

Think federally and act locally

Federalism is a peace making tool

That doesn't kill a tribe to build a nation

Part II

Amen Teferi

In part one I have discussed - much to the credit of Tsegaye Regassa- some issues related to the design and the practice of the federal dispensation. And have also hastily presented some of the challenges and the limits of the federal dispensation in the face of increasing tensions and competitions among groups at the local and sub-national levels by referring to cases that have emerged from the regional states.

Looking to those disputes that the state and federal institutions have dealt with clearly indicated that there have been notable incidences of conflicts in the last two decades. And these disputes were presented to the attention of the various federal and state institutions for a legal/adjudicatory resolution.

These incidents have prompted many among the public to query if the federal arrangement has solved conflicts or has perpetuated and intensified the incidence of conflicts. In this regard, Tsegaye has remarked that, "many among the public often, at times misguided, raised a rhetorical question on the federal dispensation, only to answer it by saying that it has actually triggered more conflicts than it has solved."

Indeed, scholars of federalism believe that federalism is not a panacea. They categorically stated that federalism is far from being a panacea for all conflicts. As such, while it "dissolves" some conflicts, it might also, unwittingly, trigger or resuscitate other. But it must be underscored that federalism has the potential to handle these new ethno-national conflicts.

As Tsegaye has noted some problems of design (normative, institutional, and procedural) and some problems of practice (lack of implementation of constitutional norms) should not distract

us from pursuing the ideal of federalist management of conflicts. A more systematic approach to conflicts and a more robust redemptive constitutional practice should be worked out in order learn how to live with conflicts.

Investigating problems related with design and practice of our federal system and further more assessing the demands of the contending ethnic and the federal and Regional States response thereof, would serve as a practical lesson that could consolidate our federal system. Hence, we must look into distinct and solid cases of conflict to draw lessons on how to go about them. Hence, let us begin the lesson by considering the federal system and its place in Ethiopia's past and present and tries to see the prospect of our federal system as we look ahead into the years to come.

To the dismay of the gang in the *VOA Amharic Service* who persistently tried to put the cat among the pigeons and create panic or apprehension by announcing rumors and bad news; our federal system has so far successfully managed and contained conflicts. And let it be smile and cheer to the founders and defenders; wear and tear to the detractors and attackers of our federal system that has come a long way in triumph.

Federalism – in the Past

The old Ethiopian state had a varying territorial expanse over the centuries. Its peripheral boundaries have been bulging and shrinking, and bulging again, across time in history. The idea of building one nation out of many evokes the thought of the *E Pluribus Unum* (*out of many, one*) motto which is more benign than the *assimilationist* stance of the old Ethiopian state. Of course, the motto "*out of many, one*" in itself has a more integrationist attitude than the motto *plures in uno* (*many in one* or *within one many*). Hence, *many in one* should be the hallmark of a federal, pluralist, multi-culturalist polity that tolerates, nurtures, and cherishes diversity.

The Ethiopian state constituting the territories that comprise today's Ethiopia was largely a creation of a century ago. The historical Ethiopian state was a *unitarist* state. And it makes the least effort to embrace and institutionalize federalism or other decentralized forms of

government. "The commitment to *the ideal of a strong unitary state* had anathematized federalism as a step to the dismemberment of the country. The country was seen as *too united* or *too delicate* to accommodate such an arrangement"- Tsegaye remarked.

The first written constitution, in 1931, was only promulgated decades after the completion of the process of Empire-building and it made no reference to federalism. True to its goal of unification and modernization, Ethiopia under an absolute monarchy could only envisage a unitary state. However, the Italian occupation of 1935-41 had disrupted the constitutional development.

Ten years after the eviction of the colonial Italy from Eritrea, in 1952, Eritrea was federated to Ethiopia by a Federal Act of the United Nations. This was the first time when federalism set its feet in Ethiopia. We have two distinctive traits that can accurately describe the *Ethio-Eritrean* Federation: 1) that it was more of an international compromise than an internal 'covenant'; and 2) that it is, as most commentators called it, a marriage between un-equals.

As cited by Tsegaye, Bairu Tafla¹ said that the Federation had "two inherent problems" that led to its subsequent failure²: [I]t was imposed from outside and was tolerated by both Eritrea and Ethiopia on the basis 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. So delicately constructed was the *Ethio-Eritrean* federation that it could lapse only for about a decade. The Ethiopian political tradition of the time, being autocratic and *centralist* was not accommodative of the pluralism inherent in federalism. Indeed, in Ethiopia "[t]he rulers obviously confused administrative plurality with disintegration and anarchy." Unity was equated with uniformity.

Centralism was reinvigorated in the guise of unity and perfected by emperor Haileselassie I. The trend to centralism was perhaps the cause of mismanagement of the federalism which was subsequently liquidated in favor of unity in 1962.

¹ Bairu Tafla (1994), "The Ethio-Eritrean Federation in Retrospect" in *Conflict and the Federal Alternatives in the Horn* (Woodman and Forsyth, eds), (Longman: London), p.7.

² United Nations General Assembly Resolution No 390 (V)/1952

History tells us that the Eritrean Constitution and the Federal Act that had passed on 10 July 1952 federated Eritrea as an "autonomous unit" of Ethiopia (Art. 3) "under the sovereignty of the Ethiopian crown." The Government of Eritrea had its own legislative assembly representing the people.

In fact, membership to the parliament comes through elections; but as there were no strong political parties, the campaigns were not as strong as one would expect them to be today. The absence of many civic societies is also notable. Although the relative awareness of the mass was an asset; to most of them federalism was a queer form of government. Thus there was a clear lack of federal culture as most highlanders Eritreans sought total unity with Ethiopia while others (most of them lowlanders) sought total independence from Ethiopia or the powers that be.

Moreover, the relatively liberal constitution of Eritrea envisaged a democratic system of government which notionally challenged the autocratic Imperial rule in the other parts of the country. Accordingly, the practice in Eritrea was seen as a threat to the legitimacy of the Imperial regime. Needless, to say that the 1955 revised constitution was in a sense an attempt to catch up with the development in Eritrea. Though the 1955 constitution made no reference to the federalism, it manifestly established the supremacy of the constitution and by implication of the federal laws. But it did not, as such, spell out the federal and state powers. This silence created a room for an unnecessary involvement of the imperial representatives in the affairs of the Eritrean government which ultimately led to the dissolution of the Federation.

Now, it is necessary to ask the question "what was the consequence of this?"

One of the major consequences was that the Ethiopian leaders failed to take the federalism seriously. This was already manifested in their excessive involvement in the affairs of Eritrea; at times even contrary to the Eritrean constitution. The eagerness to bring Eritrea to complete unity with Ethiopia led to the revocation of the Eritrean constitution early in the 1960's by the order of the Emperor. Then, those who sought independence from the beginning protested against the abolition of the federalism with armed violence. Legal solution to the crisis was not at hand and was not even sought. The abysmal failure of the federalism left us with hardly any

lesson to draw from the experience. Yet in retrospect, one cannot fail to see the fact that the imposed nature of the federalism, the absence of a federal culture, and the absence of civil societies, and excessive emphasis on unity as uniformity, has played a role in leading to its failure.

Federalism- in the Present

Since the failure of the Ethiopia-Eritrean federalism, no effort was made to restore it in the subsequent years. The 1955 Revised Constitution was, of course, not capable of handling the various pressing demands of the mass. Hence, a nationalist war started in Eritrea. Besides, in the 1960s and 1970's, a student movement leaning progressively to the left arrived on the scene. At the same time, centralism continued to be the creed of the system. The Eritrean liberationist movement inspired other ethno-nationalist movements in other parts of the country. An inarticulate Oromo nationalist movement started to be in the subtext of Ethiopian politics. The student movement started to discuss the "National Question" in Ethiopia. The Somalis of the *Ogaden* were also part of the discussion of the time. Later, the *Tigrean Liberation Movement* joined the league of those who challenged the Ethiopian centralism. Conflated with the issue of class (mainly the farmers' quest for land), ethnic and religious questions continue to demand a benign response.

Failure to respond to these demands was accompanied by other intensifying political factors, hence a popular revolution ensued. Eventually the revolution abolished the Imperial regime and the *Dergue* came to power. But centralism still continues to be the norm. "Ethiopia First" became the motto. Ethno-nationalism was perceived to be a threat to national sovereignty and territorial integrity of Ethiopia. It was even considered as a counter-revolutionary and reactionary slogan.

Therefore, the provisional government (the PMAC or the *Dergue* as it is popularly known) did not opt for federalism. On the contrary, it exerted the maximum effort to intensify rigorous centralism. Although it made a concession to the question of "nationalities" as it had recognized the equality of "nationalities" and their languages, and also while it has admitted

the fact of diversity, the government did not even change the number and powers of the provinces (except in name, as they were changed *from teklay gezat* to *kiflate hager*). That is to say, there were 14 *teklay gezats* which became the 14 *kiflate hager*, with no substantive devolution of power.

The time from 1974 to 1987 was a time during which Ethiopia did not have any formally written (comprehensive, "codified") constitution. When in 1987 the PDRE was established, centralism was maintained except that there were now about 24 provinces and 5 autonomous administrative regions. Nonetheless, the recognition of some regions as autonomous was an effort to diffuse the mounting pressure exerted by opposition fighters on what was otherwise a centralist state that held "democratic centralism" as its motto. In reaction to the grip of that tough centralism, the ethno-nationalist groups mounted their opposition against the PDRE regime until it collapsed in 1991 leaving the political space for the ethno-nationalist groups who took decentralization seriously.

Henceforth, in complete departure from the unitary past, federalism was considered as the only viable option. While diverse and divergent perspectives have emerged on the merit or wisdom of the federal option in Ethiopia, one cannot genuinely gainsay that the federal option was a reaction to what was thought to be an oppressive unitary past, a reaction to a state nationalism that sought to unite the country through, among others, involuntary assimilation and homogenization. One can also say that the federal option was taken due to the exhaustion of centralization and unitary system of government. It came when the long suffering nation-building project (which has been on the political scene from 1855 to 1991) has spectacularly failed. The centralist and *unitarist* model has little resources to flexibly respond to the strains imposed on the ethno-national diversity.

The federation was born out of a measure taken to devise a constitutional guarantee to the demands of the ethno-nationalist groups. The demand for the right to self-determination was a result of an age-old quest for ethno-cultural justice. Hence, the need to build a democratic order based on the principle of the rule of law that ensures a sustainable peace became strong. Issues of self-determination and self-rule have become salient on the national political agenda.

The origin of the current federal option is the ethno-nationalist liberationist rhetoric of the post-1991 era of Ethiopian history. Led by the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF), a number of ethno-nationalist liberationist fronts came together in a National Peace Conference that led to a Transitional Charter (TC) that served as the interim constitution from 1991 to 1995. It is this negotiation that led to the TC that for the first time in Ethiopia's history ethnic groups' rights are guaranteed a formal legal recognition.

Along with this came the introduction of what was the nucleus of the contemporary federalism. The TC recognized the right of "nations, nationalities, and peoples" to self-determination up to and including secession. A subsequent proclamation, that is Proclamation No.7/1992, established 14 self-governing regions. This reinforced the recognition extended to the right to self-determination by the Charter.

The Transitional Charter was the first legal document to institutionalize decentralization. Being a product of a compromise among the ethno-nationalist movements, the Charter emphasized the "nations, nationalities, and peoples" (roughly ethnic groups) as basis for decentralization.

Hence, Proclamation no. 7/1992 made this ethnic-based decentralization more articulate and real. The 14 self-governing regions were mainly ethnic in their making, though none of them were entirely homogenous. Based on this proclamation, National Regional States or Local Governments were formed and the incipient form of self-government was made apparent. Nonetheless, it was only after the promulgation of the FDRE Constitution that federalism as such becomes formally institutionalized in Ethiopia.

The Charter devolved power from the center to the self-governing regions and signaled the beginning of a 'holding together' federalism. In 1995, the move to a federal system through 'scaling down' was perfected when the explicitly federal (Federal Democratic Republic of Ethiopia's [FDRE]) Constitution came into force. And from its preamble, we note that it is a compact agreed upon among the "nations, nationalities, and peoples" of Ethiopia. It is thus a formal contract, treaty, even a vow, among these groups who reconstituted Ethiopia into a federation of ethno-linguistic groups. These groups, at the same time, expressed their commitment and aspiration to build "one political and economic community" by appreciating

the shared past and envisaging a “common destiny” born out of the historical ties they enjoyed for centuries.

Apart from these, the constitution postulates five basic principles as ‘fundamental’ pillars of the constitutional order. These principles are the sovereignty of ‘nations, nationalities, and peoples’, constitutional supremacy and constitutionalism, sanctity of human rights, secularism, and of transparency and accountability of Government.

Though most of the Regional States established weren’t ethnically heterogeneous, there are dominant ethnic groups after whom the states are often named. This and other elements gave quite *unique features* to the Ethiopian federal system. The recognition of the right to secession, the use of ethno-linguistic criteria as a basis for state formation, the unconventional constitutional interpretation through the upper house of the federal legislature, the fact that states are not directly represented in the upper house, the fact that the upper house has little, if any, legislative role, etc are the unique features of our federal arrangement.

This federal arrangement, as it was, a direct antithesis of the former *Ethio-Eritrean* federation. Some distinctive traits, as against the former, that accurately describe the present federation that came into force by the FDRE Constitution can be listed as: 1) it is rather an internal ‘*convenant*’ not an international compromise; and 2) it is a federation that has ethnic groups as its constituting units; and also 3) it recognize the right to secession etc.

Here, we don’t see what was identified as the “inherent problem” that led to the subsequent failure of *Ethio-Eritrean* federation. First, it was not imposed from outside and was considered as a peace making tool by all ethno-national groups and the people at large. It was not accepted on the basis that ‘half a loaf is better than nothing.’ It was rather opted for as a ‘holding together’ federation with the full consent of the parties involved. It was not, like the previous, a marriage between incompatible beings -the giant and the dwarf; the strong and the weak; the rich and the poor, the autocratic and the democratic.

It is a venture that has fundamentally transformed the age-old political tradition of Ethiopia. Being democratic and federalist it is accommodative of the pluralism inherent to a country that

has diverse culture, languages and ethnic groups. The new leaders, unlike their predecessors, don't confuse administrative plurality with disintegration and anarchy. And unity was not equated with uniformity. But as already indicated this federal arrangement is far from being a magic option to altogether avoid conflict.

Pre-federal conflicts

The quest for an anatomy of conflicts in pre-and post-federal Ethiopia leads one to the nature of political relations in the historical and contemporary Ethiopia. In pre- federal Ethiopia, for the large part of the conflicted 20th century, two issues assumed a significant position on the agenda of those involved in conflicts, namely the issue of class and the issue of ethnicity. The question of economic (class) and status (ethnic) hierarchy were salient. The 1974 revolution dealt with the issue of class hierarchy. The issue of status hierarchy remained yet to be satisfactorily attended as it was subordinated to and/or conflated with the issue of class hierarchy during the *Dergue* regime.

It was perhaps held subordinate, for the reason that ethnic issues were conceived as a threat that invite difficult questions like, "who is an Ethiopian? And what are the terms for being 'in' or 'out' of Ethiopia?" and in turn pose a direct challenge to the unity of the country. The political movement that culminated in the dethronement of Haileselassie had unleashed a popular revolution that created staunch proponents of divergent positions on the articulation and response to the "question of nationalities."

The Transitional Charter, as an interim constitution, has captured these demands and allowed the establishment of a *de facto* federal or quasi-federal system right after the down fall of the dictatorial regime. The charter can be deemed as a political and legal document that mainly respond to the avid quest of the ethno-national groups for ethno-cultural justice: equality and non-discrimination on ethnic and religious basis, the right to one's identity, language, culture, and way of life, the right to one's history (and one's narrative of history), the right to self-administration within one's territory, the right to self-determination including and up to (conditional) secession. The quest for ethno-cultural justice was embedded with the general

demand for a democratic order where human rights are respected and rule of law prevailed. The emphatic stress on ethno-cultural justice came out of the identity of the negotiators (chiefly ethno-nationalist liberation front).

Moreover, the Charter and also the constitution that succeeded it were an expression of bitterness and sense of resentment on the part of the oppressed ethnic groups. Of course, the charter, (a pact among the warring factions), was a legal as well as a peace document. Being a document with a thin content they agreed to a temporary arrangement. An arrangement that they hope would guarantee them from any encroachments of their rights and alleviate the fears (of oppression, ethno-cultural injustice, and denigration) they are burdened with and prevent the resurgence of the defeated forces of oppression. Here, one can easily realize even the tentative (quasi-) federal arrangement, that is the Charter- was meant to serve as a tool for truce. One should also note the fact that this truce was made possible mainly because the “center” (or forces of centralism in general) was exhausted.

However, the right to self-determination and secession that was endorsed by the Charter seemed to make the territorial unity and integrity of Ethiopia vulnerable to the challenge of the forces which advocate secession and fragmentation; as a result of which latent fear and tension had build-up among some circles.

At any rate, with the adoption of the federal constitution in 1995, the quest for ethno-cultural justice was elevated to a full-blown constitutional right. Built upon the premise that the nation-building project via assimilation and homogenization has failed, the constitution ventured to reconstruct the Ethiopian state as a multicultural multi-national state. In a sense, Ethiopia ennobled ethnicity (‘tribe’) which was supposed to be killed so as ‘to build the nation’. Thus, Mazrui commented that in the oldest nation in sub-Saharan Africa (whose boundaries are formed less arbitrarily than other African nations that lived under colonialism), a ‘cultural federation’ was established and ethnicity at last was freed from bondage.

And hence federalism was put in place and ethnic groups secured their sovereignty. They become the building blocks of a multi-ethnic, multi-national Ethiopia (preamble). They were ‘lavishly granted’ the right to self-determination including secession. The right of any nation or

nationality to use and promote their language, culture, and history were guaranteed. The right to full measure of self-governance at least at the local level was also recognized. The right to fair and equitable representation at the “center” (in the organs of the federal government) was recognized.

Thus the upper house (HOF) where each ethnic group is represented is established. Territorially defined ethnic groups were granted the right to self-administration either within a heterogeneous regional state or within one’s own separate state. A group’s right to statehood is also guaranteed (Art 47(3)). By doing so, the constitution attempted to transform an age-old conflict between the center and peripheries of Ethiopia.

Post-federal conflicts

Nonetheless, at the foot heel of the federal dispensation were born new conflicts, post-federal conflicts. New conflicts such as: a) an intensified quest for self-definition and distinct identity intent on securing local self-rule to get more resources, power, and opportunities¹⁸⁴; b) border disputes between and within states; c) competition for federal grant and subsidy; d) quest for having one’s language given a co-equal status as a federal working language; e) competition for access to and authority over federal, state, and local capital cities¹⁸⁵; f) conflict over mistrust about one’s lot with/in a state or in the country³; g) the quest for a more robust minority rights regime, especially right to representation; etc.

Owing to the conversion of the old minorities (‘nations, nationalities, and peoples’) to sovereign entities, there emerged ‘new’ minorities (minorities within minorities, etc) who are now unattended to in the new federal constitutional dispensation.

One might wonder as to who these new minorities are. Tsegaye Regassa roughly identified at least five categories of new minorities: 1) scattered groups who are children of our legacy. In this category, there are: a) children of empire builders; and b) children of villagization and (re)settlement programs; 2) children of freedom of movement in the new constitutional

³ E.g Oromia or Somali region vis-à-vis Ethiopia; and Sidama or Gamo in the SNNPRS etc.

dispensation; 3) stranded groups, i.e., groups that are caught in between two or more regions when the new mapping of the constituent units of the federation was conducted (e.g. the Yem in SNNPRS and Oromia; the Mezenger in SNNPRS and Gambella; the Argoba in Afar and Amhara; the Guji in Sidama Zone of SNNPRS and Oromia; the Oromo in Gedio Zone of the SNNPRS; the Agaw in Benishangul Gumuz; the Oromos in Benishangul Gumuz; the Opo in Gambella and Benishangul Gumuz; the Oromos in Harari State; the Afar, the Amhara, and the Oromo in Tigray; etc.); 4) Occupational caste groups (e.g., the Fuga, the Enewari, the Hadicho, the Menja, and others); 5) Indigenous groups in the hinterland of rural South Omo or Bench-Maji Zone of SNNPRS who could not exercise their constitutional rights for reasons of historic marginalization. To these, one can add the category of religious minorities, or of the minorities of mixed ethnic origin, Ethiopians of Eritrean origin, etc.

The new minorities seek a diverse array of rights such as recognition; identity; exercise and enjoyment of linguistic rights (in schools, administration, courts, and media, etc); exercise and enjoyment of cultural rights; right to representation in offices of local, sub-national, and national government; participation in decision-making; self-rule; self-law; reassignment in what they consider to be their “home region”; etc.

In post-federal Ethiopia, apart from minority claims, there are a host of claims that are mostly expressed in terms of competition for resources (natural endowments as well budgetary resources coming to them in the form of fiscal transfer, i.e., subsidies and grants), opportunities (jobs as well as education), and power (at the local, sub-national, and national levels). Local elites tend to contribute to the escalation of some kind of conflicts for the purpose of securing a better access to coveted resources, opportunities, and powers. One notices that the federal dispensation which was devised to respond to old conflicts which arose out of the quest for ethno-cultural justice did address, more or less, these conflicts. But it triggered a new sort of competition for resources, power and opportunities. Consequently, the threat of fragmentation (of states) has become a challenge. Lack of trust among diverse groups in constant interaction has become another challenge.

Challenges and Prospects

As has been repeatedly hinted in the fore-going pages, federalism can be viewed as a tool of handling conflict. There are a number of resources to utilize in order to manage conflicts. Although the kind of conflicts that recur in a federal polity are primarily those that relate to inter-state, inter-governmental, and inter-organ relations, in a multi-ethnic federation, there are more conflicts that federalism can help handle. Conflicts relating to ethno-cultural justice, minority rights, border disputes, identity-related disputes, disputes over local self-rule (mainly for resources, opportunities, and for power) and others can be managed by a federal arrangement.

In Ethiopia, federalism has been opted for primarily to respond to the quest for ethno-cultural justice. Therefore, old ethno-national conflicts have been addressed directly and frontally. And new conflicts are emerging. Federalism needs to be used more creatively than it has so far been in handling new conflicts more systematically and institutionally. This requires, among other things, the need for a positive posturing of conflicts and viewing them as demanding a more deliberate, intentional, directed effort that can prevent, manage, and transform them.

Federalism, if equipped with the necessary institutional, procedural, and manpower infrastructure, can be part of the scheme to prevent, manage, and transform conflicts. As we look ahead, the challenge of more and more demands for better recognition, local self-rule, sub-national autonomy, fair and equitable representation in government at various levels, self-law, separate statehood, a better regime of minority rights, reassignment in another state or Woreda/Zone, etc might confront us.

These challenges put a lot of demands and pressure on the meager financial, institutional, infrastructural, and human resources of government. But they need to be met. To meet these challenges, as we look ahead into the future, it is imperative that we develop a full-blown policy and strategy for conflict. We also need to work on the refinement of the norms, institutions, and procedures pertaining to federalism and its experimentation. Constitutional rethinking might also be needed at some places (such as in the areas governing the upper houses both at

the federal and sub-national levels, constitutional interpretation, mode of representation of ethno-national groups, meeting and voting patterns, electoral systems, rules of power-sharing in the executive, etc). It is also important that we make a more aggressive use of resources that are hitherto underutilized such as the state constitutions. It is also imperative that state constitutions are designed in such a way that they respond to specific local demands and needs. Such responsiveness to realities and diversifying institutional and procedural devices will indeed enrich the federal experiment thereby making the states 'laboratories of democracy'. At all levels, the practice of redemptive constitutionalism (through constitutional fidelity, constitutional reinvention via positive amendment and positive interpretation, responsible legislation that serves as corrective to constitutional problems, and responsible use of new constitutional moments) is imperative. All along, we need to remember that through federalism, we learn to live with conflicts and transform them in such a way that they outlive us into posterity.

Notwithstanding to the ability of a federal arrangement preventing or handling some conflicts, it also generates some others. At times, it even multiplies them. Such is more or less the case in Ethiopia. The Ethiopian federalism was both a response to (old) and a cause of (some new) conflicts. It responded chiefly to ethno-national conflicts and the associated quest for ethno-cultural justice. But it failed to comprehensively respond to the quest for a better regime of minority rights protection. As a result, it showed itself to be ill-prepared for new conflicts ignited by the new minorities. It also showed itself to be ill-equipped to respond to conflicts caused by the (local elites') competition for new resources (e.g. state budget), opportunities (education, jobs, network, and other forms of social capital, etc), power (political positions at the local, sub-national, and federal levels).

Furthermore, in its practice so far, it seems to be unprepared for a new type of demand for linguistic justice (e.g. the quest for a coequal status as a working language at the federal, state, or local levels), competition for ownership over a capital city (be it local, sub-national, or federal). All this reinforces the theme that federalism is not a panacea to conflicts. The Ethiopian federal experiment empirically informs the comparativists' argument that federal

arrangements do not necessarily eradicate all conflicts. It is thus not proper to demand from federalism—the Ethiopian or otherwise—what it does not promise and cannot possibly deliver. The more appropriate approach is to lower one’s expectation of the potentials of federalism, to correct our (often negative) view of conflict, and to try to make use of the potentials of both in transforming polities and conflicts respectively. In sum, let it be said once again that we need to learn to live with conflicts *through* and *in* federalism as we also seek and try to maximize the potentials of federalism and its institutional and procedural resources for a better handling of conflicts.

Therefore, the key argument of Tsegaye Regassa is that; instead of expecting federalism to solve all our conflicts, it is advisable to take the more modest road and learn to live with conflicts. That is what federalism offers: to learn to live with conflicts. He also argues, albeit only tangentially, “that federalism is often the only, not necessarily the best, choice countries have. The overall goal is to contribute to the effort at clarification of thought and visions regarding conflicts and federalism. If we have a clearer idea of what conflicts are, how they are to be handled, what federalism is, how it is to be framed and implemented, especially in diverse and divided societies, then we will be better fortified to appreciate the predicaments we are in and to develop a more systematic approach to conflicts that federalism is meant to manage or that it has perhaps triggered. Thus, it will be in order to ask as many questions as possible about conflicts and federalism and try to give an answer to these questions.”

Handling Conflicts

Now, it is imperative that we constantly remind ourselves of the fact that our federalism is unique in its dispensation as a result of which some tend to oppose adamantly the realization and implementation of a federal system named as *ethnic federation* and others incline to be skeptic as to its success. We need to remind ourselves that while federalism solves some kinds of conflicts, it might induce the emergence of other kinds of conflicts. It is therefore important to admit that it is not a panacea for conflicts and to prepare the federal arrangement for a new breed of conflicts that might arise with the advent of federalism. This helps us enhance our

lesson that in federal systems, we learn more how to live with conflicts than how to do away with them.

More importantly, it is crucial to note that the move to a decentralized federal system was motivated by the impulse to overcome the deficits of equality, justice, and democracy that was the hallmark of the “feudal”, autocratic, and oppressive Ethiopia. Articulation of the old incompatible interests helped us to gather ideas based on which to reconstruct a polity and reconstruct the state in a way that is agreeable to all groups. With a view that the transformation of conflicts might happen by changing the rules of the game, or the field at which to fight them out, or the form they take.

Hence, as it unfolded along the road, national conflicts devolved to sub-national and local levels. Tension between the two major groups in a predominantly bi-polar polity has multiplied itself to take a multi-polar format so that there appeared numerous horizontal conflicts that help keep the equilibrium at the national level, Tsegaye noted.

Accordingly, what used to be a competition for the “national” cake (of resources, power, and opportunities) becomes a competition for a sub-national one. In this way, by multiplying and fragmenting conflicts, federalism transforms conflicts and makes them available for political maneuvers. One needs to note however that this process needs a strong vibrant legal and political culture infused with hope and optimism rather than frustration and cynicism.

Conflict has a dynamic and *processual* nature. Medihne Tadesse, as cited by Tsegaye, had remarked that “Conflicts are historical processes, not static facts.” Conflicts have a dynamic nature and always evolve in the process. Their dynamic nature warrants their evolution. Employing a creative use can transform them. Federalism has the potential of transforming conflicts to make them take a trajectory that helps build a nation in a new direction.

In transforming conflicts, federalism simply makes us prepare for an important lesson: that a mature polity learns to live with conflicts rather than trying—rather naively—to resolve them mostly by wishing them away. By providing for a normative, institutional, and procedural

framework for an effective and efficient handling of conflicts, federalism makes its peace with conflicts.

Tsegaye recommend different frameworks that help in handling and transforming conflicts. He also discussed the normative, institutional, and procedural framework that we can employ for an effective and efficient handling of conflicts.

The **normative framework** is an assemblage of laws, policies, strategies and plans for prevention, management, settlement, and transformation of conflicts. This in turn refers to a body of rules beginning from the constitution to other primary and subordinate laws that help handle incompatibility of interests of the diverse actors in the matrix of actors in a federal arrangement. Once the routes that the political and legal actions take are predicted or made fairly predictable, then the escalation and violence of conflicts are avoided. All actors will know the legal and political resources they can mobilize within the ambits of the constitutional framework. The normative framework also provides for an elaborate **legislative frame** which grants specific guidelines on a peaceful settlement of disputes whenever they arise. It will also provide for a rational conflict *policy* that systematically responds to conflicts. Institutions in charge of handling diverse constitutional disputes emanating from federalism also come up with a conflict strategy that is directed, intentional, methodical, rational, effective and efficient in its response to conflicts (overt or covert, latent or manifest).

The **institutional framework** outlines the legal, political, and diplomatic institutions that help the country constructively engage with conflicts. By **legal institutions** we mainly mean the judicial organs and their accompaniments (often known as the law-enforcement agents). Adjudicatory bodies with judicial and/or quasi-judicial authorities are all included. In the context of Ethiopia, institutions such as the ordinary Courts, the House of Federation (HOF), the Council of Constitutional Inquiry (CCI), the National Electoral Board, the Institution of the Ombudsman, or the Human Rights Commission fall within the category of legal institutions. By **political institutions** we mean the legislative bodies such as the House of Peoples' Representatives (HPR), its Committees, the Council of Ministers and Ministries (e.g. the Ministry

of Federal Affairs) which, with or without delegation, make serious policy decisions on important matters that concern diverse actors in the federal matrix.

Other Executive bodies and political parties that make *political decisions* or even lobbyists that influence the political parties within or outside of government form a part of the institutional frame. By *diplomatic institutions* we mean institutions that tend to offer good offices mainly by virtue of the moral (and at times political) influences that they command over the political and legal institutions. The *Office of the President of the Republic*--being beyond and above the heat of politics--can mediate between conflicting groups/actors and act as one example of such diplomatic institutions which work from the position of moral influence rather than of political or military power. The HoF, too, can have this role in its effort to find amicable solutions to various misunderstandings between/among ethnic groups, regional states, various organs of government, or dominant political parties.

Art 62(6) of the Constitution maintains that one of the responsibilities of the HoF is to offer a diplomatic solution to at least inter-state conflicts. It says that the HoF "shall strive to find solutions to disputes or misunderstandings that may arise between states." Commenting on this Relating to It is easy to note that the diplomatic solution is given a chance alongside the legal (adjudicatory) solution. *Religious leaders, elders and traditional leaders* of diverse communities in society, *civic society organizations*, and others might also play a positive role in this diplomatic venture. These and other institutions can form part of the institutional infrastructure for handling conflicts and peace building in societies. The *procedural framework* for handling conflict is often rooted in the legal framework but it is primarily about the process that the conflict handling endeavors take to prevent, arrest, manage, settle, and transform conflicts.

Rules relating the *modus operandi* of courts, the HOF, CCI, the HPR, COM, Ministry of Federal Affairs (MoFA), etc are the major rules that form part of the procedural frame. Specific guidelines laid down by the HOF for, say, referendum on border disputes or identity or other forms of self-determination are examples of such procedural rules.⁴ Specific guidelines used by

⁴ Such rules are particularly elaborated in Proclamation 251/2001 and Proclamation 250/2001.

the MoFA, or Regional Security Bureaus, or specific conflict strategies and policies devised by the powers that be, all form part of the procedural infrastructure for handling conflicts.

Finally the point of the story of this article is that we should not lose-heart about the effectiveness of our political system by seeing the post-federal conflicts. But rather get encouraged by what we have achieved so far, and try to get the most out of the federal arrangement by continuously refining it. And Tsegaye has done a commendable job in this regard. Comrades and compatriots don't falter and forget that we took the bull by the horn! No surrender! No retreat!