## Federalism and Exercising Regional Autonomy: A Case of Three Federated Units in Ethiopia

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**Abstract:** This study aimed at assessing center-region relations regarding whether regions enjoy full autonomy or not in their jurisdictions. The study employed a qualitative approach. Interview was the main primary data collection method. The findings of the study show that the federal government through the incumbent party, the EPRDF network, severely undermined regional autonomy more seriously before 2016. There have been dramatic changes observed in the post2016, particularly, in the Oromia region. With the coming into power of the reformist leader within the EPRDF coalition on April 2nd, 2018, various reforms have been introduced that can strengthen the practices of democratic federalism in Ethiopia. This study, accordingly, recommends among others that the federal government should respect constitutional jurisdictions given to regions and encourage a democratically negotiated autonomy between the federal government and the federated units; there should be negotiation among the ruling EPRDF coalition members on the basis of equality, respect and trust; there should be separation between the Party and the state administration (replacing democratic centralism ideology by participatory democracy); and titular and non-titular national minorities should get fair representation in their respective regional councils.

**Keywords:** federalism, regional autonomy, Oromia, SNNPR, Tigray, Ethiopia

#### INTRODUCTION

The federal political system appeared to be a tool of nation building following the demise of European colonial empires after the end of the Second World War (Watts 1994a as cited in Asnake 2013). Most of the

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post-colonial states of Asia and Africa then implemented federalism, though many of the federations were futile without ignoring its continuity in India, Malaysia and Nigeria (Rothchild 1966 cited in Asnake 2013).

A growing demand to seek federalism as a solution to a state problem intensified in the 1990s (Watts, 2007; Asnake 2013) pointed out two opposing factors which contributed to this. The first was the collapse of the USSR, Yugoslavia and Czechoslovakia which revitalized fears about the stability and durability of multiethnic federations as well as the political deadlock in Canada over the question of Quebec's secession and the constant political dispute of federal Belgium which reinforced doubts a sustaining of a multi-ethnic federation. The second was that, despite such political problems, statesmen considered federalism as a solution to address multi-ethnic diversity, for example, federalism was opted for the establishment of the Russian federation to maintain the remaining Soviet members.

What defines a federal political system? Guzina (2010) states that there is no uniform criterion to define federations because federations differ in many respects: number of regional units, degree of centralization, role of the constitution, allocation of taxing powers and the degree of regional, economic, and social diversity.

Watts stated that a federal system structure should comprise the following features: (i). two or more tiers of government in which each tier acts to be responsive to their citizens (ii) a formal constitutional distribution of legislative and executive authority, and share of revenue resources between the different tiers of government ensuring some areas of genuine autonomy for each order; (iii) authorizing the upper chamber of the parliament to engage in federal public policy making; (iv) a supreme written constitution whose amendment requires the engagement of the federal government and regions, (v) the interpretation of constitution by courts, and (vi) institutions should exist to coordinate intergovernmental cooperation in joint responsibilities areas (Watts 2007; see also Elazar 1987).

Guzina argues that not all federal states incorporate those elements and mentions Belgium, for example, its federated units do not have a right to amend federal constitution, the other is the Canada whose upper chamber, the Senate, is not a policy- making body (Guzina 2010).

Ethiopia adopted a federal like system of government in 1991 after the demise of the socialist led regime. The source of Ethiopia's ethnic based federalism can be traced to Marxist-Leninist ideology which was linked with the identity or nationality question during the Ethiopian student movement activities. Habtu (2003) stated that the EPRDF (a coalition of four political parties, TPLF, ANDM, OPDO and SPDM) employed the model of the former USSR and Yugoslavia. The EPRDF government in 1991 introduced a federal-like state structure along ethno-linguistic lines by adopting the transitional period charter (see TGE 1991).

The transitional period charter allowed the nations, nationalities and peoples of Ethiopia self-determination and encouraged them to preserve and promote their various languages, cultures and histories. national/regional proclamation established fourteen governments along ethnic lines. During the transitional period charter, the regional self-governments were subordinate to and financially dependent on the central government (see TGE Proclamation No.7/1992). "Legally, the Councils of the Regional Governments were not only accountable to the people of their respective regions that elected them but they were accountable to the Council of Representatives of the central government" (Hashim 2010). The transitional period charter did not allow a fully-fledged federal system to exercise regional autonomy and was, therefore, referred to as a federal-like state structure.

In 1994/95, a clear federal system constitution that shared political power between the federal government, nine federated units and two city administrations was introduced by the FDRE. The right to self-rule including a secession article was incorporated into the FDRE constitution by article 39. Unlike the transitional period charter, in which the secession article was conditional on certain factors, such as, the failure to exercise self-rule, promote ones' own culture, history and language and representations to the federal government; in the FDRE constitution, the right to secession is allowed with no preconditions which makes it absurd (Art. 39 of the FDRE Constitution, 1995).

Moreover, the constitution allows both regional autonomy and shared rule. Regions have the right to enjoy regional autonomy but this does not mean that there is no constitutional ground for the federal government to intervene. In fact, and as stipulated in the constitution, there are four grounds for the federal government to intervene in regions: (i) on the request of a federated state when there is a lack of security which goes beyond the capacity of regions (Article 51\14); (ii) by the decision of both Houses of the Federal Parliament when the

federated state concerned fails to handle human rights violations (Article  $55\backslash16$ ); and (iii) by the order of the House of Federation (Article  $62\backslash9$ ). And the other is, when a nation-wide state of emergency is declared as per article 93 of the FDRE constitution.

Our paper, therefore, investigated regional political autonomy (political executive and legislative autonomy) before and after the incumbent government's deep political renewal (after 2016), taking into account the practices of the three federated states of Ethiopia: Oromia, the SNNPR and Tigray.

### MATERIALS AND METHODS

The study employed a qualitative approach as this method enables us to comprehend issues, questions or problems by providing rich and holistic information (see Tray 2013). Moreover, it "preserves the chronological flow, documenting what events lead to what consequences" (Ibid., 5). The analysis employed descriptive case study design to discuss the pre-2016 federation experimentation in reference to regional autonomy in Ethiopia as the research in this respect involves historical issues. And exploratory design was employed to discuss the post 2016 as there is insufficient study in this matter.

Research Strategy is a multiple—case study design which allows the study to explore phenomena through the use of a replication strategy (Zach 2006). Data were gathered at two tiers of government institutions and multiple data sources were collected from various bodies to triangulate.

Qualitative data were collected primarily from the Oromia, the Southern Nations Nationalities and Peoples and the Tigray National Regional State Governments. The offices of the individual regions including the House Speaker's Office, the President's Office and the Public Relations Office were contacted for interviews.

From the federal government, long serving members of the House of People's Representatives and members of the House of Federation were also contacted for interviews. Members of the opposition political party, the MeDReC, and other experts were also consulted in the study.

# Data Type and Data Sources

The study employed both primary and secondary data. This diversification of data sources helped to reach valid conclusions. And also helps maintain a higher degree of confidence in the data that would further help to establish the validity of the research findings.

Accordingly, primary data sources were collected using interview from regional and federal government authorities. Moreover, opposition parties, expert and ordinary people opinion were collected through interview to come up with a balanced data.

In order to triangulate the results of the primary data, secondary sources from relevant institutions, and academic journals, conference proceedings were utilized.

## Methods of Data Collection

Interview Data:

Interview method was the main instrument in the data collection process. The interview was conducted from March to June 2018. The interview was a face to face direct talk with persons from Addis Ababa (the federal capital and the regional capital of Ethiopia), Mekelle, in Tigray and Hawassa in the SNNPRS. The interviewees were as mentioned previously: government officials, opposition members, experts and ordinary citizens, and this study hoped to contact regional presidents or deputy presidents; however, the attempt to contact them was unsuccessful. The interview data was handwriting taken note as we were not allowed tape recording machine.

## **Document Analysis:**

Public documents in the form of conferences, newspapers, official records, publications, and audio-video were utilized in this study. In addition, secondary data in the form of books, journals, articles, periodicals, archival sources, reputable internet sources and other relevant sources were collected until sufficient data were obtained to support the primary data.

#### MAJOR FINDINGS

Although the FDRE constitution allows self-rule for the federated units, in practices, it suffered from lack of practical implementation in the past 25 years. In this regard, Tigray region enjoyed a relative high degree of autonomy before 2016 compared to others; whereas, Oromia region has started to exercise its autonomy well in the post 2016. Basing the results of the interview data and document analysis, the following are factors that inhibited exercising regional autonomy and the practices of democratic federalism particularly in the pre-2016 in the studied regions. These are:

(i) informal rent seeking political behavior and unconstitutional acts in the governance;

- (ii) single party dominance in both federal and regional governments;
- (iii) ethnic based federalism merely to serve for divide and rule than to promote ethnic democratic federalism;
- (iv) unequal partnership in the ruling party coalition (TPLF dominance);
  - (v) fusion of party and government activities;
  - (vi) narrow space for multi-party and civil society activities;
- (vii) unfair representation of ethno-national groups in the security and key national defense posts;
- (viii) the national security and defense served as party tool than guarding the constitution;
- (ix) top-down policy making in which the party channel surpasses over government structures and functions; and
- (x) absence viable institution (s) that regulates intergovernmental relations.

Our research argues that in the absence of a genuine democratic federalism and regional autonomy, ethnic federalism is a breeding ground for all forms of violence that endangers state survival. Now the new EPRDF leadership led by Prime Minister Abbiy has taken the following measures as part of the reform to widen space for multiparty democracy and civil society and to practice democratic federalism, (i) releasing all political prisoners to widen the political space (ii) allowing 274 bloggers websites to function previously closed (iii) inviting opposition members and known individuals to serve as state media board members (iv) establishing a Board of National Advisory Council in which oppositions are members and (v) promise to review the anti-terrorist law, media law and civil society legislation. These reforms should be implemented and supported by institution building as the presence and function of these institutions is a foundation for the healthy functioning of democratic federalism which enables regional autonomy to be respected.

The quest for autonomy continued with the recent political development with the decline of TPLF dominance within the EPRDF particularly some regional states like Oromia and Amhara to enjoy a high degree of autonomy in their jurisdiction which has also posed OPDO and ANDM to have revisited their party inner being that also influence the Southern Peoples Democratic Movement to undergo similar reforms to a certain degree. Accordingly, by the 9th Party Conference held on September 21, 2018, at Jimma, OPDO, Oromia

regional ruling Party changed its name to Oromo Democratic Party (ODP) with a new logo.

Likewise, by the 12th Party meeting held on October 2, 2018, at Bahir Dar, ANDM, Amhara regional ruling Party similarly changed its name to Amhara Democratic Party (ADP) with a new logo. These two parties also changed their ideology from revolutionary democracy that has been governed Ethiopia in general, Oromia and Amhara regions (which comprise 62% of the total population of the nation) in particular.

The ideology shift is a direct antithesis of the Party bylaws which urges all EPRDF members should pursue revolutionary democracy. This reflects that the quest for autonomy is believed to be the will of the people.

All this shows how the asymmetric power relation within EPRDF has undermined regional autonomy in the federation experiment of Ethiopia. In the interview with senior TPLF party member and the regional president chief of cabinet and advisor to the president told us EPRDF is 'now weak' in the future if it strengthened it may address the different national problems prevailing now.

Similarly, other research participants in the interview in the region echoed the same mentioning the unaddressed different inter-region administrative border dispute as a sign the EPRDF weakness.

The fact is when Amhara and Oromia ruling parties have become assertive in their regional administration, TPLF dominated EPRDF has played a counterproductive roles. Lately, the TPLF leadership has threatened the federation by not cooperating with the federal authorities.

That means the friction within EPRDF party members arise from the claim to come to equal partnership, and fair representation and fair power as well as resource sharing posed by wave mass demonstration as previously discussed, which challenged the old established party doctrine of revolutionary democracy.

Now, it seems that the old *status quo* has been changed. Meaning, all member parties of the EPRDF are to be on equal partnership though not matured as the nation is on transition. The other variable that should get attention is apart from ethnicity other variables should also be considered to look again the federal system. At the 11th EPRDF Congress, held at Hawassa, on October 3rd, 2018, the Party leader (EPRDF), Dr. Abiy Ahmed told that "if we are able to form regional administrations without confusing it with ethnic identities, then there is

no question that federalism is the best option for Ethiopia's situation." As the Premier stated Ethiopia has no other option other than federalism but the federal configuration should be revised in consultation with all the concerned bodies as the existing ethnic based federalism has promoted ultra-ethno-nationalism and ethnic based conflicts.

Gleason (1992) when discussed about the federal structure in the former Soviet Union, he observed the federal system failed to take into account local realities rather to subordinate them to central authorities. He further discussed that Lenin, the father of the state, did not like federalism but accepted it for the sake of political expediency to save the state from collapse.

As Gleason mentioned this study has revealed that TPLF/EPRDF formulated ethnic federalism in Ethiopia for the sake of power control by promoting the politics of ethnicity to divide and rule tactics (see also Aregawi n.d).

Ordinary people interviewed on the street in all study areas (Tigray, Oromia and SNNPR) also shared this view by saying "Ethiopian federalism promoting ethno-linguistic and cultural diversity by disregarding Ethiopian citizenship and common values and history".

Meaning, according to the research participants, the federal experimentation in the past 27 years has failed to balance ethnonational identity and Ethiopian citizenship at large. Moreover, all nontitular communities in all federated units of the state are not represented in their respective regional councils to make their voice and felt-interests heard this has caused the spirit of alienation and nonbelongingness in the federated units.

Bhattacharyya (2001) discussed that when federalism is genuinely implemented in multinational states it is the best device to attain political stability and security. In contrast, the in proper implementation of federalism could be a cause for state disintegration.

It is the inappropriate implementation of federalism in the nation for the past 27 years not only undermined regional autonomy but now threatening state survival by causing thousands of non-titular communities to be internally displaced across the different federated units of the country. According to the IDMC Report of September 2018, internally displaced people due to ethnic conflict and violence in Ethiopia has touched 1.4 million shockingly exceeded war torn Syria.

Research respondents in the interview from the Southern Nation Nationalities and Peoples region, Tigrai and Oromia National Regional State Government stated that they have fear on the rise of ethnonationalism at large as a threat to the federal system. Likewise, archival sources of EPRDF members also confirm that.

Now it is high time to learn a lesson from the failed ethnofederations of former Yugoslavia, the USSR, and Czechoslovakia where ethnic politics somehow accounted for the dissolution of the federation (see Leff 1999).

In the interview with the expert of federalism, Ethiopian federal system lacked an institution to regulate intergovernmental relations. Hence, there should be an institution that regulates intergovernmental relations, because, when there is conflict of the law or a confusion of practices or other relevant issues, this institution will serve to regulate the matter, accordingly, cooperative federalism can function properly in the federal system of the nation.

Above all, the process and function of federalism involves negotiation, cooperation and bargaining among the bodies of the federation to arrive at common agreement or failure to reach on an agreement should defend the common interests of all members of the federation. Accordingly, the federated units of Ethiopia including Oromia, Tigrai and SNNPRs should cooperate and negotiate in all common matters. Otherwise, the federal system cannot function in a healthy manner as we observe now. This has even posed a danger on the survival of the state itself. Therefore, for the survival and transformation of the federation in particular, the nation in general, the coalition members, particularly, TPLF should come to the principle of equal partnership by abandoning the 27 years *status quo*.

#### CONCLUSION AND RECOMMENDATIONS

#### Conclusion

Different practices exist as far as the federal system is concerned. A federal system of government divided political power constitutionally whereby federated units enjoy autonomy in their jurisdiction. There is no uniform approach to promote federalism. The central tenet of federation is to ensure both self-rule and shared rule in which both sides enjoy a degree of freedom.

The Ethiopian federal formula was based on Stalinist ideology, which bases its foundation on Marxism. According to Bhattacharyya (2001), Marxism contrasts federalism: Marxists thesis is established on the notion of class divisions in society. For Marxism class consciousness is the true consciousness and other forms consciousness.

such as, ethnicity, religion, language, etc. are false consciousness in the mind of socialism. In contrast, federalism is not a class principle but based on the other values, such as language, tribe and so forth. He argued that the federal paradigm is incapable of dealing with the issues of class as social and economic categories, likewise, Marxism is unable to deal with non-class identities.

TPLF/EPRDF being influenced by the Soviet Stalinist ideology introduced ethnic federalism based on notion of revolutionary democracy (socialist federalism) that believes there has been intranation oppression not class oppression in Ethiopia.

This view of federalism contradicts the notion of democratic federalism that gives attention to individual liberty and freedom. The federal political system has created the opportunity for the varied national communities to foster their history, culture, language and religion.

This study deals with the extent of federated units exercising political autonomy in their jurisdiction. The federal practices show that there is domination by the federal government over the federated units. The experience of Ethiopia's federal experiment in the past 25 years clearly showed with some variation across regions that federal structure existed without federal functions and democracy, which shares commonality with the communist states.

The incumbent Party, the EPRDF apparatus, sternly undermined regional autonomy and democratic institutions as the federal government influenced regional governments through the ruling party channel; this scenario was more significant before 2016; but after 2016 the federal government Party apparatus influence significantly declined mainly in Oromia region which has started to exercise its autonomy rights as per the constitution. The other issue that this study revealed that regional presidents in all studied regions are practically not elected by regional legislatures but are assigned by the party and this has made the role of the legislature weak in challenging the executive army.

As Aalen (2002) citing Riker (1964) discussed Party systems organization could foster or deter the federal share of power. Meaning in the condition where one party controls both the federal and regional level government, regional autonomy cannot be ensured. In contrast, if the political party operating at regional level is autonomous from the party in power at the federal government level; the prospect of ensuring regional autonomy is high. Aalen further argued that the EPRDF prevails in all regional governments through its Party channel,

which made regional governments to be subordinate to the federal government.

Compared to the pre-2016 federal practices, regional autonomy within the federal system has showed significant improvement, after 2016 predominantly in the Oromia region. The incumbent government leader's ongoing political reform that has been introduced after April 2018 is promising and will bring positive influence on the practices of genuine democratic federalism, particularly in ensuring equal partnerships among the EPRDF coalition, secularizing the national armed forces that will remain loyal to the constitution as stipulated in the FDRE constitution; widening political space for political parties; encouraging and promoting civil society; and freedom of press all these could influence the practices of democratic federalism in Ethiopia, accordingly, the federated units exercise regional autonomy in their jurisdiction to the desired level.

#### Recommendations

Since most of the findings of the study are generable to Ethiopia, the recommendations are also. Based on the findings, the study suggests that the federal government of Ethiopia should respect constitutional jurisdictions given to regions and encourage a democratically negotiated autonomy between the federal government and the federated units because such autonomy promotes unity in diversity. Moreover, it promotes political stability and contributes for economic growth as peace is a panacea for development. In this regard, Ghai (2000) stated democratically negotiated and managed autonomy thwarts secession interests (as cited in Guzina 2010). Hence, regional autonomy should be respected and promoted so long as it does not threaten state unity and survival. Taylor (2007) also discussed that if the federated units are too powerful, the federation may face the threat of secession or collapse, on the other hand, if the central government is too strong, it may make the federation meaningless.

The federal government and federated units government should inform citizens with regard to the process and functions of the federal political system through the informal setting so as to defend the rights of the titular and non-titular national minorities. As clearly stated in the FDRE constitution, article 32 (2), "any Ethiopian or foreign national lawfully in Ethiopia has, within the national territory, the right to liberty of movement and freedom to choose his residence..." Failure to recognize that by some ordinary people and corrupted local

government officials causes destruction to material assets and human life as well as dislocation of thousands of people from different parts of Ethiopia as we see now.

The ruling EPRDF government should show strong commitment to implement federalism properly. There should be viable democratic institutions, multiparty politics and genuine democratic elections. This requires a paradigm shift, as Bassi (n.d) also discussed democratic centralism ideology that EPRDF pursues is against the principles of democratic federal political system which requires the materialization of freedom of assembly and political pluralism that are stipulated in the FDRE constitution.

Hence, all EPRDF coalition members should shift from revolutionary democracy to a more participatory democracy that currently some EPRDF coalition members, such as; the Oromo Democratic Organization and the Amhara Democratic Organization have started to practice it in their jurisdictions.

The federal government and the federated units should promote the culture of negotiation and genuine cooperation based on the principles of equality and trust. Research shows federal process can work to the desired level when democratic political culture and democratic government involves cooperation and compromise than use of force (see Lynn and Novikov 1997). In this regard, the regional state of Tigrai should submit itself to the guardians of federalism as stipulated in the FDRE constitution to cooperate with the federal government.

In Ethiopia, party and government functions are interfused, as repeatedly stated in this study; hence, there should be separation between party and state administration because this separation helps to reduce the effect of the friction within the party on public administration that means whenever there is friction within the party, and the state cannot undertake its root activities adequately. Therefore, in both the federal government and the federated units, the party machinery should divorce from the state apparatus.

Non-titular and titular minorities should get fair representation in their respective regional councils that mean institutionalizing minority rights so that their constitutional rights not jeopardized; moreover, it serves for the healthy functioning of the federal system as democratic federations governed by defending minority rights. Accordingly, regional constitutions should be revised to allow some representation or seats for both minorities (titular and non-titular). Even though the

titular minorities have some seats in SNNPR council, the non-titular does not have.

#### ABBREVIATIONS AND ACRONYMS:

ANDM Amhara National Democratic Movement

ARENA Union of Tigrians for Democracy and Sovereignty

EPRDF Ethiopian People's Revolutionary Democratic Front

ETV Ethiopia Television

FDRE Federal Democratic Republic of Ethiopia

ICDM Internal Displacement Monitoring Center

Medrek Amharic meaning Forum for Democratic Dialogue in Ethiopia. Medrek is one of the major political contender to the ruling Party. It is a coalition of four political parties: the Oromo Federalist Congress (OFC), Union of Tigrayans for Democracy and Sovereignty (Arena), the Sidama Liberation Movement (SLM) and the Ethiopian Social Democracy Party).

NDR National Democratic Revolution

**OBN Oromia Broadcasting Network** 

OPDO Oromo People's Democratic Organization

PDRE People's Democratic Republic of Ethiopia

SNNPR Southern Nations Nationalities Peoples Region

SPDEM Southern Ethiopian People's Democratic Movement

TGE Transitional Government of Ethiopia

**TPLF Tigray Peoples Liberation Front** 

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