, Netherlands.

3.2.1. Inter-ethnic conflict

The process that led to the multi-ethnic character of the country and the manner in which the Ethiopian regime sought to govern the country, greatly affected conditions of peace and stability of the country. The national question,¹⁴⁵ that gripped Ethiopia's politics for more than four decades, can be explained by the emergence of highly centralized state. Since the collapse of the military regime in 1991 and the seizure of state power by the EPRDF, the country is experimenting with a predominantly ethnic-based federal form of government.¹⁴⁶ Even though federalism is presented as a better political instrument of managing the country's ethnic relations, inter-ethnic tensions and conflicts seems to have accompanied the federalization process. Ethnic conflicts and tensions that are associated with the federalization of Ethiopia could be divided in to three. These include:

145. The 'national question' in the Ethiopian context refers to the quests by ethno national groups and political forces and/or movements to abolish ethnic domination and oppression. The national question was articulated by the Ethiopian Student Movement during the 1965, and eventually emerged as a political agenda during the 1974 Ethiopian Revolution and ever since (Bahru 1991)

146. Ethiopia officially adopted a federal form of government in 1995. There are two stages of development in the federal experiment of Ethiopia. First, the establishment of fourteen regional states, i.e. Tigray, Afar, Amhara, Oromia, Somalia, Benishangul, Gurage/Hadiya, Sidama, Wolayita, Omo, Kafa, Gambela, Harar and Addis Ababa with substantial devolution of power in 1992. In 1994, five southern regions were merged and the Southern Nations, Nationalities and Peoples Region (SNNPR) was created. Second, the enactment of the federal constitution in 1995. The Federal Constitution lists nine regional states as members of the new federation. These are: Tigray, Afar, Amhara, Oromia, Somalia, Benishangul-Gumuz, Southern Nations, Nationalities and Peoples, Gambella peoples, and Harari people. Addis Ababa has become the federal capital city. Hierarchically, the regions are divided into zones: zones are in turn divided into Woreda (Amharic term for district) and Special Woreda (mainly in SNNPR for minority representation). Kebele (neighborhood associations) constitute the lowest local government tier.

1. Inter-ethnic competitions and conflicts in multiple identity regional states.
2. Tensions in majority-minority relations; and
3. Problems associated with delineation of regional boundaries.

3.2.1.1. Inter-ethnic conflict in multiple identities Regional state

The adoption of federalism in multi-ethnic and/or national Ethiopia is officially intended to provide a decentralized administrative system for the diverse ethnic group of the country. The Federal constitution, however, does not provide the types of self-administrative structures that all nations, nationalities and people of the country is entitled to. The constitution only list down nine regional states as the member of the federation. Out of these only five regions (Oromia, Amhar, Tigray, Afar and Somalia are dominantly inhabited by the designated¹⁴⁷. The remaining regions are multi-ethnic. There is no constitutional provision about the autonomy and self-administrative structures of ethnic groups in whose names regional states were not created. Here it is important to note the fact that the state constitutions, as will be seen at the latter stage of the study, do recognize the right to self-administration of ethnic group at the lower level of administration. Here I am only referring to the Federal constitution, which merely recognizes the rights of nations, nationalities and people of the country's right to self-administration.

Because of these issues of identity and control of administrative structures have led to inter-ethnic tensions and conflicts in almost all of the multiple identity regional states. In these respect two broad trends of ethnic conflict is observable. These are:

1. Conflicts over issues of ethnic identity and governance, and
2. Control over administrative structures and ethnic territories in multiple identities regional states.

147. FDRE constitution, supra note 1, art. 47(1)

3.2.1.2. Inter-ethnic conflicts over issues of ethnic identity and governance.

There were two major inter ethnic conflicts over issues of ethnic identity and governance in the SNNPRS a region that is ethno-linguistically diverse. One was the silte-Gurage¹⁴⁸ Inter ethnic conflicts and the other was an introduction of WOGAGODA¹⁴⁹ language by the SNNPRS authorities, which face resistance from Wolayita ethnic group.

The Silte-Gurage identity questions. This identity issue was resolved relatively peacefully. The Silte, who were in the past considered a sub-group of the Gurage ethnic group, effectively challenged regional and federal authorities for the recognition of their separate identity from the Gurage ethnicity. The bases of their arguments were on their language and unity in faith, which is Islam.

One can ponder over the question why the Silte raised their separate identity even if they are members of the different Gurage clans. The ethnic assertiveness of the Silte appears to be because of changes in the patterns of their relationship with the Gurage and the new structures of the Ethiopian state under federalism. Previously the administrative structures in the entire country were highly autocratic and centralized. Moreover, regional governors and administrators were directly appointed by the central government. The relationships of both groups of Silte and Gurage with the central authorities were thus more or less seems federal structure. One of the zonal administrations within the SNNPRS is the Gurage zone.

148. The Silte-Gurage issue was about the question of Silte's distinct identity from the Gurage. Previously, the Silte were considered a member of the Gurage ethnic group, which itself is characterized by membership of several clans with multiplicity of languages and dialects (Aklilu 2a).

149. WOGAGODA is an abbreviation of the first syllables of the names of four ethnic groups in Southern Ethiopia namely: Wolayita, Gamo, Gofa and Dawaro. These ethnic groups share a degree of linguistic intelligibility and cultural affinity (Aklilu2b).

Silte activists felt that their incorporation within the Gurage zone undermined their identity and prospect for development and demanded their separate identity from the Gurage. This resulted in the establishment of a separate zonal structure for the Silte within the SNNPRS.

In that case several individuals lodged their petitions to the House of the Federation alleging the SNNPRS violated their constitutionally guaranteed right to self-determination by failing to recognize their existence as Silte ethnic community. Based on the instructions of the house of the Federation, the council of constitutional Inquiry investigated the matter by formulating the following issues: 1) Under the federal constitution who is entitled to decide on a question of recognition of communal identity? 2) what is the procedure for such a decision? 3) And thus, how should the question of the identity of the Silte community be decided?

In regard to the first issue, the council relying on article 39(5) of the Federal constitution held that it is the community requesting for the recognition of its identity that is entitled to determine its own identity and it is no one else's authority. In relation to the second issue, the council of constitutional Inquiry laid down four procedural rules, pointing out that the rules shall have validity in future similar cases. The first rule requires any petition involving issue of communal identity to be in written form. The second rule specifies the requirement that the petition to be lodged first to the council of regional state where the concerned community lives. The third rule obliges the council of regional state to which the petition is lodged to hold a referendum in order to assure that the petition reflects the will and wishes of the concerned community. And the fourth rule stipulates that the petition could be presented to the house of the Federation only when the concerned community believed that the manner how the council of the regional state addresses its demands infringes the federal constitution. Concerning the issue as to how the question of the Silte community will be decided the council of constitutional inquiry recommended that it be addressed in accordance with the aforementioned procedural rules. The House of the Federation, in turn, adopted the recommendation of the council of constitutional Inquiry and requested the council of the SNNRRS to address the issue of the identity of the Silte community accordingly.

Consequently, the regional council in cooperation with the Ethiopian Federal Election Board organized a plebiscite for Silte people to determine whether they exist as a distinct ethnic community.

261,230 Siltes out of the 263,300 eligible voters voted affirmatively. Majority Siltes declare themselves as an entity separate from Gurage ethnic groups.¹⁵⁰

The WOGAGODA and the resistance of Wolayita.

The attempts by the authorities of the SNNPRS to harmonize the languages of the four ethnic groups for purpose of elementary school instruction and local administration was fiercely resisted by the Wolayita ethnic group. The Wolayita ethnic group which is more than one million people according to 1994 census saw the move by the regional authorities as a critical challenge to its identity¹⁵¹.

The WOGAGODA issue triggered the somewhat latent grievance of the Wolayita ethnic group over its incorporation into the North Omo zone of the SNNPRS. The Wolayita resented over lack of a zonal structure for their group within the regional state¹⁵². In fact, when fourteen regional governments were established in 1992, Wolayita was one of the regions. However, the Wolayita lost their regional status when the SNNPRS was established by the amalgamation of five southern regions: Gurage/Hadiya, sidama, Wolayita, Omo and Kafa in 1994. There was no open popular opposition to the lack of zonal status for the Wolayita, but when the regional authorities tried to impose the infamous WOGAGODA project the Wolayita put up a fierce resistance. The authorities of the regional state and the Federal government initially tried to clamp down the opposition but they finally agreed to abandon the controversial project and created a new zonal structure for the Wolayita. The WOGAGODA project caused tensions not only between the governmental authorities and Wolayita activists, but also between members of other ethnic groups, particularly between the Gamo and the Wolayita.

3.2.1.3. Conflicts over administrative structure and ethnic territories

¹⁵⁰ Hashim Tewfiq, conflict-management structures and intervention under the Ethiopian constitution. First national conference on federalism, conflict and peace building. May, 2004, Addis Ababa PP 234-235.

¹⁵¹ Aklilu, A, (2000b). Ethiopia: The challenge of Federalism Based on Ethnic Restructuring. A case study of the sidama and Wolayita Ethnic Groups in the SNNPRS. A research report submitted to the world Bank Robert s. McNamara Fellowships program August 2000.

¹⁵². Ibid

Inter-ethnic conflicts and at times violent conflicts occurred in multiple identity regional states on issues of control over administrative structures and status of ethnic territories. To illustrate this conflict we will consider conflicts involving.

1. Sheko-Mezenger (SNNPRS)
2. Nuer-Agnuack (Gambella)
3. Berta- Gamuz (Benishangul-Gumuz) and
4. The incident over the status of the Awassa town (SNNPRS)

Sheko-Mezenger in the SNNPRS.

In March 2002, simmering tensions between the Sheko-mezenger ethnic groups and the regional authorities of the SNNPRS over the status of sheko Mezenger and the Yeki woreda of the Keficho Zone of the SNNPRS flared up into a violent conflict. As a result of a conflict, more than one hundred people were killed, about two thousand houses were destroyed, and more than 58.000 people were displaced ¹⁵³. The sheko-Mezenger incident remains one of the most violent conflicts in the southern region.

According to EHRCO, the cause of this violent conflict revolves around the demand of the sheko-Mezenger to be included in the Gambella Regional state. The reports further notes that since the period of transition (1991-1995), the sheko-Mezenger inclined to be incorporated into the Gambella regional state, but in a referendum held in 1993, the majority of the residents of the yeki woreda voted in favor of maintaining both the kaficho zone and the yeki woreda with in the SNNPRS. This was not accepted by some of the activities of the sheko-Mezenger ethnic groups and their political organization. The sheko-Mezenger peoples Democratic unity organization (SMPDUO) ¹⁵⁴.

153.EHRCO (Ethiopian Human Rights Council), 2000a. The 49th special report..A conflict that resulted in many deaths in Tepi shekicho zone. May 2002, Addis Ababa, Ethiopia

154.Ibid

On March 10, 2002, the frustration of the sheko-Mezenger over their status erupted in a violent demonstration. According to EHRCO, about three hundred members of the two ethnic groups armed with spears and rifles blocked the teppi Jimma road and surrounded the Yeki woreda council. In clashes between the local police and the demonstrators, several lives were lost¹⁵⁵.

Following this incident, the security forces of the region were implicated in serious violation of human rights of the sheko-Mezenger ethnic groups in the name of stopping their violent actions¹⁵⁶. In an apparent campaign of retaliation by authorities of the SNNPRS, many members of the sheko-Mezenger ethnic groups lost their lives.

Nuer-Agnuack conflict

One of the multiple identity regional states in the new Ethiopian federation is the Gambella region. According to the 1994 population census, the two major ethnic groups in the region are the nuer (40%) and the Agnuack (27%).

The new federal system of Ethiopia has brought with it new patterns of relations among different ethnic groups and power structure of the regional states. For example new patterns of relationship between Nuer and Agnuack emerged after the establishment of the Gambella regional state and the emergence of a new power structure within the region. In the past all of the ethnic groups in the region were subjected to heavily centralized administration by the central government from the center. Like all other regions, officials were directly appointed and public policy decisions were made at the center. But, the new federal experiment has brought about disagreements over level of representation of the two ethnic groups in higher position of the region and problems relating to sharing of resources of the region¹⁵⁷. This has complicated relations between the two ethnic groups.

155. Ibid

156. Ibid

157. Asnake Kefale, 2004, Federalism: Some trends of ethnic conflicts and their management in Ethiopia, in Alfred G. Nhema(ed); the quest for peace in Africa transformations, Democracy and public policy.

Simmering tensions between the two groups over political representation flared into conflict in July 2002. The conflict was triggered by the belief among the Nuer that the regional authorities deliberately failed to appoint another Nuer to position of Vice-president of the region a year after the death of the previous Nuer vice president ¹⁵⁸. Nevertheless the magnitude of the conflict indicates accumulated discontent and rivalry between the two groups over issues of political representation, sharing of the resources of the region and other factors.

Berta-Gumuz conflict

Patterns of ethnic relations in the Benishangul Gumuz regional state were affected by the influx of largely Amhara settlers through the Derg's resettlement programme of the 1980s. The establishment of the region with the right to self-determination after 1991 also caused changes in the patterns of relations between the ethnic groups of the region. There are grievances from the Berta ethnic groups over questions of representation and division of the lower level of administration. Berta complained that the Gumuz ethnic group, smaller in territorial size and population as compared to them, has eleven woreda while they have only seven ¹⁵⁹. They contend that this disadvantaged them in several respects such as budget allocation and representation at regional level ¹⁶⁰.

158. EHRCO (Ethiopian Human Rights Council) 2000b. The 55th special report. Great destruction caused in conflict between Agnuak and Nu-er tribes 6 september 2002. Addis Ababa, Ethiopia.

159. Tewodros, W, 2001. Ethnic relations and conflict management: The case of the Bertha and the resettled Amhara. BA thesis in political science, AAU, Ethiopia.

160. Walta Information Center (WIC) 2001. Berta people's organization lodges complaints to the House of Federation. Assosa, 24 March 2001.

Because of these grievances, tensions developed between the Berta and the Regional Government, which is dominated by the Gumuz and between the Berta on one hand and the resettled Amhara on the other hand. Consequently, Berta withdrew from the regional government and threatened to establish its own regional state by seceding from the Benishangul Gumuz Regional state. To control the situation, authorities of the federal government, particularly the House of the Federation was involved and calm was returned to the region as the Berta rejoined the regional government ¹⁶¹.

The status of the Awassa town:

On May 24,2002, a demonstration was staged by some members of the Sidama ethnic groups to oppose speculated changes on the status of the Awassa town. This demonstration was forcefully dispersed by the police. As a result, some lives were lost. This violent incident was, however, about the administrative status of the Awassa town, which is presently serving as the capital of the SNNPRS and the Sidama zone.

When the regional authorities decided to make Awassa a regional capital town with a special status making it directly accountable to the regional authorities and instructed the sidama zone to move out and establish its capital elsewhere within the Sidama zone, many members of the sidama ethnic groups did not accept the decision¹⁶². The Sidama ethnic group felt that they are about to lose control over their ethnic territory and urban center. This led to intense mobilization of the Sidama living in the town and adjoining peasant association to oppose the decision; under the slogan Awassa will not be sold. Some observers and opposition politicians blame the regional authorities for the conflict as they made decisions regarding the status of the town without adequate consultation or the consent of the Sidama people. This case shows how changes in the administrative or geographic jurisdiction of ethnically constituted regions could cause conflicts.

161.Ibid

162.Asna: supra note 176

3.2.2. Tensions between Regional Majorities and Settler Minorities

Relations between regional majorities and minorities pose difficulties because of competition over natural resources, differences in socio-cultural systems and the way political system orders relations between such communities.

In Ethiopian history, there is a long history of people migrating from the northern parts of the country to the south. This historical phenomenon could be explained as expansion of the Ethiopian state from the north to the south because of environmental degradation, shortage of farmland and search for opportunities¹⁶³. Under such circumstance there were historically an established pattern of relationship between the new settlers and the majority already inhabiting the area. But patterns of relationships between them experienced changes because of the overall changes in the political structures of the country and ideologies of the regimes. The formation of the federal system along ethno-linguistic lines and the increased self-assertiveness of ethnic groups are believed to have caused tensions between the regional majorities and settler minorities¹⁶⁴. In other words there is a threat of local tyranny.

Even if the federal constitution¹⁶⁵ stipulates the rights of all Ethiopian nationals to live and work any where in the country, some problems in the relationship between regional majorities and settler minorities have been observed. In other words, the heavy emphasis toward ethnicity in the political dispensation of post 1991 Ethiopia made the problem of striking the balance between group (nations, nationalities and peoples) and individual right complicated. Such difficulties could be seen from the viewpoints of political participation

163.Ibid

164.Ibid

165. FDRE constitution supra note 1. Article 32

In many of the regional states, people from other ethnic groups are discouraged from participating in political activities. For example, in those regions, which have adopted regional working languages, people who do not speak the local languages are not allowed to run for offices at both regional and national levels. For instance, in the regional city state of Harar, ¹⁶⁶ large sections of the non-Harari residents of the city are apparently disenfranchised from participating meaningfully in the running of the affairs of their city. The paradox of this case is where the minorities became politically dominant. It is where the minority turned in to majority.

3.2.3. Inter-ethnic Conflicts Defining Boundaries Of Regional States

This problem could be explained by the incompatibility of cultural/ethnic and politico-administrative boundaries.¹⁶⁷ Contested politico-administrative decisions on regional boundaries and traditional competitions of ethnic groups over such resources as water points and grazing land.

Several incidents of inter-ethnic tensions and conflicts in the post- 1991 period emerged over territorial issues. For instance, inter- ethnic conflicts surrounding regional boundaries were observed between the Borana (Oromia) and Gerri (Somalia), the Afar and the Issa (Somalia), the Gedeo (SNNPRS) and the Guji (Oromia) and resulted in the death of thousands of people and destruction of property.

166 .According to the 1994 Census, the population of the Harari Regional State is 131,139 people, of whom 68,564 are Oromos and 42,781 are Amhara. The Harari in whose name the regional state is established are about 9,734. Despite the multi-national character of Harari Regional State and the evident numerical majority of the non-Harari, no practical measures have so far been taken to secure the political participation of the non-Harari and the non-Oromo residents of the city.

167. The problem of boundary delineation on an ethnic basis is problematic as;(e) thnicity is situational, fluid and intermittent, while ethnic boundaries are changing. (Osaghae 1998).

Borana- Gerri inter-ethnic Conflicts.

The main cause of Borana-Gerri conflicts has traditionally been competition over land resources. The interventions of several actors such as the government of Ethiopia and the neighboring Somalia, different international actors like the United Nations Higher Commission for Refugees (UNHCR) ¹⁶⁸ and insurgent movements such as the Oromo Liberation Front /OLF/ and different Somali factions have greatly complicated conflicts and their management between the two ethnic groups. These problems continued after the establishment of regional states in 1992. The Borana are now feeling that they are losing their traditional territories. In this regard Hoop notes that because of Borana's strong relationship with the state, the state had generally supported Borana claims to pasture in the past. At present, in federal system, they have increasingly lost support of central authorities and their claims to waters and pastures are being increasingly questioned¹⁶⁹.

The traditional competitive nature of relationship between the Borana and the Gerri are thus, getting new dimensions after the establishment of the Oromia and Somali regional states. The Gerri, who share linguistic and other cultural features with the Borana (Oromo), identified themselves as members of the Somali ethnic group. As a result, traditional competitions between these groups over land resources are being transformed into modern nation state type boundary conflicts.

168. The UNHCR is indirectly involved in relations of the Garri and the Borana in its activities establishing camps for Somali refugees and returnees in Borana areas.

169. Hogg, R 1997. Introduction In R.Hogg(ed) pastoralists, ethnicity and the state in Ethiopia London: HAAN publishing .p.7

Afar – Issa Conflicts

Like the Borana and the Gerri, relations between the Afar and the Issa (Somali) have been complicated by the interventions of several actors. The main reason for the conflict between the two groups is competition over scarce and dwindling land resources. Like that of Borana and Gerri, the traditional competitions of the two ethnic groups for resources are being transformed into boundary conflicts, after the establishment of the regional states of Somalia and Afar. In addition to the question of borders, the unstable geopolitical conditions of the Horn of Africa, the Ethiopia's recent near total dependence on the neighboring Djibouti,¹⁷⁰ where the Issa have the political upper hand for port services, are complicating traditional conflicts between the two ethnic groups.

Several violent conflicts between the two ethnic groups have been observed in the last few years. Both accuse each other of initiating conflicts. The Afar, for example, complain that the Issa have encroached further and further into their territories and these has been condoned by the various peace committees set up to deal with the problem¹⁷¹. Similarly the Issa complain that the Afar is preventing them from having access to water and pasture resources. In this regard, a report by the UN-Emergency Unit asserted that conflicts between the Afar and the Issa contributed to the massive cattle death of the Issa in 2002. The report further stated that the Issa were prevented from having access to water resources around the Awash River and in Gedamayte by the Afar and this exacerbated the plight of the people and their animals in addition to the long drought in the area¹⁷².

Drought, famine and violent inter-ethnic conflicts seriously undermine the livelihood of both the Issa and the Afar communities in an interlocking and mutually reinforcing manner.

170.The 1998-2 Ethno-Eritrea border war made Ethiopia more dependent on Djibouti for port services as it halted usage of Eritrean ports of Assab and Massawa.

171. Addis Tribune 2002. Afar-Issa clash causes fuel shortage panic 19 April 2002.

172.Ibid

It is, therefore, incumbent upon both regional and federal authorities to devise amicable alternatives to define the territorial jurisdictions of the Somali and Afar regional states while considering the precarious livelihoods of the postural communities. In other words, a concerted effort must be made to reverse the emerging trend of transforming traditional resources inter-ethnic conflicts into boundary conflicts.

Gedeo-Guji Conflicts

The Gedeo and the Guji have a long history of neighbor relations. Both are agro-pastoralists and were previously located in the former Sidamo province. Despite their linguistic differences, the two ethnic groups have similar socio-political institutions called Gadda,¹⁷³ norms of governance and conflict management. Like any adjacent communities, have also traditionally developed instruments of conflicts management when clashes occur between them over resources.

Traditional instruments of conflict management of the two ethnic groups were becoming inadequate after the federalization of the country. In the new federal structure, the Gedeo became part of the SNNPRS and the Guji part of the Oromia regional state. This means traditional competition/conflicts of the Guji and Gedeo were transformed into territorial or boundary conflicts. The Gedeo resented the grouping of some Gedeo peasant associations into the Borana zone of Oromia regional state particularly around a place called Hager Mariam. Tensions between the two communities on the regional status of Hager Mariam led to a violent conflict in July 1998, which resulted in the death of many people, displacement of thousands and destruction of property¹⁷⁴.

173. A socio-political egalitarian system based on age-set (Asmarom 1973).

174. EHRCO (Ethiopian Human Rights Council) 1999. "The 13th regular reports conflict between the Oromo and Gedeo ethnic groups." Nov.1999. AA,Ethiopia.

3.3 Inter-ethnic conflict Management.

Ethiopia's predominantly ethnic federalism is presented as an instrument that could provide better that would lessen inter- ethnic tensions and conflicts.

The track record of Ethiopia in the management of inter-ethnic conflicts after its adoption of federalism is not, however encouraging. Broadly speaking. There are two major trends of inter-ethnic conflict management: legal and politico-administrative instruments emerged since the 1991 change of regime.

3.2.2.1. Legal Instruments of Inter-ethnic conflict Management

Several articles of the federal constitution provide principles, procedures and institutions for the management of disputes and conflicts over issues of national self-determination, identify and boundary conflicts between the regions. Article 39(1) of the constitution, for example, provides that "every nation, nationalities and people in Ethiopia has the unconditional right to self-determination, including the right to secession. Article 39(4) stipulates the procedures to exercise the rights of secession. Article 46(2) outlines the criteria for forming regional states, which are " settlement patterns, language, identity and the consent of the people concerned." Article 47(2) provides the procedures for forming new regional states out of existing one. Article 48 stipulates the principles and procedures of resolving border disputes between the regional states.

The constitution has also provided for the establishment of the House of the Federation (Article 61), which is composed of representatives of nations, nationalities and people of the country. Relating to the inter-ethnic conflict management, this institution has the power to interpret the constitution (Article 62(1)); decide on issues relating to the rights of nations, nationalities and peoples to self-determination, including the right to secession (Article 62(3); and strive to find solutions to disputes or misunderstanding that may arise between states (Article 62(6)).

In the actual management of inter-ethnic conflicts, for example, in the conflicts that we have briefly reviewed above, the significance of these constitutional principles, procedures and institutions were limited. Several factors explain why these constitutional instruments of conflict management did not function well.

As will be shown at the letter stage of the study the state constitutions in serving, as an instrument of inter-ethnic conflict management of inter-ethnic conflict management is not different from that of the federal constitution as far as its limitation is concerned.

First and most importantly, the Constitution only provides conflict management mechanisms for conflicts that could emerge between regional states. However, many of the conflicts that occurred in the last few years were not between regional states. In many cases, we have observed conflicts within specific regions such as SNNPRS, BGNRS and others. Even when conflicts occur involving ethnic groups of different regions (Afar-Issa, Guji-Gedeo and Borana-Gerri conflicts), such conflicts cannot be termed conflicts between regional states, because the authorities of the regional states try to disassociate themselves from such conflicts officially. It is, therefore, imperative to underline that the legal instruments of conflict- management, which are provided in the constitution, are not adequate to deal with many of the ethnic conflicts that emerge in Ethiopia to day.

The second reason that could be attributed to the inadequacy of the legal instrument of conflict- management is lack of experience. As the federal system in Ethiopia is still very young, there is lack of adequate knowledge and experience in running a federal government from both sides of the federal and regional governments. The House of Federation, which is given the most important task of conflict- management, has not yet finished its work of organizing itself.

Third, the House of Federation, which is responsible for interpretation of the constitution, is composed of representatives of nations, nationalities and people of the country, who are in practice, delegated to it by regional councils. This could influence its independence to function as an impartial institution of conflict-management. As the members of the House of Federation are representatives of regional governments and political parties, they could not function independently.

For instance, the constitution provides that the House of Federation should decide on issues of interpreting the constitution thirty days after getting the opinion of the council of constitutional Inquiry ¹⁷⁵. It failed to make a decision six month after receiving the opinion of the council of constitutional Inquiry on a question submitted to it from Benishangul-Gumuz National Regional state concerning voting rights.

The reason given by the House of Federation for the delay is its “inability” to get the opinions of what it regarded “the higher political leadership” ¹⁷⁶. This clearly demonstrates that there is a serious limitation at the House of the Federation in independently addressing its constitutional obligations.

3.2.2.2. Politico-Administrative instruments of inter-ethnic conflict management.

By far, the most frequently used instruments in managing inter-ethnic conflicts in federal Ethiopia are politico-administrative ¹⁷⁷. The underlying features of managing conflicts in Ethiopia are still characterized by hegemonic and centralizing tendencies of the political center. The dominance of politico-administrative instruments of conflict-management could be explained by the attempt of the EPRDF to mediate its policy of empowering ethnicity and its desire to maintain its hegemonic control over the politics of the country.

175. The Council of Constitutional Inquiry is quasi-judicial organ composed of the President and the Vice President of the Federal Supreme Court, six legal professionals appointed by the president of the country upon the recommendation of the House of Peoples' Representatives, and three members from the House of Federation. It is responsible for the investigation of constitutional disputes, and when it finds that constitutional interpretation is necessary, it submits its recommendation to the House of Federation. See Art, 82 of the FDRE Constitution.

176. Ibid

177. Refers to the political role (ruling party) and administrative (executive agencies of the state) structures in the management of conflicts and the dominance of the executive in conflict management processes.

On the one hand, unconditional rights of self-determination up to secession are proclaimed and strongly, and at other times persuasively argued for by the EPRDF. On the other hand, political groupings and attitudes that favor secession are discredited as narrow nationalists. In principles, self-administrative structures are promised for all ethnic groups of the country, but because of economic and administrative experiences, amalgamation of diverse groups is pursued. These and other contradictions explain the nature of conflicts and their management in the post-1991 period. Some features of politics-administrative management of conflicts in Ethiopia are discussed below.

First, the dominance of the executive and the ruling coalition in conflict management process could explain the features of conflict and their management in Ethiopia. The hazy boundary between the ruling party and the government has been recently criticized by the EPRDF for much of its difficulties. In the realm of conflict management as well, institutions such as the House of Federation and regional assemblies, which are in principle given the task of conflict management, were weakened by the undue dominance of the executive and party organs. The dominance of the central executive on question of managing conflicts is even more institutionalized after the establishment of the new federal cabinet in 2001. The somewhat dubious regional affairs bureau under the prime minister's office, which is a pivotal institution in the relations of the region with the central government and between and/or among themselves, is now reorganized as the new Ministry of Federal Affairs. This shows that the dominance of the executive in conflict-management process will get even more institutionalized and strengthened.

Second, another important factors of the politico-administrative style of conflict management is the apparent tendency to ignore demands of some ethnic groups seeking recognition of their separate identities and changes in administrative structures. Example Silte and Wolayita. Both Federal and regional authorities are reluctant to accept such demands. In fact, politico-administrative organs would only react to such demands after the ethnic groups persisted with their claims and in some cases, disproportionately. In this case, the Sheko-Mezenger conflict and the Awassa incidents could be cited as examples.

Third, peace and democracy conference,¹⁷⁸ is the preferred instrument of conflict resolution by the politico-administrative organs. The former Regional Affairs Bureau at the prime Minister's office, now the Ministry of federal Affairs organized numerous such conferences by bringing together conflicting parties and different interest groups. For example, various conferences were held to resolve conflicts between the Borana and Gerri. The Afar and the Somali and between different Gambella factions. In some cases, uniting different clan-based political organization in such regions was pursued as an important instrument of conflict-management. The contributions of these conferences to building non-violent conflict management systems were limited due to failure in the implementation of agreement reached in these conferences as well as suspicion of some of the groups over the real interest of the politico-administrative organs.

In sum, the politico-administrative instruments of conflict-management remain ad-hoc, disparate, not well organized and above all reactive, intervening into the conflict situation after the damage is already done.

178. Coined after the July 1991 conference of opposition forces held in Addis to establish the Transitional Government of Ethiopia.

Chapter Four

State Constitutions and inter-ethnic conflict management in Ethiopia

4.1 Introduction

In this chapter, I want to discuss a topic that, so far, has attracted very little attention in the scientific research on Ethiopian federalism: the internal state structure of the Ethiopian regions. It is argued here that in order to evaluate the capacity of the Ethiopian federal structure to accommodate ethnic diversity and regulate inter-ethnic conflicts, the research should not be limited to an analysis of the constitutional mechanisms on the federal level.

One of the crucial features of the Ethiopian federal structure is that it provides its nine regions with the power to enact their internal constitutions. This implies that each and every region has the power to develop its own internal state structure, within a minimum federal framework. From here it follows that the federal structure to have the potential to lay the foundations for a viable Ethiopian state, it is essential that not only the federal but also the regional mechanisms have the capacity to realize unity in diversity. As is explained in this chapter and elsewhere in this paper, and this notwithstanding the ethnic territorial strategy that has been pursued when drawing the territorial boundaries, not a single Ethiopian region is ethnically homogeneous. Thus, the ethnic diversity that characterizes Ethiopian society on the federal level is also present, to a greater or lesser extent, within the regions. Therefore, while evaluating the capacity of the Ethiopian state structure to accomplish unity in diversity one also has to include an analysis of the regional mechanisms of inter-ethnic conflict management. The latter analysis is the core objective of this chapter.

4.2 State Constitutions in general

All of the nine states in Ethiopia have their own constitutions. Most of them had it in force since 1995 although the state of Afar formally adopted its constitution only in 1998. The fact that they have their own constitution is not only in line with the principle of self-rule inherent in federalism, but also had a root in the federal constitution itself which explicitly recognized the right of the states to make and implement their own constitution.

Thus according to Article 52(2)(b) of the federal constitution, "States shall have the ...power to enact and execute the State Constitution and other laws." Although the states have already had the pre-constitutional times of the Transitional Period, they came to enjoy establishing their own constitution only after the adoption of the federal constitution.

In their making, most of the state constitutions hardly had an elaborate procedure. Unlike the federal Constitution, which had to pass through the conventional stages of drafting (by a drafting commission established by law), deliberation (by the public and later in the constitutional Assembly) and adoption (by the Constitutional Assembly), the state constitutions were simply adopted by the state legislatures after being drafted by the legal standing committees of the respective states. According to the preambles of most of the constitution, the makers are "We the people of ..." or as in the case of multi-ethnic states as SNNPRS, "We the Nations, Nationalities and peoples of..."

In size, most of these constitutions are very compact, clear and precise. Most of them, in their old version (i.e., before most of them were revised in 2001), were shorter than the federal constitution. Thus the constitution of Afar had 98 articles. That of Amhara and Oromia had 101 articles. Benshangul /Gumuz had 99 article; Gambella had 101 article; Harari had 42 articles; Tigray had 100 articles. After the revision in 2001, most have come to have a longer text than the one that had been in operation until then. Thus, SNNPRS came to have 128 article, by far the longest so far. Oromia's has moved up to 113. Amhara has a text of 119 articles. Somalia has 110 article. Gambella, Harari has a text of 80 articles. Benshangul/Gumuz constitution has 121 articles Afar's revised constitution has 111 articles and Gambella constitutions has ____ articles. In all of them, there started a difference to be seen among the state constitutions. The difference can be explained by the fact that the constitution designers were now taking more and more of the specific local situations into account as they revise their constitutions.

In form, both in the legal/political vocabulary used and in the drafting techniques and styles, there was similarity not only between the state constitutions and the federal constitution but also among the state constitutions themselves.

The usual pattern is that the preamble comes first, to be followed by general provisions, to be further followed by provision pertaining to basic principles, human rights, state organs (Legislature, Executive, Judiciary), local government, policy objectives, amendment, etc.

This similarity might have resulted from the fact that most states used a model draft prepared by the then States' Affairs Desk of the Office of the Federal Prime Minister.

In function, the state constitutions in Ethiopia are not much different from their equivalents in other federal system. It is generally established that the function of state constitution is 1) to allocate power among state organs and power centers; 2) to limit powers of government; 3) and to guarantee protection for rights of citizens ¹⁷⁹. In Ethiopia, on top of these general functions, the state constitutions serve as a symbol of local or sub-national sovereignty. Moreover, they also regulate and guide the behavior of state governments. Mostly state constitutions are articulated in a way that concretely fits the local situation. Further, state constitutions have also helped to make a clear division of powers between state governments and local governments. The human rights provisions also help see the limits to the power of state governments. It is interesting to note that some of the state governments used their constitutions in order to argue for preservation of state autonomy, which they felt was threatened by the Federal Intervention Act of 2003. ¹⁸⁰

The constitutions enjoy supremacy in the hierarchy of laws in the states. Their relation vis-à-vis ordinary federal law (issued by the federal parliament) is not clear yet because of the fact that the principle of federal supremacy is not spelt out. Nevertheless, because not many people were aware of their being in operation, it wasn't usual to see legal arguments framed on the basis of state constitutions. Consequently, for the large part, state constitutions have been documents invoked rather ceremonially to conduct the rituals of state politics such as nomination and appointment of state officials, inauguration of the state parliaments' annual "business". etc.

That said, however, the constitutions are used routinely to regulate the relations between the various organs of state or to guide the behavior of various state and local governmental institutions.

In their content, most are similar. The human rights provisions of most are also similar, sometimes even identical, to those of the federal constitution. The earlier chapters deal with things relating to nomenclature of the states, flags, anthem and emblems, etc.

¹⁷⁹ Look the preamble of any state constitutions

¹⁸⁰ Federal Proclamation No.359/2003, system for the intervention of the Government in the Regions Proclamation, Federal Negarit Gazeta, 9th year No.80 Addis A baba-10th July,2003.

Almost all of them restate the basic principles of the federal constitution including the principles of secularism even when they are a state almost exclusively of Muslim inhabitants (e.g. Afar, Somalia). Of course, they all recognize, also in consonance with pertaining to family and personal law as a result of which Sharia (both the law and the court is operative in almost all of the states.

Almost all constitutions deal with the powers and organizational set up of the local governments (Zones, Wereda, and Special Wereda, etc) after stating the powers of the state governments. The provisions on state and local government powers are more detailed and extensive than the federal constitution. Because there was almost no separation of powers between the state level legislatures and executives in the pre-2001 times, there weren't many provisions devoted to the state executives. Also, because the extent of ethnic heterogeneity varied from state to state and because, as a consequence of the recognition of the right of each ethnic group to have self-governance at least at the local level, the SNNPRS had to have larger number of provisions dealing with local government and the relationships between local and state governments.

In the states, the legislatures, called "State Councils" invariably, were the supreme political organs. The speakers of the Councils were also the president of the states. These presidents and the other members of the state executive, called "Executive Committee", are elected by the council of which they are already members by virtue of popular election every five years. The councils, of course, have the decisional, representative and control powers at the state level. But the fact that the president is also the Speaker and chairperson of the Council made it difficult to have separation of power and justify the revision of the constitutions in the states in 2001. There was no healthy separation of powers that can help ensure accountability in the states.)

Besides, in all states the legislature was the ultimate interpreter of the state constitutions. In its act of constitutional interpretation, it was to be assisted by the state Council for Constitutional Inquiry, a council of notable legal experts who examine cases of constitutional disputes and send their recommendations to the legislative councils.

Moreover, because it was a unicameral legislature (except in Harari state), there was no mechanism to ensure protection of minorities through a counter-majoritarian Upper House-especially in the face of the fact that courts are denied of judicial review power. This resulted in a continual call for constitutional amendment especially in the heterogeneous state of the SNNPRS.

All the state constitutions in Ethiopia are generally rigid. They have a complex mode of formal amendment. Perhaps this will induce informal amendment mechanisms, which tends to develop through a practice that may deviate from, or ignore the specific details of a constitutional provision.

The constitutional revision process that took place in 2001 did not follow the amendment procedure set out in the state constitution. In most of them amendment is supposedly to be effected only if the proposed amendment is approved by three-fourths majority vote of the legislature. The procedure for initiating an amendment (by whom, when, how) is not provided for. It appeared like all amendment was expected to be initiated in the state parliaments. The federal government, particularly the office of the Prime Minister, prompted the massive revision. Consequently, we now have separation of powers in the states. Thus, the presidents of the states are no more speakers of the Council. Speakers are elected from the Council. The Presidents nominate their cabinet members from within the council or from without and seek approval by the councils. In SNNPRS the council has become bi-cameral thereby creating an analog of the HOF within the state. The second house, called "House of Nationalities" (HON) is composed of members representing ethnic groups albeit unevenly. Its major task is constitutional interpretation. In other states, a separate institution, called "Constitutional Interpretation Commission", has been constitutionally established. In all of the states these interpretive institutions are assisted by the Constitutional Inquiry Council of the states.

As a result of the revision, another layer of local government is recognized. Normally, the Wereda government was the level of government that existed next to the state government. After the revision, the existence of zonal government, an intermediary between state and Wereda government, was recognized.

This level of government is especially important in the heterogeneous states such as SNNPRS to contain the intra-state inter-ethnic competition with regard to self-rule at the local level.

In Amhara states, a peculiar local administrative unit, called "Nationality administration" is established apparently to protect minorities and allow self-rule rights to them.¹⁸¹

¹⁸¹ Proclamation No, 59/2001-The Revised Constitution of the Amhara National Regional State Approval Proclamation, Zikre Hig, 7th Year No. 2 Bahir Dar 5th November 2001.

Also, the revision made the constitutions even more rigid than they used to be. In some, it is almost impossible to amend the constitutions. But because the procedures for formal amendment vary from state to state, and it appears that this is the area at which the states came to have the largest difference.

State constitutions' relative closeness to the local has forced the issue of minorities upon them. Although the protection of minorities is enunciated clearly and boldly in the federal constitution (for example in Article 39 but also in various parts throughout the constitution), it has become gradually clear that the state constitutions can be the locus of innovation by drawing out the specific concrete methods and approaches to handling inter-ethnic competitions and the consequent tensions. While all ethnic groups, whether minorities or otherwise, are granted the right to self-determination (ranging from local self-rule to the right of state formation and even secession) under the federal constitution, it is in the state constitutions that the procedures for exercising these rights are clearly laid down. The creation of the category of "Zones" as a form of local government and "Special Wereda" for minority ethnic groups in the SNNPRS; and of the "Nationality administration" in Amhara state for purposes of ensuring minority right of self-rule in the state are only examples of matters over which state constitutions could help articulate. It is also hoped that some of the issues that have come to the attention of the interpretive institutions of the federal constitution over the years can be heard in the interpretive institution of the states.

4.3 State Constitutions and inter-ethnic management in Ethiopia

4.3.1 Ethnic diversity at the Regional level in Ethiopia

We have already taken note of the fact that Ethiopia is a mosaic of different ethnic groups or to the use the constitutional terms nations, nationalities and peoples. The drafter of the 1995 FDRE constitution had made an attempt to coincide the ethnic group settlement with the territory that make regional state in Ethiopia. But that does not mean in any way that the regional states are homogenous in ethnic terms. All are heterogeneous.

Article 47 of the FDRE constitution provides that the territory of the Ethiopian federation comprises nine regions. These regions are the state of Tigray, the state of Afar, the state of Amhara, the state of Oromia, the state of Somali, the state of Benishangul/Gumuz the state of the southern Nations, Nationalities and peoples, the state of Gambella and the city state of Harar.

As I have said an attempt has been made to create an overlap between the regional and the ethnic boundaries. However, a closer look at the regional ethnic diversity indicates that none of the nine regions is ethnically homogeneous. This fact defeats a claim that termed Ethiopian federation as an ethnic one. But it is undeniable fact that it is predominantly an ethnic one and the regions are named by the name of dominant ethnic group. Therefore, one can conclude that a perfect overlap between ethnic group and territory has not materialized. This is not astonishing taking into account the presence of more than 80 different ethnic groups in Ethiopia. However, the degree of diversity differs from region to region.

Based on this background I have selected Oromia and Southern Nations, Nationalities and People's Regional State for further study.

4.3.2 Regional constitutional mechanisms for the management

of inter-ethnic conflict in Oromia

The Oromia regional state has a total surface area of 353 690 km² and has a total population of about thirty million. Thus it is the largest and most populous region of the Ethiopian federation.

The Oromo people constitute 90% of the Oromia regional state population. This implies that Oromo is numerically dominant and at the same time one can easily take note the fact that there is an important presence of other ethnic groups.

In Oromia regional state there are minority groups. Despite the fact that there are minority groups, though they are scattered here and there, in Oromia, the regional state constitution does not refer to other ethnic groups. The preamble, for instance, does not talk about the peoples of the Oromia region, but about the Oromo people.

The Oromia regional state revised constitution of 2001 declares that the Oromo people are the maker and breaker of the regional constitution for it reads: "we the Oromo people". Furthermore articles 8 of the constitution provides that "sovereign power in the region resides in the people of the Oromo Nation..."

4.3.2.1 Territorial Organization of Oromia Regional State

The revised constitution of Oromia regional state was approved in 2001. The constitution provides for the following state structure: regional level, Zone, district and kebele. In February 2005, there were 197 districts and 10676 kebele. Now we have more districts because of the government policy of decentralization.

4.3.2.2 Regional institutional structure

At the regional level, the Oromia region has legislative, executive and judicial institutions. Legislative powers are vested in the regional parliament (Caffee Oromia), executive powers are vested in the regional administrative council and judicial powers are vested in the regional courts.

The parliament of Oromia region, the Caffee Oromia, is the highest authority of the region. The Caffee is unicameral and its members are representatives of the “peoples of the region as a whole”. They are elected for a term of five years. There is no guaranteed representation of minority groups. The association of the region with the Oromo people leaves no room for the representation of ethnic minorities.

As far as the regional executive institutions are concerned, the constitution does not provide for a guaranteed representation of minority ethnic groups. As such, the regional constitutions follow the footsteps of the federal constitution. To sum up, the regional constitutional provisions in Oromia do not pay any attention to the ethnic diversity of the Oromia region. There is a complete identification of the Oromia region with the Oromo ethnic group.

The constitution begins with the preamble that does not talk about the population of the Oromia region, but about the “Oromo people”. Further article 8 of the constitution stipulates the fact that “sovereign power in the region resides in the people of the Oromo nation”. That “people of the Oromo nation” refers to people of the Oromo ethnic group can be deduced from article 39(6) of the Oromia constitution.

Article 39(6) of the revised constitution of Oromia regional state reads as follows: “For the purpose of this constitution, the expression “the people of the Oromo nation” shall be construed as meaning those people who speak the Oromo language, who believe in their common Oromo identity, who share a large measure of a common culture as Oromos and who predominantly inhabit in a contiguous territory of the regional state.”

Therefore, the sovereign power in Oromia does not reside in the different ethnic group of the region, but in the Oromo ethnic group. From here it follows that the regional parliament, the Caffee, the regional executive and courts cannot be perceived as the representative institution of the peoples of the region but Oromo ethnic group.

4.3.3 Regional constitutional mechanisms for the Management of inter-ethnic conflict in southern Nations, Nationalities and Peoples Regional state.

The southern state has a population of more than 13 million people who live in area of 113 539 km². As the name of the region indicates a particular feature of its population is its enormous ethnic diversity. According to official sources, there are no less than 56 different ethnic groups or to use the official vernacular nations, nationalities and peoples in the region. Some of those groups have more than 1 million members (such as the Sidama and the Gurage), but most are very small, each amounting to no more than some tens of thousands of people.

Notwithstanding the existence of some larger groups, it is important to note that not a single group has the numerical majority.

4.3.3.1 Territorial Organization of the Southern state

The southern state first, ratified its own constitution on 22 June 1995. On 12 November 2001 this constitution was revised by the “Revised constitution, 2001, of the southern Nations, Nationalities and peoples regional state proclamation No 35/2001.”

This revision introduced several institutional reforms that, as will be discussed below, reflected the particular ethnic diversity of the southern population and that, therefore, in the context of this chapter, merit our particular attention.

Article 45(1) of the southern constitution provides a four-tier internal administrative structure: the regional/state level, the zonal/special wereda, the wereda level and finally the kebele level. The zone in the southern region is not similar to the zone in Oromia region. The zone in Oromia is a deconcentrated organ of the regional administration whereas the zone in the southern region is an ethnically based territorial entity. The special wereda has the same status as the zone, but is used for smaller and territorially strongly concentrated groups. Therefore the zone/special wereda in the southern region can better be compared to the Nationality administration in Amhara and Benishangul-Gumuz. This no doubt helps in inter-ethnic conflict prevention and management.

Until February 2005; the southern region is composed of 13 zones, 8 special woreda, 104 wereda and 3772 kebele.

4.3.3.2 Regional institutional structure

Article 46(1) of the southern state constitution designates the legislative body, the state council, as the highest authority of the regional state. The State Council has been profoundly reformed by the constitutional revision of 2001, which, in addition to the State Council, created a second chamber, the Council of Nationalities. Thus today, the Southern state parliament is in analogy with the federal parliament composed of two chambers. Further analysis clearly demonstrates that there are many other similarities between the regional and the federal parliament.

The members of the first chamber, the State Council, are representatives “of the people of the state as a whole” and are directly elected for a term of 5 years. But again, the full consequences of the majority system are compensated by the guaranteed representation for “minority Nationalities and Peoples”. This latter mechanism was not included in the original constitution of 1995 but incorporated by the 2001 revision.

It is however the second chamber that is of particular interest for this paper. This second chamber, the Council of Nationalities, was created by the 2001 constitutional revision. An analysis of the relevant constitutional provisions clearly demonstrates the similarities between this southern institution and the federal House of the Federation.

Article 58(1) of the southern constitution states that the Council of Nationalities is composed of representatives of nations, nationalities and peoples at least by one member. This implies that every ethnic group in the southern region has a right to be represented in this institution. Furthermore, article 58(2) stipulates that each nation, nationality or people shall be represented by one additional representative for each one million of its population. This means that, as most ethnic groups in the southern state have only a limited number of members, only some groups will be able to claim more than one representative. The council of nationalities list of members shows that six ethnic groups have more than one representative: the Sidama (3), the Gurage (2), the Wolayit (2), the Gedeo (2), the Hadiya (2) and the Gamo (2).

The council of nationalities guarantees the representation of all ethnic groups in the regional parliament. Notwithstanding the fact that hundreds of thousands of Amhara and Oromo are living in the southern region, they do not have representatives in the council of nationalities. This is a further confirmation of our theory about the distinction between endogenous and exogenous groups. This theory implies that the regional constitutions develop mechanisms to protect ethnic diversity exclusively for the endogenous groups.

From here it follows that exogenous groups have no right to be represented in the council of nationalities. This is not explicitly stated in the constitution, but we can deduce it from the list of members of the council of nationalities and the Deputy Speaker of the council of nationalities confirmed it to the author. The limited representation of exogenous groups in the regional parliament also results from the fact that the regional parliament does not elect representatives of these groups in the federal House of the Federation.

Members of the council of nationalities are elected from among members of zonal and special wereda councils. Members elected for wereda councils represent nationalities that do not have representatives in zonal councils.

The indirect system of election is a result of the territorial approach towards ethnic diversity that characterizes the Ethiopian state structure.

The federal constitutional objective to accommodate ethnic diversity by creating ethnically homogenous regional states has been, in a sense, adopted at the regional level. Article 45(2) of the southern constitution says, "The Nations, Nationalities or peoples in the region shall have their own zonal or special wereda administration". Following the theory on endogenous and exogenous groups, we can assume that "nations, nationalities and peoples in the region" refers exclusively to the endogenous groups.

However, the exclusion of the exogenous groups does not preclude that still a large number of ethnic groups have the right to their own territorial entity. As indicated before, the region has 56 nations, nationalities and peoples. Indeed, the constitution does not differentiate between large and small groups. However, by 2005, in spite of the existence of more than 50 ethnic groups, only 13 zones and 8 special wereda had been created in the southern region. As a result, the largest ethnic groups in the southern region (such as the Sidama, the Gurage, the Hadiya, the Gedeo and the Wolayita) have their own zone. Furthermore, a number of special wereda have been created for small and territorially concentrated groups. All other groups constitute a minority within one of these entities or are living together in multi-ethnic zones such as the southern Omo zone and the Bench-Majji zone. One can observe in this structure clear similarities between the territorial organization of the southern state and that at the federal level. In both cases, some large and territorially relatively concentrated ethnic groups have their "own" administrative entity while the remaining groups are a minority in those entities or are brought together into multi-ethnic entities.

Given this fact, it is not surprising that the members of the council of nationalities are elected from zonal and special wereda councils in accordance with the practice that the members of the House of the Federation are elected from the regional councils.

Article 59 of the southern constitution lists the powers and functions of the council of nationalities. These competences were clarified in regional proclamation No. 60/2003, "The consolidations of house of council of nationalities and definition of its powers and responsibilities proclamation" of 29 June 2003.

The council of nationalities is the authoritative interpreter of the regional constitution. This is a departure from the southern constitution of 1995, which allocated this power to the state council. The allocation of the power to interpret the constitution is in line with the global structure of the southern state constitution.

Article 8(1) of this constitution stipulates, "All power of the regional state resides in the peoples of the southern nations, nationalities and peoples' Regional State". Therefore, following an internal logic, the constitution allocates the power to interpret the constitution to the council of nationalities the representative organ of the same nations, nationalities and peoples. The exact procedure is explained in proclamation No. 60/2003.

The council of nationalities organizes the regional council of constitutional inquiry, the structures and competences of which are regulated and enumerated in articles 78 and 79 of the southern constitution. A close reading of those provisions reveals that the regional council of constitutional inquiry is a regional copy of the federal council; is a mere advisory organ to the council of nationalities, this latter having the ultimate power to interpret the southern constitution.

The council decides on issues relating to nations', nationalities' or people' right to zone, special wereda and wereda administration according to the state constitution. Here, a significant divergence between the federal and the regional constitution can be noted. Article 62(3) of the federal constitution states that the House of the Federation shall decide on issues relating to the rights of nations, nationalities and peoples to self-determination. The southern constitution on the other hand does not speak in its article 59(3) about the right to self-determination but about the right to zone, special wereda and wereda administration. The right to self-determination appears to have been reduced to the right to have one's 'own' administrative entity. This can be seen as another expression of the territorial approach towards ethnic diversity. It is the expression of the idea that the right to self-determination of nations, nationalities and peoples can best be realized through territorial autonomy.

However, proclamation No 60/2003 again gives a wider definition to the right of self-determination, a definition that is identical to the definition in the federal constitution. Therefore, the procedure is as follows. When an ethnic group in the southern region believes that its right to self-determination has been violated, the concerned group can submit a complaint to the council of nationalities.

An important protection of the ethnic groups is that the decision of the council of nationalities can be appealed to the federal House of the Federation.

An ethnic group, in case the council of nationalities does not decide in a two years term or in case the concerned ethnic group is not satisfied with the decision of the council of nationalities, can submit its case to the House of the Federation.

The council of nationalities promotes and consolidates the unity and the equality of region, based on their mutual consent. Not only does it have the responsibility to ensure the right to self-determination of the various southern peoples but also the duty to realize the unity between those peoples.

In this context, the president of the southern state, Hailemariam Desalegn, said the following: "The mission (of the council of nationalities) is not only to resolve conflicts once they happen but also to advocate unity, advocating unity and peaceful coexistence. The peaceful coexistence of the southern peoples is important. When you become unified, you become strong. It is up to this institution to advocate unity and create awareness about the need to strengthen the unity of the southern peoples".

The council of nationalities strives to find solutions to disputes or misunderstandings that may arise between administrative hierarchies.

The council of nationalities shall create favorable conditions for the study of the history, culture and languages of the nationalities.

The council of nationalities studies disputes between neighboring states and questions of border delimitation, submits to the House of the Federation and follows up for implementation.

The council of nationalities has an important role in the procedure for amendment of the regional constitution. This procedure was thoroughly revised by the 2001 constitutional revision. With regards to the issue of constitutional amendment the 1995 constitution merely stated, "The provisions of this constitution shall be amended when the idea of amendment is supported by a three-fourth majority vote of the members of the state council."

The 2001 southern constitution, on the other hand, incorporates a much more detailed procedure that is inspired by the federal constitution amendment procedure. The revised constitution reserves an important role for the zones and special wereda.

They participate in the process directly (through their respective councils) as well as indirectly (through the council of nationalities). The southern constitution amendment procedure can be found in articles 124 and 125 of the southern constitution.

Article 124 provides that a constitutional amendment can be initiated in one of three ways:

- 1) A constitutional amendment proposal can be supported by a two-thirds majority vote in the state council;
- 2) A constitutional amendment proposal can be supported by a two-thirds majority vote in the council of nationalities;
- 3) Finally, a constitutional amendment procedure can be supported by one-third of the zonal or special wereda councils by a majority vote.

As for the actual approval of the constitutional amendment, two procedures are incorporated in article 125. The first procedure has to be followed in the case of a proposed amendment to article 125 itself (the article on the amendment). This article can be amended only when:

- a) All zonal and special wereda councils, by a majority vote, approve the proposed amendment(s) and;
- B) Both the state council and the council of nationalities, by a two-thirds majority vote, approve the proposed amendment(s).

The second procedure has to be followed in the case of an amendment to any other constitutional provision, which can be amended only when:

- a) The state council and the council of nationalities, in a joint session, approve a proposed amendment by a two-thirds majority vote and;
- b) Two-thirds of the councils of zonal and special wereda approve the proposed amendment by majority vote.

However, article 125(2) of the southern constitution specifies that the provisions of chapter two ("the fundamental principles of the constitution") and chapter three ("fundamental rights and freedoms") can be amended only if the corresponding provisions of chapter two and three of the federal constitution are amended.

This is to prevent an infringement on the federal constitution, since the regional constitutions have to be in conformity with it.

This concludes the analysis of the regional parliament of the southern state. It is worthwhile to summarize the most relevant aspects.

The above analysis has indicated that the ethnic diversity of the southern population is clearly reflected in the constitutional provisions on the regional parliament. It is obvious that the constitutional revision of 2001 has resulted in a profound reform of the southern state parliament. This reform was clearly guided by the example of the federal parliament. Firstly, in order to assure the representation of all ethnic groups, the representation of ethnic minorities in the state council is guaranteed. However, the most important reform is the creation of a second chamber that, with regards to its composition as well as with regards to its powers, is modeled on the second chamber of the federal parliament: the House of the Federation. The establishment of the council of nationalities resulted from the ambition to develop in the southern state appropriate institutional mechanisms for the prevention and regulation of inter-ethnic conflicts. Taking into account the parallels between the Ethiopian state and the southern state concerning population composition, it is not surprising that the development of these institutional mechanisms was guided by the federal example. Once again a statement of Hailemariam Desalegn can be cited: "There was a need for an institution which can resolve inter-ethnic conflicts democratically and amicably, thereby contributing to the consolidation of the democratic unity among the diverse peoples of the south. So from the exercises of the federal House of the Federation we came to learn the need to establish a similar institution in our region. The House of nationalities or the council of nationalities is the result of that realization." With this new composition, the southern state parliament has become a truly representative assembly. By guaranteeing the representation of ethnic minorities, all ethnic groups, no matter how small they are, are assured of a representation in the first chamber of the regional parliament. However, notwithstanding this guaranteed representation, the number of representatives in the first chamber is proportionate to the population number of each ethnic group. The large ethnic groups therefore have a larger representation than the small ones. However, this is not as pronounced as on the federal level, where a few ethnic groups dominate the first chamber. Moreover, the larger representation of the large groups is compensated by the composition of the council of nationalities.

The council of nationalities does not offer a numerically equal representation of ethnic groups, but because of its specific composition (one representative per group and one additional representative per one million people), even the largest ethnic groups do not have more than two to three representatives.

Therefore, the equality in the southern council of nationalities is much larger than in the federal House of the Federation.

When stating that all ethnic groups have a good representation in the regional parliament, it has to be pointed out that we are only referring to the endogenous groups. The composition of the parliament confirms our thesis about the exogenous and the endogenous groups. Though the difference between endogenous and exogenous groups is not expressly stipulated in the constitution, this differentiation can be deduced from the composition of the council of nationalities. Notwithstanding the fact that the number of Oromo and Amhara in the southern region is much larger than the population number of many other ethnic groups, they do not have a single representative in the council of nationalities.

There is no guaranteed representation of ethnic groups in the regional government. Obviously, a representation of all ethnic groups in the regional government is not possible. However, we can assume that, taking into account the attention to representation in the regional parliament, attempts will be made to guarantee a wide ethnic representation in the regional government.

As far as constitutional interpretation is concerned, the constitution of 1995 had established a mechanism that was included in the other regional constitutions as well. As said before, this mechanism implied that the ultimate power to interpret the constitution was granted to the regional parliament. Today, after the constitutional amendment of 2001, the procedure for constitutional interpretation is regulated in the articles 78 and 79 of the regional constitution as well as in proclamation No 60/2003 of 29 June 2003. The power to interpret the constitution is still not granted to a judicial institution. When revising the procedure for constitutional interpretation, the constitutional amendment of 2001 has followed the federal model. This implies that the power to interpret the constitution has been granted to the council of nationalities. The nations, nationalities and peoples thus have a representation in the organ for constitutional interpretation. However, only the endogenous groups are being represented.

As such, the organ for constitutional interpretation in the southern region resembles the constitutional interpretation commission in Amhara, Oromia and Benishangul-Gumuz. In these institutions as well, only endogenous groups have a guaranteed representation.

4.3.3.3 The institutional structure of the zone/special wereda

The zone/special wereda is the administrative level just below the region. Article 80(2) of the southern constitution stipulates that a zone/special wereda will comprise: the zonal/special wereda council, the zonal/special wereda administrative organ (the executive organ) and the judiciary.

The competences of the zonal and special wereda council are listed in article 81(3) of the southern constitution. One of these is the power to determine its working language. This creates the possibility for the zonal/special wereda councils to do away with the use of Amharic as working language within their respective territories. At the regional level, however, Amharic continues to be the working language. Again, a clear parallel with the federal constitution can be observed. Article 5(2) of the federal constitution stipulates that Amharic shall be the working language of the federal government. Article 5(3) of the federal constitution, however, states that the members of the federation (the regions) may by law determine their respective working languages. Some regions have made use of this provision, resulting, for example, in the adoption of Tigrigna and Oromifa as working languages in the Tigray and Oromia regions respectively. Nor has the constitutional right of the zones/special wereda in the southern state to determine their working language remained theoretical either. By August 2003, five zones had introduced a local language as the working language of their respective zone.

Another competence of the zonal/special wereda council is the power, without prejudice to the powers vested in the state council, to issue laws on matters uncovered provided that they are consistent with the state and federal laws. For the time being, this provision will probably remain theoretical. It is presently unclear what residual legislative powers are left to the zonal/special wereda councils.

4.4 Conclusion

A fundamental observation is that the regional constitutional provisions in Oromia do not pay any attention to the ethnic diversity of the Oromia region. On the contrary, a further evaluation of the Oromia constitution shows an almost complete identification of the Oromia region with the Oromo ethnic group.

It begins with the preamble that does not talk about the population of the Oromia region, but about the “Oromo people”.

Notwithstanding the fact that article 2(1) of the regional constitution recognizes that Oromia is populated by “people of the oromo nation and other peoples”, article 8 stipulates, “Sovereign power in the region resides in the people of the Oromo nation”. That “people of the Oromo nation” exclusively refers to people of the Oromo ethnic group can be deduced from article 39(6) of the Oromia constitution. “For the purpose of this constitution, the expression ‘the people of the Oromo nation’ shall be construed as meaning those people who speak the Oromo language, who believe in their common Oromo identity, who share a large measure of a common culture as Oromos and who predominantly inhabit in a contiguous territory of the regional state”. Therefore, the sovereign power in Oromia does not reside in the different ethnic groups of the region, but in the Oromo ethnic group. From here it follows that the regional parliament, the Caffee, should not be perceived as the representative institution of the population of Oromia, but as the representative institution of the Oromo ethnic group. Different elements support this conclusion.

The Oromia constitution does not contain provisions on the guaranteed representation of ethnic minority groups in the regional parliament. That the Caffee does not represent non-Oromo is confirmed by the election of the members of the federal House of the Federation. The Oromia parliament exclusively elects Oromo representatives for the House.

Finally, this conclusion is supported by the regional constitutional provisions on the right to secession. Article 39(4) of the federal constitution provides that the demand for secession must be approved by the legislative council of the nation, nationality or people concerned.

This provision has been included in article 39 of the Oromia constitution. Article 39(5) of the latter constitution stipulates that the “Demand for secession is approved by a two thirds majority vote of the members of the Caffee”. The legislative council of the Oromo ethnic group is thus equated with the Caffee of the Oromia region.

The constitutional provisions on the regional executive and judicial organs do not contain provisions on guaranteed representation of minority groups either. Nor do ethnic minority groups in Oromia have a right to territorial self-administration. The Zonal administrative level is not an ethnic based territorial entity, but an executive organ of the regional administration.

The identification of the population of Oromia with the Oromo ethnic group is a clear consequence of the ethnic territorial approach to ethnic diversity.

The Ethiopian constitution has established the Oromia region for the Oromo people. From here it follows that ethnic minorities within the Oromia region can not claim group-specific rights.

On the other hand, the state structure of the southern state takes into account the ethnic diversity of the southern population. Although the ethnic element was to some extent recognized in the 1995 southern constitution, it is primarily the 2001 constitutional revision that has designed institutional mechanisms to incorporate and accommodate the enormous diversity that characterizes the southern population.

It is apparent that the southern constitutional provisions were inspired by the federal constitution. The constitutional revision of 2001 has created a state structure that has many similarities with the ethnic-based federal state structure of the federal constitution. Firstly, all nations, nationalities and peoples of the southern state have the right to form their ‘own’ zone/special wereda, which has the power to issue laws and to determine its working language. These competences are specified in the constitution and this constitution as the above discussion of the constitutional amendment procedure has shown cannot be revised without the participation of the zones/special wereda. Furthermore, the zones/special wereda can influence policy-making on the regional level through their representation in the council of Nationalities. But ultimately-notwithstanding many similarities the zones and special wereda cannot be described as federated entities. Such a designation does not accord with the hierarchical relationship between the regional level and the subordinated zonal/special wereda level.

The question that has to be answered now is whether the mechanisms developed by the southern constitution have the potential to realize the right to self-determination of all ethnic groups in the regional territory.

The most important mechanism is without any doubt the creation of a zone/special wereda. All nations, nationalities and peoples in the southern region have a right to form their own zone/special wereda. So far, some ethnic groups (such as the Gurage, Gedeo, Sidama, Hadiya and Wolayita) have effectively created their own zone. Therefore, these groups can exercise their right to territorial self-administration and they have the possibility to protect their own language and culture. However, because the southern state has more than 50 ethnic groups, most ethnic groups do not have their own zone/special wereda.

These groups are living in a multi-ethnic zone (examples of which are the Debub Omo and the Bench-Majji zones) are a minority group in a zone dominated by another group. The question now is whether there are mechanisms in the southern constitution to enable those groups to realize their right to self-determination.

Of course, there is the territorial mechanism. The southern constitution grants all ethnic groups in the southern state the right to form their own zone/special wereda. During the last years, some new zones and special wereda have effectively been created and this appears to have assured the demands of particular ethnic groups. However, this approach has many defects. First, the establishment of a new zone/special wereda for a particular ethnic group requires the territorial concentration of the group concerned. The territorial mechanism is therefore no solution for territorially dispersed groups. Second, it should be stressed that any newly created zone will probably not be ethnically homogenous either. It is very likely that the new zone will have its own minorities and this could result in new ethnic problems and demands. Therefore, the creation of more zones/special wereda contradict with the objectives of good governance. The creation of additional administrative entities will result in a dispersion of scarce resources, thus undermining government efficiency.

In this context, it is important to note that neither the federal government nor the southern regional government have been very enthusiastic about further pursuing this territorial strategy. The Silte/Gurage dispute illustrates this point. Traditionally, the Silte were considered to be part of the Gurage ethnic group.

The ethnic-territorial approach that characterizes the Ethiopian decentralization process resulted in the creation of a Gurage zone within which the Silte were accorded their own wereda. The Silte, however, increasingly manifested themselves as a separate ethnic group not merely as a Gurage sub-group and accordingly they requested their own zonal administration.

Finally, their demand was met, but only after the government had reluctantly realized that this was the only way to prevent escalating inter-ethnic tensions and conflicts.

Recent political developments in the southern state could make the creation of additional zones and special wereda even more unlikely. The ruling front in the southern state, the Southern Ethiopia Peoples Democratic Front (SEPDF) has recently been dramatically transformed.

The 20 ethnic-based member parties of the SEPDF have merged and formed a united party: the South Ethiopian peoples Democratic Movement (SEPDM). The former ethnic based parties will now become branches of the new one. The question now is whether this political centralization will also affect the administrative structure. It is the author's impression taking into account the overwhelming majority of the SEPDM in the southern state council (even after the 2005 elections) that the creation of the SEPDM will in fact have an impact on the administrative structure in the southern state. Though some SEPDM party officials have refuted this likelihood, others have indicated that in the future no new territorial entities would be created. In fact, they have even suggested the possibility of merging existing wereda. Therefore, there is absolutely no guarantee that the government will in fact allow a new zone or special wereda to be established.

The above illustrates the limited capacity of the ethnic territorial strategy to solve future inter-ethnic tensions and conflicts. However, this view should not be interpreted as a suggestion to the Ethiopian and the southern government to completely abandon the territorial strategy when trying to accommodate ethnic diversity. Granting territorial autonomy can effectively result in the relaxation of ethnic tensions. However, what the above does indicate is that the right to self-determination of all nations, nationalities and peoples in the southern region can only be realized if the territorial strategy is complemented with other mechanisms. Such non-territorial mechanisms are not included in the southern constitution.

For instance, the constitution could have provided for mechanisms of non-territorial autonomy and for a guaranteed representation of minority groups in the zonal councils. However, as far as the representation of minority groups is concerned, we have to point out that the zonal councils, notwithstanding the lack of a constitutional obligation thereto, are reasonably ethnically representative.

Though many Zonal/Special wereda councils are ethnically inclusive, there are some councils where only the dominant ethnic group is being represented. This does obviously not imply that those zones are perfectly ethnically homogenous. The cities in particular are ethnically diverse with a large presence of other groups. There is a concern for the rights of those groups. However, recently an interesting development has occurred that grants ethnic minority groups, in those regions that are dominated by a particular ethnic group, the possibility for self-administration. The southern proclamation No. 51/2002 of 19 August 2002 grants cities, which comply with criteria determined by the regional executive council, an important degree of autonomy.

Those cities are administered according to the Council-Mayor system where the council determines policy and takes the important decisions and where the Mayor performs the executive functions. The people of the city directly elect the members of the city council. The members of the council elect the mayor. This offers minority groups in the zone that can have a numerical majority in the city, important guarantees of representation and self-administration.

The Southern constitution does not only pay attention to the possibility of self-administration. The constitution also provides for different mechanisms of guaranteed representation on the regional level. There is the first chamber of the regional parliament where all groups are assured of a representation by the guarantee of reserved seats for minority groups. However, it is primarily the council of Nationalities that guarantees the ethnic representation in the regional parliament. All the ethnic groups have at least one representative in this organ. With regard to the executive council, a guaranteed representation is not assured, but there are no indications to doubt the ethnic representativeness of the executive. With regard to the judicial organs we can mention the inclusive representation in the organ competent for constitutional interpretation (the council of Nationalities).

Chapter Five

Conclusion and recommendation

5.1. Conclusion

Conflict is a dynamic phenomenon characterized by phases of initiation, escalation, controlled maintenance and management, perhaps leading to some kind of termination, reflective of settlement, resolution or transformation. A conflict in this sense is not a bad thing. A violent conflict is a situation in which at least two parties, or their representative, attempt to pursue their perception of mutually incompatible goals by physically damaging or destroying the property and high value symbols of one another (e.g religious shrines, national monuments) or otherwise forcibly eliminating one another.

Inter-ethnic conflict on the other hand, involves 'social, political and economic conflict between groups of people who identify each other in ethnic terms: color, race, religion, language and national origin. Inter-ethnic conflict involves a wide range of events from articulation of discontent, protest, mobilization, confrontation sporadic or sustained violence, and civil war or insurrection in which ethnicity plays a significant factor. It generally involves a clash of interests or a struggle over rights: to land, to education, to the use of language, to political representation, to freedom of religion, to the preservation of ethnic identity, to autonomy or self-determination and so forth.

Causes of conflicts in general and inter-ethnic conflicts in particular are unfair distribution of political, social and economic opportunities. Illegitimate and ineffective governance and absence of mechanisms for the peaceful conciliation of group interests and for bridging dividing lines between different identity groups.

In Ethiopia, over the past years, several inter-ethnic conflicts have occurred repeatedly. Like in any other countries, inter-ethnic conflict only come to the surface and become violent when the mechanisms to resolve disputed problems fail. Much time and energy had to be spent to overcome the resulting crisis.

In this study it is found out that the exercise of power, the way inter-ethnic relations evolved over time and of the culturally rooted features of society are some of the factors that have contributed inter-ethnic conflicts in Ethiopia. Each regime had and has implemented different sets of policies that suited their interests best.

Ethiopia was ruled by a monarch for about around a century. The socio-economic system was essentially “feudal” with two distinct classes, the aristocracy and the peasantry, with the monarch at the apex.

Until the early 20th century, before the establishment of a salaried bureaucracy and military, the peasantry carried the burden of supporting government functionaries. An official along with his retinue was assigned a given part of the country from whose residents he collected rent (lease?). He was accountable to the chief who gave him this right, not to the peasants. The official's sole responsibility was to ensure that his patron remained in power. Chiefs derived their power from their military strength; the tenure of officials depended on the will of their patron. Pillaging was rampant and the ensuing grievances engendered another cycle of violence. Despite a century of salaried civil and military bureaucracy, these former traditions continued, resulting in instability and continued grievance.

The control of resources could only be achieved by power. Each aspirant revolted against the government in power, mobilizing supporters by appealing to the perceived oppression by those in power. When he had succeeded, the new leader treated the people no better than those he had overthrown. This cycle of revolt and conflict was, in the Ethiopia context and history, regional and class based rather than ethnic. This is supported by the “king of kings” system where the strongest regional king would become king of all and occupy the central power. The king usually came from one regional group but maintained power by recruiting officials from different regions through inter-marriage with his own family. Meanwhile, the ruling elite subjected the peasants in all ethnic groups.

The root causes for the fall of Haile Selassie and the imperial system and the 1974 revolution were structural rather than personal. Major factors were the oppression of the majority of the rural population and the alienation of government from the urban intelligentsia, military and bureaucracy. The immediate causes were the famine in North Ethiopia (Wello), which the government attempted to hide, the reaction of taxi drivers to the effects of the oil crisis in 1974, and a revised education curriculum, which is opposed by the intelligentsia. In this situation, the military staged a coup, declaring a socialist state. The revolutionaries believed that its abolition and an uprising of the population or a military coup could only resolve the grievances caused by the system.

The important role of the grievances of the peasants can be inferred from the first declaration of the military government in which they proclaimed the nationalization of the land and its distribution to the peasants.

In sum, the history of Ethiopia up to that time has been predominantly the history of war/conflict among different groups with different ideologies basically aiming to gain power and the control of resources. This had many consequences for the development of Ethiopia.

In the time of the Dergue regime fall two major conflicts, the war with Somalia (July 1977-March 1978) and the civil war that began immediately after the coup in 1974 and resulted in the overthrow of the Dergue in 1991.

The war with Somalia was related to Somalia's attempt to create a great Somalia. This was also the period of the cold war during which the USA and the former USSR were realizing their strategic allies in the Horn of Africa.

The years following 1974 were unstable. Power struggles within the Dergue led to the assassination of three consecutive chairmen (General Aman Amdo, Brigadier-General Teferi Banti and Major Atnafu Abate) by Major Mengistu Hailemariam, who finally controlled the helm of the state power until 1991.

At one point in 1977-1978 Ethiopia was fighting two of the bloodiest wars in the world. To this ignoble list must be added the war that the Dergue were fighting against its own people to remain in power. A civil war between the White Terror and the Red Terror raged in the city that consumed much of a generation of educated youth in an ongoing agony of mass killings and perpetual violence. Rural uprising against the dictatorship, famine as an instrument of state policy and genocidal resettlement programs add to the fail.

The opposition was fragmented with different origins, leaderships, ethnic composition (balance?), objectives and attitude toward the Dergue. It included MIESO (All Ethiopian Socialist Movement), the Ethiopian People's Revolutionary party (EPRP), the Eritrean People's liberation Front (EPLF), Tigray People Liberation Front (TPLF) and the Oromo Liberation Front (OLF). MIESO and EPRP were multi-ethnic groups with the objective to create a democratic Ethiopia.

OLF, TPLF and EPLF on the other hand stressed ethnic differences resulting in a regional nationalist ideology with the objective of secession. The TPLF initially flirted with the idea of secession, but in the 1980's changed its objective to overthrowing the Dergue and creating a democratic Ethiopia.

The TPLF now began to engage with other ethno-linguistic based organizations including the Amhara National Democratic movement, the Oromo's People's Democratic Organization and the South Nations and Nationalists organization to form what is called the Ethiopian People's Revolutionary Democratic Front (EPRDF).

Finally, the ERPDP together with EPLF and others overthrew the Dergue in 1991 and established a transitional Government which included other ethno-linguistic groups such as the secessionist Oromo Liberation Front (OLF). The transitional government reorganized the country as a federation structured along ethno-linguistic lines. It also conducted three elections to form the current Federal Government.

It is interesting to reflect what the sources of conflicts during this period were. It is not ideology, as almost all of these political organizations were Marxists. Although to see the cause in grievances about cultural/linguistic domination by Amharic speakers have a grain of truth, the fundamental causes were principally power struggles among the educated elite. Ethnicity is merely used as a convenient ideology in the struggle for power.

When the imperial regime collapsed, hopes flourished for political reform that would provide fair representation and equal access to state power for all groups. Such hopes were dashed by the successors and the military regime, which opted for greater centralization and rule by coercion. This resulted in the formation of different opposition parties for armed struggle. This was the time when the TPLF was born.

In 1991, the Ethiopian People Revolutionary Front (EPRDF), a coalition of movements founded and led initially by the Tigrayan Liberation Front (TPLF) came to power after sixteen years of armed struggle against the military regime that ruled Ethiopia since 1974.

Since the changes of Government in 1991, Ethiopia has embarked on an ethnic based federal system with a view to resolving the "question of nationalities". It is restructuring the state by introducing a federal system not only to decentralize power but also to accommodate the various ethno-linguistic groups.

In short, 1995 Constitution declares Ethiopia as a multicultural state. While the authors of the constitution contend that this is the only way to peace and development, their critics argue that the ethnic based federal system is further reinforcing ethnic tension and conflict among the various ethno-linguistic groups.

The paper has made an attempt to examine whether the new federal arrangement has been able to minimize or rather to reinforce tensions among the ethno-linguistic groups compared with the past federal situation.

The EPRDF inherited a country devastated infrastructurally, economically and psychologically by war and totalitarian rule. A number of months after assuming power, the EPRDF convened a Conference to which it invited 26 groups that had opposed Mengistu's rule.

The Conference established the two-year transitional government of Ethiopia (TGE) and adopted a charter embracing the universal declaration of Human Rights and ensuring many freedoms, including the right to self-determination. The new government officially renounces Mengistu's Marxism and committed itself to building a democratic society respectful of human rights.

So far the processes of change have not been very smooth in Ethiopia. The TGE faced challenges including the rehabilitation of a devastated economy, the orderly demobilization of hundreds of thousands of soldiers from the previous regime, the prosecution of more the 2000 people accused of human rights violations, and as a further challenge-the general absence of a democratic tradition

Being in the above condition, all opposition parties against Dergue sketched a new constitution and efforts were made to change the highly centralized system into a decentralized federal system of government with autonomous ethnic regions and districts as its constituent units. These changes of the governance system (from centralized to a decentralized federal system) solved long-standing major ethnic based conflicts and resulted in comparative internal peace compared to the previous regime.

As mentioned earlier, conflict is no a new phenomenon in Ethiopia history. When it still occurs in post-federal Ethiopia, it is the continuation of the pre-federal situation. Being the cumulative effect of a long history of conflict in the country, the formation and establishment of ethnic based states changed the form rather than the substance of conflicts in Federal Ethiopia.

Among the internal conflicts, which changed its form rather than its substance, the ones that cost the lives of many people are the regional disputes about boundaries. The various ethno-linguistic groups have to be territorially defined in order to give them a mother state and their own local government. This assumes that are neatly defined territories. In many parts of the country to define this has, however, not been an easy exercise.

Although some of the conflicts over grazing land, water and other resources have a long history that predates the introduction of an ethnic based federation, the politics after 1991 seem to have changed the dimension of this type of conflict. In many parts the traditional conflicts between two communities is emerging into a conflict between two adjacent regional states. Examples are the dispute about the ownership of Moyale, a town between Oromia and Somali regional states, between Afar and Isa Somali (between Afar regional states and Somali regional states), between Gedeo in SNNPRS and Gujji Oromo and the like.

Additionally there are conflicts within a region, e.g. Gambela (Anuag with Highlander, Anuag with Nuwere) Somali (with different clans) and so on. The government has at present managed most of them and few of them still exist.

There is also a conflict about restructuring the state. In a country of more than 80 ethnic groups, of which almost every one demands to establish their own state or sub-state units, it is impossible to guarantee each of them their own state. Although, the regional states as well as the federal government of Ethiopia in some areas did not welcome this move it has still remained as a cause of conflict between ethnic groups.

Considerable conflicts also arise because dominant ethnic groups consider themselves to be the owner of the mother state, while other citizens with another background or those who do not like to associate themselves with any ethnic group have practically no place.

The study has clearly indicated that the regional constitutions do recognize the ethnic diversity of the regional population.

Notwithstanding the major differences between the regional constitutional mechanisms, all regions basically share the same approach to ethnic diversity.

In those regions where ethnic minorities are recognized, the regional constitutions contain protective mechanisms that can be divided into two categories.

The first category aims at creating self-administration for ethnic groups/minorities. This self-administration is territorial. The ethnic group have a right to self-administration within their own territory (zone, special wereda, Nationality administration). These territorial entities have their own council and executive organ and have important competences such the power to choose their own working language.

The second category of protective mechanisms include the representation of ethnic groups in regional institutions. The guaranteed seats in the regional parliament granted to ethnic group express this.

In the southern region there is not only the guaranteed representation in the regional parliament but also the constitution additionally creates a second chamber of the regional parliament wherein all groups have a right to be represented. With regard to the executive power, the regional constitutions do not provide for guaranteed representation.

In this way the regional constitutional mechanisms serve as an instrument of inter-ethnic conflict prevention, management and transformation.

5.2. Recommendation

It is a well known fact that Ethiopia is a country of nations, nationalities and Peoples with their own different language, history, culture, religion, way of life etc. Hence, federalism is not a matter of choice. It is only through federal form of government that all these differences can be accommodated. Taking this fact into account Ethiopia has embarked on federal form of government since the coming to power of EPRDF in 1991 and experimented for a decade or two. But it has its own achievements and failures. Whether we have a viable federal structure or not is something we have to tackle. Hence, based on the research result I would like to recommend the following.

- The upper-house of the federal parliament should have a law-making power. It is this institution that represent each and every ethnic group of the country, but voiceless as far as law-making process is concerned.
- The upper-house of the federal parliament, unlike the lower-house, should not be majoritarian. Majority has something to do with democracy. Federalism is a qualified form of democracy. Hence if we need to have a viable federal form of government the upper-house need not be majoritarian just like the lower house.
- Regional constitution should be operative. Most of the time the regional constitutions restate the state power mentioned in federal constitution. Although the power to make and unmake their own constitution is given to the regional government this is not the case especially before 2001.

Model regional constitution was provided from the center, in which case the constitution fail to take into account the local differences. But after 2001, when all regional state constitution is revised there is some improvement. Nevertheless, since the staffs are not competent they fail to handle issues like inter-ethnic conflict properly.

- There has to be tolerance. Historically the social relation of Ethiopian people is not good. Hence there is no tolerance. This has to be developed.

I hope that if all these improvement is made to the federal structure of governance, we would have a better viable federal form of government.

References

1. Books

1. Addis Tribune 2002. Afar-Issa clash causes fuel shortage panic 19 April 2002.
2. Ahmed shide, 2003, Ethno-regional boundary disputes and conflicts between the Somali and the Oromia states of FDRE. The systematic application of the modern analysis tools for conflicts in Babile district unpublished materials.
3. Aklilu, A, (2000b). Ethiopia: The challenge of Federalism Based on Ethnic Restructuring. A case study of the sidama and Wolayita Ethnic Groups in the SNNPRS. A research report submitted to the world Bank Robert s. McNamara Fellowships program August 2000.
4. Alemayehu Geda: Does conflict explain Ethiopian's backwardness? Yes! And significantly, (Unpublished)
5. Asnake Kefale, 2004, Federalism: Some trends of ethnic conflicts and their management in Ethiopia, in Alfred G. Nhema(ed); the quest for peace in Africa transformations, Democracy and public policy.
6. Assefa Fiseha: Theory versus practice in the implementation of Ethiopia's Ethnic Federalism, in David Turton ed., ethnic federalism: The Ethiopian Experience in Comparative perspective (Oxford: James Currey, 2006).
7. Ayele Gebre mariam and Getachew Kassa. Conflict prevention, management and resolution: capacity Assessment study for the IGAD
8. Bairu Tafla, 'Historical Back ground to the conflicts in Ethiopia and the prospect for peace,' in peter Woodward and Murray F.eds, conflict and peace in the Horn of Africa (Aldershot: Dartmouth, 1994): 3.
9. Basta Fleiner, L.2000. Can ethnic federalism work? Paper for the conference, facing ethnic conflicts. Bonn, Germany 14-16. Center for development research. p.4.
10. Bereket Habte Selassie (1980) conflict and intervention in the Horn of Africa, New York: Monthly Review press.
11. Burton .J. and Bukes, F (eds), (1999), conflict readings in management and resolution, NewYork, st. Martins.
12. Burton, J.W. (1984), Global conflict: The domestic sources of international crisis, Wheat sheaf Books, Brighton (England/p.19)
13. Choul Gew (2003), Understanding root causes of conflicts in Gambella with suggested management and prevention method, Addis Abeba.

14. Cooper R.L (1976), "Government Language policy," In M.L.Bender(ed), language in Ethiopia (Oxford:Oxford university press)
15. EHRCO (Ethiopian Human Rights Council), 2000a. The 49th special report. A conflict that resulted in many deaths in Tepi shekicho zone. May 2002, Addis Ababa, Ethiopia
16. EHRCO (Ethiopian Human Rights Council) 2000b. The 55th special report. Great destruction caused in conflict between. Agnuak and Nu-er tribes 6 september 2002. Addis Ababa, Ethiopia
17. Esman, M.2000. Ethnic pluralism: strategies for conflict Management center for development Research Facing ethnic conflicts. 14-16 December 2000.
18. Fisseha Mekonnen (1997), "some socio-psychological implications of the Trend Towards Ethiopia Broader perspective (papers of the XIIIth international conference of Ethiopian studies) Kyoto
19. J Bayart (1993) The state in Africa: The politics of the belly 51.
20. Joshiah Osamba (2001), Journal in conflict resolution.
21. John Markakis conflict in prefederal Ethiopia: First National Conference on Federalism, conflict and peace building (Addis Ababa united printers, 2003) p.14
22. Julia Maxted and Abebe Zegaye 2001, Human stability and conflict in the Horn of Africa: part one: (Unpublished)
23. Hoehl, Gabriele, 2003. Conflict analysis 10 steps for analyzing conflicts. House of Federation, social and economic study department and GTZ. Federal Governance Development project, unpublished material.
24. Hogg,R 1997. Introduction In R.Hogg(ed) pastoralists, ethnicity and the state in Ethiopia London: HAAN publishing .p.7
25. Human stability and conflict in the Horn of Africa: Africa Security Review
26. Katsuyosho Fukui, John Markakis 1994, Ethnicity and conflict in the Horn of Africa. Ohio University Press Athens.
27. Kimenyi, M. 1998. Harmonizing ethnic claims in Africa: A proposal for ethnic based federalism Cato Tournal, vol.18.Issue 1.p.59.
28. L Diamond "Ethnicity and ethnic conflict'25 Journal of Modern African studies (1987):
29. L Diamond 'Africa: The second wind of change' in Lewis as note 74 above (1998) 263-272.
30. M.A. Hohammed Salih and John Markakis 1998, Ethnicity and state in Eastern Africa. Institute, Uppsala

31. Macgarry, J. and O'Leary, B.1993. Introduction: The macro-political regulation of ethnic conflicts. In J.MacGarry and B,O'Leary,(eds). The politics of ethnic conflict regulation: case studies of protracted ethnic conflicts. London,Routledge, Merera, G.2000 conflict in view of state and society. Henersh Boll Foundation Networking with a view to promoting peace. Towards sustainable peace civil society Dialogue Forum for the Horn of Africa Nairobi 10-13 December 2000 conflict documentation.
32. Merera Gudina, Ethiopia: competing Ethnic Nationalism and the Quest for Democracy, 1960-2000 (Shaker publishing: PHD. thesis, 2003): 1.
33. Nazrui,A(1975), soldiers and kinsmen in Uganda: The making of a military Ethnocracy: (Beverly Hills,CA:sage)
34. O C Okafor Re-defining legitimate statehood: International law and state fragmentation in Africa (2002) 95.
35. Proceeding of the conference of Africa conflicts, their management, resolution, and post conflict reconstruction Oct.2001.
36. Proclamation No.1/1995, proclamation of the constitution of Federal Democratic Republic of Ethiopia, Federal Negarit Gazeta, 1st year No.1, Addis Abeba-21st August, 1995, adopted on 8th of December 1994 and came into force on 21st August 1995.Art.46 (2).
37. Review of Africa political Economy, Volume 30 Number 97, September 2003.
38. Salih, M.A and Markakis, J. 1988. Introduction. In M.A. salih and J. Markakis, (eds). Ethnicity and the state in eastern Africa uppsala Nordiska Afrikais titutet.p.7
39. Sandole, (1993), 'paradigms, The Ories and Metaphors in conflict and conflict resolution: coherence or confusion? In sandole and H.vander Merwe/eds), conflict resolution Theory and practice: Integration and application, Manchester university press, Manchester (England) and St.Martin's Press, New York.p.6
40. Sandole, J. D.Dennis. Capturing the complexity of conflict. Dealing violent ethnic conflict of the post cold arera, Pinter, London, NewYork.
41. Schneckener, Ulrich (2002). Making power sharing work: Lessons from successes and Faileres in Ethnic conflict regulation. Journal of peace Research 39(2) 203-228.
42. S Decalo 'The p rocess, p rospect and c onstraints o f democratization in Africa' 91 African Affairs (1992) 7.'

43. Simon Fisher, Dekha Ibrahim, et.al (2000), working with conflict, skills and strategies for action, Led Books, Mid somer Norton Bath, UK.
44. S K B A sante 'Nation building and human rights in emergent African nations' 2 Cronell International Law Journal (1969) 83-84.
45. Southern Tier Initiative of Ethiopia (2000), Alternative conflict Resolution Mechanisms with special reference to Liban zone of the Oromia state and Borena Zone of the state of Oromia, Adiss Abeba.
46. Tesfaye Shewaye & C.Taylor(1976), "Language curricula." In M.L.Bender(ed) language in Ethiopia (Oxford:Oxford university press)
47. Teshome Mekonnen, 2003, conflict of Frontiers between Oromiya and Somali: The case study of Moyale woreda in first national conference of federalism, conflict and peace building. Published by ministry of federal affairs and GTZ.
48. Teshome Mekonnen (2005) conflict in pre- and post federal Ethiopia (unpublished Material)
49. Tewodros, W, 2001. Ethnic relations and conflict management: The case of the Bertha and the resettled Amhara. BA thesis in political science, AAU, Ethiopia.
50. Tsegaye Reqassa: (2005), conflict Management, some methods and strategies (A discussion paper prepared for training sessions organized by prison fellowship Ethiopia, Jimma (unpublished materials)
51. Tirsit Girshaw: Reflection on Handling of conflict in Ethiopia (Unpublished)
52. Walta Information Center (WIC) 2001. Berta people's organization lodges complaints to the House of Federation. Assosa, 24 March 2001.
53. _____. 1996 "Containing Fear: The Origins and Management of Ethnic conflict." International Security 21(2).
54. Z K Smith (2000) 'the impact of political liberalization and democratization on ethnic conflict in Africa: An empirical test of common assumptions'38 Journal of Modern African Studies 22.

2. Unpublished materials

2. Christophe Van Der Beken: Ethiopia constitutional protection of ethnic minorities on the regional level. July 2006.
3. Dennis J.D. Sandole: A comparative mapping of conflict and conflict resolution. A three-pillar approach.
4. Teshome Mekonnen: conflict in pre and post-federal Ethiopia August 2005. A/A Ethiopia.

3. Constitutions

Constitution of the Federal Democratic Republic of Ethiopia, adopted on 8th of December 1994 and came into force on 21st August 1995, (Proclamation No. 1/1995, Federal Negarit Gazeta, 1st year No. 1, Addis Ababa, 21 August, 1995).

4. State Constitutions

Harari People National State Constitutions, Special Issue, Harar Negarit Gazeta, 1st year, September 11, 1995.

Proclamation No.46/2001, Enforcement Proclamation of the Revised Constitution of 2001 of the Oromia Region, Megeleta Oromia, Finfine, July 12th 2000.

Proclamation No.35/2001, A Proclamation to Ratify the Revised Constitution, 2001, of the SNNPRS, 12th Day of November 2001.

Proclamation No. 59/2001-The Revised Constitution of the Amhara National Regional State Approval Proclamation, Zikre Hig, 7th Year No. 2 Bahir Dar 5th November 2001.

Proclamation No. 45/2001, The Revised Constitution of the Tigray National Regional

State, Negarit Gazeta Tigray, 10th year No.2, Makelle, 16th of November 2001.

Proclamation No.31/2002 A Proclamation to provide for the revised constitution of the Benishagul Gumuz regional states, Asosa December 2nd of 2002.

Draft Proclamation _____ 2002 of the revised constitution of Afar regional states.

Draft Proclamation _____ 2002 of the revised constitution of Somali regional states.

5. Proclamations

Proclamation No. 1/1987, Proclamation of the Constitution of the people's Democratic Republic of Ethiopia, Negarit Gazeta of PDRE 47th year No. 1, Addis Ababa, 12th September, 1987.

Transitional period Charter of Ethiopia No.1 Negarit Gazeta 50th year No.1, Addis Ababa, 22 July 1991.

Proclamation No.7/1992, a Proclamation to provide for the Establishment of National/Regional Self Governments Negarit Gazeta 51st year No.2, Addis Ababa, 14th January, 1992.

Proclamation No.7/1992, A proclamation to provide for the Establishment of National/Regional Self-Governments, Negarit Gazeta of the TGE, 51st year No.2, Addis Ababa, 14th January, 1992.

Proclamation No.250/2001,Council of Constitutional Inquiry Proclamation, Federal Negarit Gazeta, 7th year No.40,Addis Ababa-6th July, 2001.

Proclamation No.251/2001,Consolidation of the House of Federation and the Definition of its Powers and Responsibilities Proclamation, Federal Negarit Gazeta, 7th year No.41 Addis Ababa-6th July,2001.

Federal Proclamation No.359/2003, system for the intervention of the Government in the Regions Proclamation, Federal Negarit Gazeta,9th year No.80 Addis Ababa-10th July,2003.

Proclamation 60/2003, The consolidation of house of nationalities and definition of its powers and responsibilities proclamation, 29th June 2003.