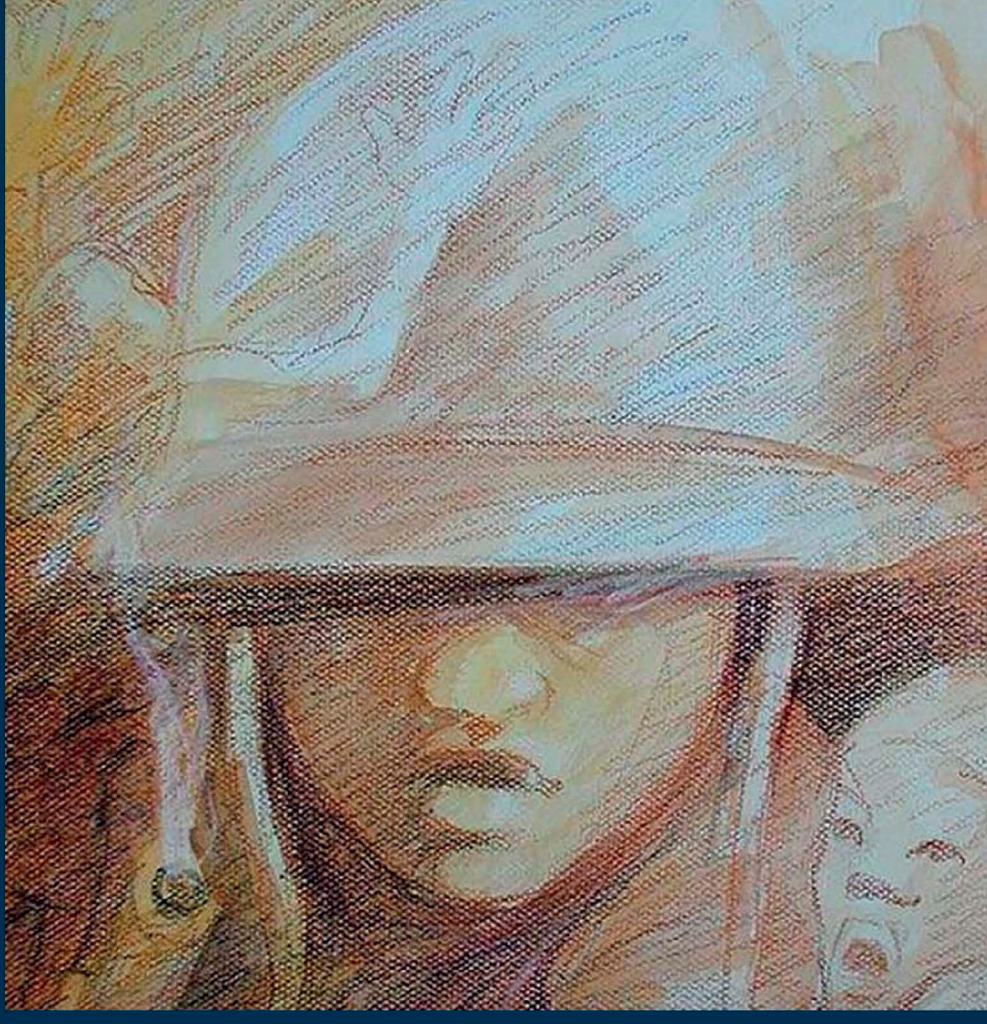

Martin Leiner / Maria Palme /
Peggy Stöckner (ed.)

Societies in Transition

Sub-Saharan Africa between Conflict and Reconciliation

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edited by
Martin Leiner

in co-operation with

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With 1 Map and 6 Tables

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Martin Leiner / Maria Palme

Introduction to the Present Volume

The second volume of the series "Research in Peace and Reconciliation" (RIPAR) continues the explorations of the first volume, published in 2012 with a geopolitical focus on Latin America.[1] Once more, we investigate different approaches towards the difficult task of coming to terms with the past. This time, we look at various forms of injustice and collective or individual experiences of violence as a result of social conflict, autocratic government, or civil war in Sub-Saharan Africa. Two aspects are particularly important. On the one hand, the articles in this volume clearly demonstrate the limits of Western concepts or philosophies of law and highlight the difference between law and justice. On the other hand, they point to an increase of alternative practices and rituals for the sake of dealing with large-scale violations of individual or collective human rights.

The current volume, like its predecessor, offers representative case studies of individuals, groups, or organizations that represent a deescalating and conflict transforming potential. Most of the texts were presented and discussed during the 2nd International Summer School "Societies in Transition – Sub-Saharan Africa between Conflict and Reconciliation", which took place in July 2011.[2]

In general, the articles correspond to the perspective of the recently established *Jena Center for Reconciliation Studies* (*JCRS*), which takes up the idea by the poet Friedrich Hölderlin that reconciliation is in the middle of strife and that every conflict already implies a resolution. The article by Ganiel and Tarusarira exemplifies our perspective by discussing the positive influence of religious non-conformist groups on the process of conflict transformation in Zimbabwe. In contrast, the article by Dickow investigates the ambivalent influence of religious beliefs on the conflict in Chad. The case studies about South Africa (Wüstenberg), Nigeria (George/Iyanda), Uganda (Lamunu) and the colonial past of Namibia (Kößler) indicate how the transfer of the concept of reconciliation from the context of European history and philosophy to different social and cultural contexts in Latin America and Africa leads to numerous theoretical and practical problems (Abebe). At the

1 The editors wish to thank Matthias Gockel, Christian Kästner, Rebecca Krey, Emrys McNeill, Marcel Urban and Philipp-Sebastian Walther for their editorial assistance and additional research. The Evangelische Kirche in Mitteldeutschland helped us to finance the publication.

2 We would like to thank the Volkswagen Foundation for the funding of the 2nd Summer School.

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same time, these problems inspire the search for alternative developments and applications of the idea of reconciliation, as evidenced by the Truth and Reconciliation Commissions in South Africa, Ivory Coast and Kenya or the Gacaca courts in Rwanda. These alternative forms of justice combine Western concepts of law and justice with regional customs and traditions of dealing with social conflicts. The solutions achieved in this way differ from the solutions used on other continents. Interestingly, rituals and symbolic or 'magical' acts continue to play an important role in many Sub-Saharan regions (Lamunu). Here, reconciliation often is expressed or implied by the legal act of granting amnesty, which, however, is not to be confused with the confession of guilt and the promise of forgiveness. The latter acts are distinct from reconciliation. The case of Uganda also shows how important one-sided forgiveness can be, e.g., the forgiveness of parents towards their children. When compared to the studies on Latin America in volume one of the series, the concept of reconciliation has a very positive connotation, especially in South Africa (Fourie/Wüstenberg/Khumalo-Seegelken/Palme). In addition, the role of economic factors also needs to be taken into account (Freytag and Langlotz).

Most alternative methods of dealing with the past, including the institution of Truth Commissions, were developed in the context of processes of decolonization and with an active involvement of grass-roots movements (bottom-up). Initially, they were clearly distinguished from classical Western traditions of law. Since the 1990s, however, they are increasingly regarded as a useful addition to traditional Western mechanisms of law. The global adaptation and modification of the concept of Truth Commissions in different non-European cultural regions have also had effects on European transformation processes.

As the preceding volume in our series made clear, there is a growing tendency to understand the task of dealing with a violent past in a broader sense. The process of conflict transformation and reconciliation is a matter not only for political experts or bureaucrats but for society as a whole. This is also true for the examples analyzed in this volume. One new factor in this context is the significance of collective participation in the process of dealing with the past, which includes the cooperation of civil or human rights groups as well as victims and their relatives and also individual perpetrators. Besides a high and enduring potential for conflict and strife in several African countries, there is also a great variety of peaceful possibilities and a potential for alternative strategies of conflict resolution that can be achieved by the African actors themselves. The foci of reconciliation processes in Africa are different from those in other countries and continents. Furthermore, the *perception* of conflicts by the involved parties and actors influences the process of conflict transformation.

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The social, religious, and cultural traditions in a given society also play an important role in this process, e. g. in regard to a focus on forgiveness and regret instead of revenge. On the whole, community, rituals, and religion seem to be more important than in European or Latin American countries. Moreover, legal dealings with the past and economic restoration have to be achieved with fewer material means than in richer countries. In contrast to the case studies from Latin America, the effects of collective experiences of violence in Sub-Saharan Africa could be felt until the late 1990s and sometimes are still felt today. Hence, the corresponding investigation and reconciliation efforts should be undertaken on a sustainable basis, encompassing several generations. Moreover, the growing influence of international political actors, such as the UN, on specific processes of coming to terms with the past should be examined critically on a case-to-case basis. Successful social and political reconciliation presupposes active involvement of civil society as well as non-partisan orientation and agreement among the actors (Palme).

The interdisciplinary examinations of case studies from Sub-Saharan Africa present different theoretical approaches of reconciliation and conflict resolution in the aftermath of genocide, civil war, racial regimes, and dictatorships. The articles in the first part deal with case studies of reconciliation and resolution efforts in a post-colonial era (Abebe, Dickow, Fourie, Freytag and Langlotz, Ganiel and Tarusarira, George and Iyanda, Lamunu, Leiner, Wüstenberg). The second part focuses on reconciliation and conflict transformation in a comparative and global perspective (Khumalo-Seegelken, Kößler, Palme).

Semahagn Gashu Abebe analyzes the dilemmas of adopting federal systems in Sub-Saharan Africa. He argues that the achievements of democratization, prosperity and tolerance have implications for increased ethno-cultural mobilization. Based on the case study of Ethiopia, his article critically examines the use of a Soviet-style ethnic federal system since 1991 as a mechanism of addressing and accommodating ethnic diversity. In recent years, some African states have indicated their interest to 'learn' from the Ethiopian model of political adaption of minority rights. Aside from the positive impacts in Ethiopia, the author indicates problems due to a lack of political consensus and legitimacy. Moreover, he demonstrates the diverse cultural, economical, social and geographical preconditions of different African states that render difficult the adoption of European models.

On the basis of quantitative research conducted in Chad using surveys, Helga Dickow argues that strong identification with religion can foster the tendency not to reconcile but to reinforce conflicts. Her article shows the ambivalent role religion plays in respect to conflict. Hence, religion as such cannot be regarded as a resource of peace. Instead, religious groups need to cultivate their peaceful traditions in order to foster reconciliation and non-violence.

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Willem Fourie focuses on the role of multinational corporations (MNCs) in Sub-Saharan Africa on a macro-ethical level. He demonstrates, on the one hand, the negative effects of MNCs sustaining authoritarian regimes as an sustaining authoritarian regimes, because they represent a stabilising force for the economy, a practice, which continues to obstruct democratization efforts. On the other hand, he investigates two examples, the Sullivan Principles and the Third King Report on Corporate Governance, as positive achievements of MNCs in South Africa contributing to the transformation from Apartheid to representative democracy.

The article of Andreas Freytag and Sarah Langlotz discusses the resource-conflict-nexus. They describe the interdependence between natural resources and the increasing numbers of conflicts in Sub-Saharan African countries. Based on the examples of Angola, the Democratic Republic of Congo (DRC), Liberia, and Sierra Leone they focus on transmission channels, such as the impact of resource wealth and a country's economic performance as well as the impact of institutions on conflict building and violence. The article also asks about the impact of a wealth of natural resources, especially oil, on violent conflicts.

The contribution by Gladys Ganiel and Joram Tarusarira deals with the relationship between religion, reconciliation and reconstruction regarding Zimbabwe's efforts of social transformation after the colonial past. They argue that reconciliation as a grass-roots initiative should focus both on the rebuilding of social relations and the transformation of social structures. Reconstruction serves as a companion during reconciliation in order to encourage structural reforms. The case studies about religious non-conformist actors demonstrate the latter's potential as effective proponents of transformation processes in the light of their self-perception as actors posed against the state and mainstream religion.

Emmanuel K. G. George and Rachael O. Iyanda analyze the relation between the granting of amnesty and disarmament in the Niger Delta. They look at the positive and negative effects of peace building in this region. The study proves that the amnesty process since 2009 in Nigeria can serve as a prototype for other conflict zones in Africa. Furthermore, the article critically asks about the correlation and dependences between international achievements in peace building and reconciliation processes and the stability of Nigerian oil exports.

Helen Lamunu's article deals with the long-term effects of post-traumatic stress syndrome, experienced by former child soldiers which were recruited during the civil conflict between the Lord's Resistance Army (LRA) and the Ugandan government. She shows the importance of re-integrative, psycho-therapeutic approaches of trauma therapies for reconciliation and healing in post-conflict societies as a complementary measure to the legal system. Her article focuses on traditional rituals and their contribution to reconciliation processes between hostile tribes and divided communities. She emphasizes

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the limited application of traditional African rituals in individual cases of violence – such as manslaughter – as an instrument for intergroup reconciliation in favour of cases where whole societies are affected by civil war or violations of human rights. She concludes that Ugandan traditional rituals show a high potential for the creation of alternative "hybrid judicial mechanisms" and for an integrative approach of retributive and restorative justice.

The article by Martin Leiner uses the interdisciplinary moral landscape method for media analysis. It focuses on the implicit and explicit ethical elements of several movies about the genocide in Rwanda in 1994. The media analysis provides new insights into the educational effects of movies on audiences, e. g. by creating empathy for the destiny of the protagonists and by raising awareness for educational programs as part of reconciliation processes. The case of Rwanda also shows that legal process and reconciliation can stand in opposition. The evaluation of the process of reconciliation remains ambiguous: on the one hand, there is real progress in overcoming hatred, accompanied by forgiveness, economic success and the stabilization of the environment. On the other hand, Tutsi feel isolated in their communities, Hutus who fled to the DRC are persecuted, and there are arbitrary verdicts as well as the suppression of dissent in Rwanda.

Ralf Wüstenberg discusses the condition of the increasingly important reconciliation concept since 1990 and its development against the background of South Africa's transition to democracy. He argues that reconciliation arose in the context of political debates as an operative and regulative idea that combined a retrospective analysis of the past with a future-oriented perspective pursuing the aim of peaceful nation building. The author concludes that reconciliation is an initiating process of bringing into dialogue hostile groups and opponents of war. The South African case demonstrates how reconciliation serves as a political instrument for recognizing crimes against humanity and integrating this acknowledgement into collective memory.

The ambiguity between individual and collective or multi-perspective interpretations of past authoritarian regimes bears a new potential for the transformation of societies in Sub-Saharan Africa. Ben Khumalo-Seegelken names several positive examples of countries, such as Ivory Coast and Kenya, which have drawn lessons from the South African case by establishing similar Truth, Dialogue and Reconciliation Commissions. He also points out that the case of Zimbabwe is an example of trying to correct structural injustices. He emphasizes the growing responsibility of the African Union and the UN's achievement in regard to intra-continental initiatives on the grass-roots level. At the same time, he brings to mind the concerns of African States about possible re-colonization under the pretext of social transformation and the adoption of human rights.

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Reinhart Kößler's article focuses on mass violence and genocide during the period of German Colonialism, especially in Namibia (formerly called "Deutsch-Südwestafrika"). The events occurred during the era of European imperialism before 1914. In critical dialogue with Goldhagen's thesis, Kößler asks whether genocidal tendencies are inherent in the German historical trajectory or whether they are the result of modern state building processes. He argues that there exist similarities between German colonial crimes in Southern Africa and the Holocaust, but he criticizes the thesis of a German *Sonderweg* and argues that it hides the fundamental problem of colonialism as a part of modernity.

Maria Palme analyzes the model of Truth Commissions (TRC) since their emergence in the 1980s as a paradigm change regarding the limitations of punitive mechanisms and decolonization processes. TRCs have been recognized by the United Nations as an official mechanism, in addition to retributive mechanisms, such as war crime tribunals, material compensation, and lustration. The article demonstrates the evolution of TRCs from a truth seeking instrument on the Latin American continent to a complex and powerful mechanism for reconciliation processes on the African continent, starting with the TRC in South Africa. Looking at the examples of Sierra Leone's Truth and Reconciliation Commission (SLTRC), Ghana's National Reconciliation Commission (NRC) and Liberia's Truth and Reconciliation Commission, the article demonstrates the potential of adopting TRC models to and optimizing them for other African states that differ in regard to culture, social structure or economic development. The article also points out positive and negative effects of UN interference in the work of several TRC bodies.

Taken together, the articles portray Sub-Saharan Africa as a region that slowly is overcoming its violent past. It shows that there are many resources of peace and reconciliation in Africa itself, beginning with South Africa. We hope that this volume can contribute to the strengthening of these resources.

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I. Case Studies

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Semahagn Gashu Abebe

The Dilemmas of Adopting an Ethnic Federal System as a Response to Ethnic Conflicts in Sub-Saharan Africa

The Ethiopian Experience

Introduction

The international development of human rights after the Second World War has been largely based on the assumption of a nation-state which is understood to refer to the convergence of the territory of a state with a nation whose members are united by ties of history and culture and commitment to a common future. The principal basis of rights and obligations in a nation-state is citizenship based on equality before the law and enjoying the same rights. The sovereignty of the people is expressed through the state, which provides a common regime of laws, the machinery for justice, democratic rights of franchise and candidacy in elections, and the protection of other rights of individuals (Ghai / Cottrell 2008, p. 91). In such systems, a citizen's linguistic, religious, and cultural affiliations are largely ignored or undermined. In fact, there has been considerable consensus among many Marxist and non-Marxist scholars alike that ethnicity is a reflection of the isolation of communities and a lack of efficient communications, and therefore they blame ethno-cultural conflicts on temporary factors that would disappear through time (Karmis / Norman 2005, p. 12; Kymlicka / Opalski 2001, p. 14). It has been expected, for example, that industrialization, urbanization and the spread of modern education would reduce ethnic tendencies in the process. Marxists were also certain that socialism would mean the end of the ethnic tension and consciousness that existed in pre-socialist societies (Herther-Spiro 2007, p. 325). Assimilation of minorities into a large integrated whole was viewed as the inevitable future (Jalali / Lipset 1992, p. 585).

By now, it is clearly established that these assimilationist assumptions are not valid. According to scholars, there is not much evidence in Western democracies suggesting that the achievement of democracy, economic prosperity and personal tolerance would lead to the abetment of ethno-cultural mobilization (Kymlicka 2002, p. 82 – 83). On the contrary, ethno-cultural demands have increased throughout Western and non-Western societies. In fact, it is now argued that the achievement of democratization, prosperity and tolerance has direct implications for increased ethno-cultural mobilization (Kymlicka 2002, p. 82 – 83). In recent decades, the model of the nation-state has come under considerable attack, challenging the very basis of

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the system that privileges the culture or language of the majority and marginalizes other communities, despite the fact that the state professes neutrality. In particular, the alleged exclusion of minority groups, or their under-representation in the institutions of the state, as well as limited economic opportunities, social discrimination, lack of access to the legal system, and the denial of justice in many sectors of life have become grounds of mobilization for minority groups (Ghai / Cottrell 2008, p. 91). The challenge to citizen-oriented nation states is expressed in terms of different collective demands such as rights to autonomy, language, special measures or representation in the government and proportionality in public services (Ghai / Cottrel 2008, p. 92).

The contemporary challenge to multicultural society is, thus, to accommodate the national and ethnic differences in a stable and morally defensible manner (Kymlicka 1995, p. 27). In the last few decades a number of attempts have been made to accommodate ethnic diversity in different political discourses. One of the most effective mechanisms devised so far to accommodate ethnic and religious diversity is to adopt a multicultural federal system that grants territorial autonomy to minority groups. Western democracies such as Belgium, Switzerland and Canada have established effective multicultural federal systems that accommodate cultural pluralism. The relative success of the accommodation of multiculturalism in Western democracies is, however, largely attributed to the existence of economic prosperity and the democratic system.

On the other hand, challenges of accommodating ethnic diversity are very intense in developing multi-ethnic countries of Sub-Saharan Africa. In Africa, since there is an inclination for individuals to think of themselves primarily as Oromo, Hutu, or Masai rather than as Ethiopian, Rwandan or Kenyan, the search for a political system based on civic nationalism has never been an easy task (Spiro 2007, p. 326). Furthermore, despite the glaring diversities, most African states are in the practice of ignoring or suppressing political manifestations of ethnic identities for fear of ethnic fragmentation:

> "Believing that official recognition of ethnic diversity would foster divided loyalties and separatism, virtually all African states have avoided coming to terms with heterogeneity of their ethnic make-up. Such denial is an unwanted approach both as matter of expediency and as matter of constitutional theory. Far from helping to achieve the goals of national integration and political legitimacy, ignoring or suppressing ethnicity has led to militant ethnic nationalism, conflict and political disorder." (Alemante 2003, p. 53)

Only few African states, such as Nigeria, South Africa, Ethiopia and recently Kenya, have attempted to address their ethnic heterogeneity through establishing different constitutional and institutional mechanisms. Especially, Ethiopia is experimenting with a Soviet-style ethnic federal system since 1991 as a mechanism to address the challenges related to accommodation of ethnic

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diversity in the country. The success or failure of such an experiment shall send its own positive and negative signals to the continent that has been troubled by different socio-political setbacks. In fact, in recent years some African countries have indicated their interest to 'learn' from the Ethiopian mode of political accommodation of minority rights. In light of such significance, the article assesses the background of the Ethiopian ethnic federal system, including the merits and challenges the system has faced in the past two decades. In addition to this, the article provides some perspectives on a balanced approach on accommodation of ethnic diversity in the African context.

Background of Ethiopia's Ethnic Federal System

In many respects, Ethiopia has had very impressive moments in its long history. Its old history has been elevated with the discovery of *Dinknesh* in 1974, known by the outside world as Lucy, which is the oldest fossil of humankind as old as 3.2 million years. It is also the only African state that was not colonised by a foreign power. The country has diverse cultures, languages and religions. Particularly, the incorporation of a large number of diverse ethnic groups which now inhabit the larger part of the state in the second half of 19th century has created a complex evolving situation of confrontation between the broader Ethiopian nationalism versus the narrow ethnic nationalist sentiments among minority groups. Ethiopia is also one of the most populated and ethnically diverse countries in Africa with a total population of 80 million and with more than 80 ethnic groups. According to the 2007 census, the Oromo comprises the largest ethnic group with 25 million people, followed by Amhara ethnic group with 20 million.[1] The Orthodox Christian and Islam religions are the most dominant religions in the country, consisting of 43.5 and 33.9 per cent respectively.[2]

Despite its glaring ethnic and religious diversity, Ethiopia's state-building strategy for a long time had been characterized by highly centralist tendencies accompanied by force. The long reign of Haile Selassie I (1930 – 1974) further

1 Each of the other ethnic groups comprises less than 5 million people. Some of the large ethnic groups are the Somali (4.5 million), Tigre (4.4 million), Sidama (2.9 million) Guragie (1.8 million), Welaita (1.7 million) Hadiya (1.2 million), Afar (1.2 million) and Gamo (1.1 million). All the other ethnic groups consist of less than one million members each.

2 Other religions in the country include Protestant at 18.5 per cent, Catholic at 0.7 per cent, traditional religions at 2.7 per cent and Others at 0.6 per cent. Regional distribution of the population by religious composition shows that the Orthodox faith followers are predominant in Tigray and Amhara Regions as well as in Addis Ababa City Administration. The Muslim population is significantly larger in Afar, Somali, Harari and Dire Dawa City Administration. Similarly, Protestants are largely concentrated in Addis Ababa, Gambella and Southern Nations, Nationalities and Peoples Regions.

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strengthened the centralization process that was initiated earlier by Menilik II in the late 19th century. During the process of centralization, the tendency was towards a policy of one country, one language and one flag. There was no political willingness and understanding to accommodate the rights of minority groups. But in the 1960's, attributed to modern education and communication, a new elite group that challenged the old traditional feudal system started to emerge. Especially university students and the intelligentsia began to show dissent from the age old feudal system. In their struggle against the feudal state, the students resorted to Marxist ideology as a readymade tool available to bring about socio-political transformation in the country. The students were primarily fond of the Stalinist notion of 'self-determination of nations and nationalities' to liberate the country's 80 ethnic groups from 'national operation'. But there was no thorough consideration made with regard to the relevance and consequences of such a notion for a country that was deeply traditional and seriously impoverished. Finally, due to mounting opposition from different sections of the society, the emperor was deposed in September 1974, ending the age old feudal system for good.

After the emperor was deposed, a Provisional Military Administrative Council (PMAC) better known as *Derg* in Amharic, assumed political power and declared socialism as its ideology. Though the *Derg* had attempted to answer the 'national question' on its own terms, none of the efforts had satisfied the demands of ethnic nationalists. Soon, contrary to the expectation of many scholars and students who made the revolution a reality, the *Derg* pursued very harsh measures against any political dissent, including ethno-regional movements. The complete closure of political space by the *Derg* reinforced ethno-regional movements, namely the Tigrean Liberation Front (TPLF), the Eritrean People's Liberation Front (EPLF) and the Oromo Liberation Front (OLF). According to the assessment of ethno-nationalists, the *Derg* rule was simply a continuation of the imperial period when it comes to the issue of ethnic oppression.

Mobilization of these ethno-regional forces coupled with some military gains further strengthened and took the 'question of nationalities' beyond the scope of the Marxist view of the concept that was advocated during the period of the student movement.[3] Among the ethno-regional movements, north-based Eritrean People Liberation Front (EPLF) and Tigrean Peoples Liberation Front (TPLF) who fought for the 'self-determination' rights of the Eritrea and Tigray provinces respectively became more prominent in terms of posing a threat to the military regime.[4] Finally, these two groups coordinated their

3 The students' movement, as part of the main stream Marxist ideology, largely viewed questions of nationalities as part of a larger class struggle, while the ethnic organizations mobilized their forces merely to separate from the Ethiopian state.

4 Both regions belong to the same culture and language group, despite the fact that the former seems to have adopted some new identities due to the occupation of the region by Italy for few decades.

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forces and defeated the military regime in 1991. The EPLF took control of Eritrea while the TPLF controlled Ethiopia through its cover organization, the Ethiopian People's Revolutionary Democratic Front (EPRDF).

Soon after it controlled power, the EPRDF called a National Conference on Peace and Reconciliation in July 1991 aiming to lay the foundations for a transitional period after the regime change. A precondition for the organisations to take part in the conference was that they needed to be ethnically based (Lyons 1996, p. 123). Though the EPRDF intended to reach beyond its original base and include a variety of political groups, it managed the conference and kept participation, the agenda, and the eventual outcome firmly under its careful control (Lyons 1996, p. 123). The outcome of the transitional conference, the Transitional Charter, was largely an agenda predetermined by the EPRDF and partly by the Oromo Liberation Front (OLF), rather than a pact between all the political forces that had stakes in the future restructuring of the Ethiopian state.

The Transitional Charter, in unprecedented fashion, recognized the rights of Ethiopia's nationalities to self-determination including secession and established 'local and regional councils based on the basis of nationality'. Accordingly, the country was sub-divided into fourteen administrative regions called *kilil*. The basis of the language and administrative policy were ethnic identity and affiliation. Later, the Transitional Government established a constitutional commission to prepare a draft constitution for submission to a specially elected Constitutional Assembly. But the constitutional drafting process was, once again, largely dominated by EPRDF party structure and ideological convictions. The drafted constitution was submitted to a Constitutional Assembly that was supposed to deliberate and ratify the constitution. The process of election to the Assembly was largely flawed. As Paul properly noted, 'There was little meaningful public participatory debate, especially debate focused on devolution versus ethnic federalism, let alone sovereignty or self-determination […]. Just as the EPRDF controlled the Constitutional Commission's work, so it controlled the election, and then the deliberations, of the Constitutional Assembly' (Paul 2000, p. 189). Finally, the constitution was ratified 1995, leading to the establishment of the Federal Democratic Republic of Ethiopia (FDRE), heralding the commencement of a new ethnic federal system in Ethiopia' political discourse.

Principles of Accommodating Ethnic Diversity under the Ethiopian Constitution

The most striking aspect of Ethiopia's new constitutional design is its complete departure from the past. It has made a transformation from a

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strongly centralized monarchical (later socialist) state to a highly decentralized federal state that institutionalizes ethnic identity as organising principle of state. Ethnicity all of a sudden became the predominant explanation of many of the things that went wrong in society (Assefa 2010). The ideological backdrop of the Ethiopian constitutional model is largely the notion of 'self-determination of nationalities' that was part of the leftist political movement leading up to the 1974 revolution and its aftermath. Under the Ethiopian constitution, state sovereignty is not attributed to the 'Ethiopian people' as it is commonly stated in liberal constitutions, but rather to 'nations, nationalities and peoples' (Art. 8, FDRE constitution). The attribution of sovereignty to nations, nationalities and peoples means that the constitution is a product of consensus among ethnic groups inhabiting the Ethiopian state. This indirectly implies that every Ethiopian should first identify themselves with one of the ethnic groups in the country before he or she claims the Ethiopian nationality.

The constitution has established a parliamentary system of government with a strong executive body composed of a prime minister and council of ministers that function under a sovereign parliament and a president who has a predominantly ceremonial role. The federal parliament has lower and upper houses. The upper house is composed of representatives from 'nations, nationalities and people'. This chamber has a number of roles, including interpreting the constitution and deciding on any issue of self-determination or secession. Unlike the experience of other federal systems, the upper house does not play any role in the law- making process. The lower house is composed of up to 550 representatives elected directly by the people. Though the house is constitutionally the supreme state organ, due to the fact that the political system is dominated by a single-party political landscape and the members of parliament are tightly controlled by Leninist-style democratic centralism, it is merely a rubber-stamp organ for the decisions of an increasingly authoritarian executive branch. The constitution has also incorporated the principles of constitutionalism and constitutional supremacy, human rights, secularism, transparency and accountability of government as the basic pillars of the constitutional system (Art. 8 – 12, FDRE constitution).

Unlike other democratic federations, power to adjudicate constitutional issues is granted to the second chamber of parliament which is known as House of Federations. The chamber is aided by the Council of Constitutional Inquiry (CCI), an organ that investigates constitutional disputes and submits recommendations to the House on cases dealing with constitutional issues. The official justification behind the granting of power of adjudicating constitutional issues to a political organ is related to the principle of sovereignty of 'nations, nationalities and peoples' envisaged under the constitution. According to the argument advanced during the proceedings of the Constitutional Assembly, since the constitution is a political contract made between nations, nationalities and peoples, the constitution need to be

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interpreted by the nations and nationalities themselves rather than unelected judges (Minutes of Constitutional Assembly 1994).

In relation to rights of regional governments, every nation, nationality and people in Ethiopia has the right to a full measure of self-government, which includes the right to establish institutions of government in the territory that it inhabits and to equitable representation in state and federal governments (Art. 39 (3), FDRE constitution). Furthermore, the constitution has laid down the procedures to be applied when making use of the right to self-determination and secession. The procedure applicable for claims of self-administration or secession right is a formal demand for secession, to be approved by a two-thirds majority of the members of the legislative council of the nation, nationality or people concerned. Thereafter, the federal government has to organize a referendum which must take place within three years from the time of the demand. After these procedures have been undertaken, the secession or right to self-determination will be materialized. The constitution seems to have made secession easier than the actual political reality in the country would allow.

Based on the basic notion of 'self-determination rights of nations and nationalities', entrenched in the constitution, nine regional units have been established. Despite the fact that the constitution claims regional units are to be delimited on the basis of settlement, language, identity and consent of the people, they are largely structured following language and ethnic lines. Though all regional governments are constitutionally symmetrical, having an equal formal relationship to the federal government, there are glaring social, economic and political differences and leverage among the constituent units. In addition to the glaring gap in population size, all the regions are heterogeneous, consisting of two or more ethnic groups. Few of them have one dominant ethnic group and different ethnic minorities, few others have two or more dominant ethnic groups, two of them are multiethnic, while city-states are considered separately.[5] Though the federation consists of only nine regional units that have regional autonomy, the constitution grants every 'nation, nationality and people' the unconditional right to self-determination, including the right to secession. In practice, it is only few ethnic groups that have full territorial self rule.[6]

The distribution of power between the central and federal units has been

5 Regions with a dominant ethnic group with other smaller minority groups include Somali, Tigray, Amhara, Afar and Oromo regional states. Two or more minority groups of comparable proportion are found in Benshangul-Gumuz and Gambella regional states while Southern Nations, Nationalities and Peoples Regional State has 56 ethnic groups and Harari Region with diverse ethnic composition. Addis Abeba and Dire Dawa are city states short of having their own autonomous region.

6 Only the states of Amhara, Oromia, Tigray, Afar and Somali are relatively homogenous. In the case of all other four regions, two or more ethnic groups are forced to establish a kind of coalition government.

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