The Dilemma of Federalism in Ethiopia: Reconfiguration as "Geographic Federalism", or Making Multinational Federalism Functional?

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Abstract

The debate about federalism in Ethiopia is between those who want to reconfigure the federation on the basis of geographic factors and those who want to maintain multinational federalism by making it a true project of state- or nation-building. This study aims to shift the discourse from a focus on model selection to one on the substantive content of multinational federation. Guided by comparative theories of federalism, the study contends that Ethiopia's federation can be a genuine state- or nation-building project if, first and foremost, it addresses the issues – an inclusive Ethiopian state, the nationality question, and land rights – that originally led to its adoption. As there can be no authentic multinational federation without democracy, the democratic element of the federation has to be ensured through democratization of the Ethiopian state and attainment of popular legitimacy, constitutionalism and the rule of law. The federation also has to adopt and implement institutional and policy frameworks that balance national cohesion with the accommodation of diversity. Moreover, the functionality of multinational federation depends on the presence of strong institutions of intergovernmental relations that can replace the age-old core-periphery relationship with a dispensation in line with federal principles. Ethiopia's

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multinational federalism cannot be genuine either while there is a lingering unitarist political culture, which means that this authoritarian tradition has to be replaced by a federal political culture; to this end, what is needed are federalists whose federal ideas, convictions and actions – or minds, hearts and deeds – are in harmony with each other. Lastly, going by the lessons of durable as well as defunct multinational federations, Ethiopia has to make the necessary adjustments to respond to changing circumstances.

1. Introduction

The debate today on federalism in Ethiopia is shifting increasingly from whether federalism is necessary to what models of federalism make for a better fit with the country's realities. Some credit the current model with having held Ethiopia together, while others associate it with the country's crises. The debate is taken up largely, if not entirely, by opposition political parties, whereas the ruling party's position seems to have become vague. The common denominator in the debate, nevertheless, is that the current federal dispensation should be changed, albeit that the points of reference for discussing the transformation of federalism in Ethiopia appear contradictory. Although we are not witnessing a popular movement or organized political party that openly abandons federalism as a compromise between territorial integrity and partition, federalism is at a crossroads between those who want to repurpose it into a project of genuine state- or nation-building and those who want to reconfigure it on the basis of geographic and administrative efficacy.

The aim of this article is to shift the discourse from a focus on model selection to a focus on the substantive content of multinational federation. In particular, the aim is to offer, on the basis of lessons from comparative federal studies, recommendations for making multinational federalism in Ethiopia a project of genuine state- or nation-building. The article begins by providing a conceptual framework on federalism in general and multinational federalism in particular, with this framework drawing on insights from constitutional law, sociology and political science. Thereafter, the article describes Ethiopia's federal design and highlights alternative approaches that have been proposed, with the discussion exploring in particular the false dichotomies in the case for "geographic federalism". The article proceeds to argue for demo-

cratic multinational federalism, in so doing looking at factors that enable federalism to be part of the solution to the contemporary crises in Ethiopia.

2. Conceptualizing Federalism

Federalism may be defined as a "territorial organization of a political community in which there are two spheres of government that combine the principles of self-rule plus shared-rule or, in other words, the principles of self-government and shared government" (Requejo, 2005, p. 44). It entails a constitutional and territorial dispersion of power among different government units (Elazar, 1987), and is thus in essence a territorial expression of power (Thorlakson, 2003) and a partnership among territorial communities (Duchacek, 1975). Elazar distinguishes federalism from decentralization by characterizing it as "non-centralization" that constitutionally diffuses and shares powers as well as resources among a multitude of centers. Generally, federalism seeks to balance the twin interests of shared rule (which relates to federal concerns) and self-rule (which concerns the self-governance of the federating units).

Different approaches are adopted in the study of federalism. For instance, Wheare's school of federalism stresses its constitutional and institutional dimensions (1963/4), while the Rikerian school views it in terms of political bargaining and party operations (Riker, 1964). King (1982) understands it primarily as a political ideology. In turn, according to Friedrich, federalism should not be seen only as a static pattern or design but as the process of federalizing political communities, wherein "a number of separate political communities enter into arrangements for working out solutions, adopting joint policies, and making joint decisions on joint problems" (1978, p. 7f).

For their part, the sociological or identity school, represented by the likes of Livingston and Dikshit, regards federalism as a means of protecting and expressing the identities of territorially concentrated societies (Livingston, 1952; Dikshit, 1971), or, as Dikshit puts it, "federalism lies not in its constitutional structure but in the geography of its society" (1971, p. 107). This school describes federalism in terms of societal characteristics rather than consti-

tutional mechanics, on the reasoning that federal societies create federal institutions. As for scholars of comparative federalism such as Elazar (1987, p. 80f), federalism not only produces the highest form of political and human relationships, but represents "a way of thinking" about the world grounded in a political culture of contract and covenant.

Given this wide variety of approaches, it is clear that gaining a comprehensive understanding of federalism requires the integration of insights that go beyond a single school or disciplinary orientation. This is true as well when it comes to the work scholars have done in identifying the factors that lead states to adopt federal arrangements. Wheare (1963, pp. 35-54) argues that federations such as the United States arose from both the desire to establish a single general government for common purposes across the units and the desire to form regional governments for preserving these units' pre-existing territories. Put differently, the logic behind the adoption of federalism is to combine shared rule and self-rule (Elazar, 1987).

Riker (1964), however, sees economic viability and military security as the rationale for the adoption of federalism. Kymlicka (2006, pp. 33–47) maintains in turn that the multinational federations of the West originated in response to competing nationalisms in the form of "territorial authority, official language status of minorities or institutional competences". The ethnic interpretation of nationhood has added a new dimension to federal arrangements (Basta & Fleiner, 2000; Coppieters, 2001). The logic of ethno-federalism is premised on a specific correspondence between the territorial distribution of ethnic populations and the territorial jurisdiction of federal units. Ethno-federalism is described as a federal solution for ethnic problems (Anderson, 2013). Hence, the existence of regionally grouped ethnicities is the geographic premise of federalism in multi-ethnic societies (Dikshit, 1971). In Ethiopia, for example, ethnic policy was introduced as a remedy for healing the wrongs of inter-ethnic relations and addressing nationality questions, thereby making administrative and bureaucratic considerations secondary in the country's adoption of federalism (Turton, 2006).

It is important to note, though, that the motives behind advocating for federalism are often more context-specific than the abstract principles above might suggest. This is why Burgess (2006,

pp. 97–100) states that in some federal countries "political factors outweigh the socio-cultural and economic factors; in others the reverse is the case". Hence, to elucidate the complexities of a given federation, students of comparative federalism need to examine a combination of context-specific factors relating to history, geography, socio-cultural composition, and political and economic dynamics.

3. Varieties of Federalism

Stephan (1999) sets out a typology of three kinds of federation, with each identifiable on the basis of the broad process by which it was formed – "coming together", "holding together" or "putting together". First, "coming-together federations" are the result of a voluntary bargain in which pre-existing territories agree to pool their sovereignties and at the same time retain their particularities. Historically, this mode of formation – also called evolutionary or union federalism – emerged for purposes of common defense and common markets, and sought "[the] building of stronger central government out of disparate units" (Simeon, 2015, p. 99). The process has the advantage of creating stable boundaries among the federating entities. Federal systems of this kind include the US and Switzerland.

In contrast, "holding-together federations" – for example, India, Belgium, Spain and Canada – try to avoid the disintegration of a state and preserve the political and territorial unity of a polity through devolution of power to subnational units. In this mode of formation, constituent units lack adequate bargaining power and predefined territorial jurisdictional boundaries. Such federations seek to address the socio-cultural, economic and political interests of centrifugal forces. "Putting-together federations", however, do not involve voluntary consensus among the units, as they are based on undemocratic, top-down imposition – a key example is the former Soviet federation.

In the case of Ethiopia, scholars disagree where it should be assigned in Stepan's typology. Eshete (2003) regards the formation of the Ethiopian federation as a process of "coming together". Ghai (2000) designates Ethiopia as a "holding-together federation", while Fiseha (2004, p. 2) sees it as combining features of coming

and holding together. Fiseha's view tends to align with Simeon's assessment that "most real-world federations are complex mixtures of both" (2015, p. 100). Keller (2002), however, maintains that Ethiopia began in 1991 as a holding-together federation, but later changed into a putting-together one due to the influence of political forces.

In this article, the view taken is that it is predominantly of the "holding-together" type, given that the federation emerged out of a radical shift from a hitherto unitary state that had been in existence for more than a century. The aim of the shift was indeed to preserve the political and territorial unity of the polity through the devolution of power to subnational units: adopting federalism was the only recourse open for keeping multi-ethnic communities intact, creating ethnic equality, and discouraging separatist tendencies. The focus was hence on addressing the socio-cultural, economic and political interests of centrifugal forces (Gutema, 2006; Regassa, 2009). As such, the country's move from a unitary to a federal structure that takes ethnicity as its organizing principle of devolution places it largely in the "holding together" category.

Stephan's typology is one way of classifying federations. Another approach is to differentiate them in terms of their method of accommodating national and ethnic diversity. Here, one can identify at least two types of federations: national and multinational (McGarry & O'Leary, 2003). The US, Australia, Germany, and Mexico are national federations, while Canada, Switzerland, India, Belgium, South Africa and Ethiopia are classifiable as multinational ones (McGarry & O'Leary, 2003, p. 4). Multinational (quasi-)federations are polities that hold together at least two constituent national partners; they are based on the principle that accommodated groups represent people who might be entitled to rights of self-determination (McGarry & O'Leary, 2009, p.7). Put simply, a multinational federation is a state made up of states, "a nation of nations" having one polity but several peoples (Requejo, 2005).

Such federations not only maintain that dual or multiple national loyalties are possible, indeed desirable, but conceive of the federation as uniting people "who seek the advantages of membership of a common political unit, but differ markedly in descent, language and culture" (Forsyth, 1989, p. 4; cited in McGarry &

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O'Leary, 2003, p. 5). Multinational federations[1] "seek to express, institutionalize, and protect at least two national or ethnic cultures, on a durable and often on a permanent basis" (McGarry and O'Leary, 2003, p. 5). It is a form of federalism that creates possibilities for the democratic accommodation of national pluralism through federalism (Requejo, 2005), noting that the desire for territorial authority was one of the factors in the emergence of multinational federalism as a response to competing nationalisms in the West (Kymlicka, 2006). In a multinational federation, a number of different nations each has its own values, customs, language, interpretation of history, and sense of its political, economic and cultural role (Kymlicka, 2006). Given that multinational federalism endorses national pluralism, it is explicitly opposed to the integrationist or assimilationist objectives of mono-national federalism, which would be construed as nation-destroying rather than nation-building (McGarry & O'Leary, 2003, pp. 5–6).

From this perspective, despite limitations in the process by which it was formed, the federation of Ethiopia was established to respond to the "nationalities question" raised by the student movement of the 1960s. It can be regarded as an instance of multinational federalism because it grants sovereignty to every "Nation, Nationality or People"[2] in Ethiopia, along with an unconditional right to self-determination that includes the right to secession.[3] Inasmuch as there is no significant distinction between the "Nation", "Nationality" and "People",[4] the Ethiopian federation has *ipso facto* endorsed national pluralism and, with it, multinational federalism as the state-building approach.

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1   Multinational federalism is distinct from, on the one hand, Jacobian unitarism, from the perspective of which federalism as not only destroys the state but also breaches civic equality, and, on the other, the American model of national federalism that promotes individual liberty. See McGarry and O'Leary, 2003, pp. 5–6.
2   Article 8 of the FDRE Constitution.
3   Article 39(1) of the FDRE Constitution.
4   According to Article 39(5) of FDRE Constitution, "A 'Nation, Nationality or People' for the purpose of this Constitution, is a group of people who have or share large measure of a common culture or similar customs, mutual intelligibility of language, belief in a common or related identities, a common psychological make-up, and who inhabit an identifiable, predominantly contiguous territory."

4. The Ethiopian Federal Design

In examining Ethiopia's federal design, note must be made of the historical and ideological circumstances that preceded its adoption in 1995. Three factors were crucial. The first was opposition to the centralization of the modern Ethiopian state at the end of the 19th century. The formation of modern Ethiopia, a process based on a policy of centralization that aimed at bringing about a nation-state, resulted in the suppression of ethno-cultural diversity in favour of the linguistic and cultural identity of the ruling class, especially so in the conquered southern territories, and in turn fuelled a struggle against the center by the peripheries.

The second was the land-to-state and land-to-people relations that obtained during the imperial periods. One of the rallying cries in popular resistance against the imperial government during the 1960s was the demand for "land to the tiller". It was in an attempt to respond to this demand that the Derg military regime abrogated the system of land tenure and private ownership of land that was in force under the imperial regime and nationalized land ownership. Similarly, the Ethiopian People's Revolutionary Democratic Front (EPRDF) government has also in essence affirmed the ownership of land by the state and the nations, nationalities and peoples (NNPs) of Ethiopia.[5]

The third and principal rationale for the current federal design was the "nationalities question". Since the 1960s, the problem of ethnic inequality and discrimination has been articulated in Marxist-Leninist terms (Kefale, 2009), in the course of which it became the official state ideology to promote ethnic diversity through a federal system (Lovise, 2006). Federalism, that is to say, is seen as a response to rectify the historical injustices and ethnic inequality inflicted in the name of modern nation-state formation in Ethiopia.

Against this backdrop, the federal design rests on the assumption that every NNP is found inhabiting a territorially defined area.[6] This is made explicit in Article 46 of the FDRE Constitution, which provides that states shall be delimited on the basis of the settlement patterns, language, identity and consent of the peoples concerned. Federal and regional constitutions alike fol-

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5   See Article 40 of the FDRE Constitution.
6   Article 46(2) of the FDRE Constitution.

low this logic, according to which the rights of NNPs can best be protected by their having control over separate territories (Van Der Beken, 2009). Article 39(3) of the FDRE Constitution, for example, explicitly provides for the right of an NNP "to establish institutions of government in the territory that it inhabits and to equitable representation in the state and federal governments". In this sense, the federal design not only makes a specific correspondence between the territorial distribution of ethnic populations and the territorial jurisdiction of federal units, but also considers federalism as a form of territorial autonomy for managing ethnic differences in Ethiopia. The federal design therefore follows the principle that territory and ethnicity are inextricably linked or the logic that ethnicity is inherently territorial. As previously discussed, the Ethiopian case is a form of multinational federalism; accordingly, as Fessha notes, since ethnicity is the basis for its internal territorial organization, it "is in the league of multinational federations as opposed to mononational federations" (2017, p. 234).

Though Ethiopian federalism has been criticized for not meeting its promises, the positive aspects of its track record are that it has helped at least to prevent large-scale ethnic conflict (Van Der Beken 2007; Kefale, 2009). Despite initial scepticism that the federal system was a "leap in the dark" (Brietzke, 1995), it has, with all its limitations, kept the country together so far. The system has also enabled the major ethnic groups to acquire their own regional states, among these being Oromia, Amhara, Somali and Tigray, and use their languages as official means of communication at the regional level. The federal system, too, has assisted ethnic groups such as the Siltie in gaining ethnic rights at sub-regional state level by their having engaged successfully in a procedural and institutional mechanism (Smith, 2007). Moreover, the system has created the opportunity for politicians of different ethnic backgrounds to appear in federal institutions and in inter-ethnic political-party coalitions, giving elites from groups marginalized in pre-federal Ethiopia increased leverage in political affairs.

One vein of criticism of the federal design focuses on the challenge of drawing boundary lines to demarcate ethnic groups from each other. Indeed, a key limitation of Ethiopian federalism is the precondition that autonomy is available only to territorially concentrated homogeneous groups, which, conversely, leaves

the rights of geographically dispersed groups unfulfilled (Van Der Beken and Fessha, 2013). Fessha argues that the territorial organization of ethnicity – such that there is a correspondence between an ethnic group and a territory – has "elevated ethnic identity to a primary political identity" and been "the original sin of Ethiopian federalism" (2017, p. 233). As an alternative to the ethno-territorial principle, the architects of the federation should have considered other factors, including geography and administrative needs, in drawing territorial boundaries. Fessha cautions that it would be counterproductive to engage in reconfiguration of the federation by breaking down the bigger regional states now that they have taken root for more than two decades and become the focus of heightened ethnic allegiances. To bridge this gap in the federal design, however, two interrelated proposals are, first, that the design be complemented with a "non-territoriality principle", and, secondly, that "geographic federalism" be considered as an option.

Another criticism is associated with fears that the federation is doomed to fragmentation, given the comparative lessons that are apparent from the defunct socialist multinational federations – a later section of this article considers whether the idea that the federation is predestined for failure is legitimate or not. A third vein of criticism of the Ethiopian federation is that it is either operationally dysfunctional or lacking in implementation. By implication the criticism amounts to a call for federalism to be made functional and implemented fully, matters which this article discusses further below as well.

4.1 Non-Territorial Federalism: A Complementary Proposal?

The proposal for non-territorial federalism (NTF) recognises the need to complement, but not substitute, the "ethno-territorial principle" of the federal design with the non-territorial/personal principle without obliterating the character or original intent of the federation. NTF would thereby bring institutional completeness and deep federalization guaranteeing the cultural autonomy and freedom of choice of citizens residing outside their communities' territorial units. Non-territorial autonomy extends to protecting the identity of ethno-cultural groups in terms of language, education, religion and so on (Mollay et al., 2015). It offers the prospect of a "context of choice" in which citizens can structure their public and private lives free from ethno-territorial tensions

(Bryan 2007). As exercised in, for example, the multinational federation of Belgium, NTF is a compromise measure for settling rival territorial claims and resolving the problem of ethnic groups that lack geographical contiguity (Erk, 2015).

The challenge, however, is that NTF could reinforce divisions among people living in the same territory because it requires that everyone specify his or her membership as either territorial or non-territorial in nature; in addition, it requires a sense of *groupness* among non-territorial or dispersed communities. Apart from this, as long as NTF is a complementary proposition, it could be an integral part of making multinational federalism a true nation- or state-building project that accommodates both territorial and "non-territorial" diversity.

Inasmuch as institutional innovation is a virtue of federalism, an option that could compensate for limitations in the extant federal design, rather than, like others, obliterate the fundamental premise of multinational federalism, would be noteworthy.

4.2 "Geographic Federalism": A Model Premised on False Dichotomies?

The "geographic federalism" proposed today as an alternative to multinational federalism is premised on two dichotomies. The first is between physical and human geography, and the second, between ethnic and civic nationalism. Going by what its proponents say, "geographic federalism" entails taking, on the one hand, the physical dimension of geography and, on the other, civic nationalism, as the bases for remapping the Ethiopian federation. It is therefore worth questioning the relevance of these dichotomies and the appropriateness of "geographic federalism" in Ethiopia. What is "geographic federalism", anyway? Is there such a thing in the field of comparative federalism? Moreover, what is the distinction between ethnic and civic nationalism? Could this dichotomy find traction in the context of Ethiopia?

4.2.1 Geography in "Geographic Federalism": Physical- or Human-Centered?

From the mishmash of arguments one hears, the proposal for "geographic federalism" seems to aim at a new mapping of the boundaries of constituent units rather than an augmentation of

Ethiopia's extant federal design. Arguably, "geography" has been misconceived in the debate on federalism, and there is hence a need to explain the nexus of geography and federalism. We need to unpack whether the geography in "geographic federalism" refers to the human or physical dimensions of geography, or both.

Geographers have barely helped us understand the matter, although a classic article by Dikshit (1975), "Federalism and Geography", reveals that the "existence of regionally grouped social diversities is the basic geographic premise of federalism". The need for federalism "arises only when a society contains territorial groups so markedly different that they require some instrumentality to protect and express their peculiarities" (Dikshit, 1975, p. 107). Dikshit states that although it can hardly be expected that the territorial boundary of federating units coincides with social groups, the major diversities on which the federation is based must be territorially arranged or otherwise the society cannot be federal. This view aligns with Livingston's sociological theory of origin of federalism, which holds that it is "the federal nature of society that gives birth to the federal political system" (1956). In this regard, the essence of federalism resides in the territorial distribution of socio-cultural diversities rather than in its constitutional mechanics, meaning that federalism is primarily about the human or cultural dimension of geography.

Nevertheless, in the literature of comparative federalism, there is no such thing by the name, "geographic federalism". If the geography in the "geographic federalism" model was about physical dimensions, the proposition would entail taking compass and ruler, doing some cartographic investigation, and subdividing the federation into equal or equivalent sizes in aid of decentralized administrative efficiency. The proposal tends to limit federalism to physical factors that could be given appropriate geomorphological content by re-designers of the Ethiopian federation, but by nature a federal design based on mountains, rivers, altitude and the like does not address the political sensibilities in a multinational state; instead it would amount to a regression to the unitary provincial system of the past,[7] and such a model of federalism cannot be implemented by democratic means. Hence, in the context of multi-ethnic states, geography dissociated from socio-cultural and politico-territorial community is not a supreme

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7   It has been argued that multinational federations like Yugoslavia failed due to forces that attempted to re-unitarize the state.

value of federalism per se.

Given that the three factors – state identity, land policy and the nationality question – that originally drove Ethiopia to adopt federalism remain unaddressed and that ethnicity is the focus of many a political organization, federalism is essentially about the human and cultural dimensions of geography rather than its physical ones. If the intention of the proponents of "geographic federalism" is to gloss over national pluralism and deny the centrality of the age-old "nationalities factor" in Ethiopian politics or the continued relevance of ethnicity, they would need to present hard evidence to guarantee that such a model of federation is more likely to be peaceful and successful than the present multinational federation. The proposal to "de-ethnicize" politics without putting forth a legitimate alternative force for mobilization in lieu of ethnicity appears paradoxical. The burden of proof therefore remains on the proponents of this model as to how democracy would be the rule of the game and level the playing ground to enable the coexistence of different nationalisms and a "politics of difference".

Advocates of "geographic federalism" often draw their comparative examples from either the failed ex-socialist federations (such as Yugoslavia) or extant federations (such as Switzerland and Nigeria) in justifying the application of their model to Ethiopia. Drawing comparative lessons from the ex-socialist federations, along with the methodological bias therein, is discussed towards the end of this paper. As for Switzerland and Nigeria, there might be many other matters in which Ethiopia could learn from them, but these two federations hardly provide a sound basis for a comparative justification of "geographic federalism". Each country is considered in turn below.

As regards Switzerland, the proponents sometimes cite it as a comparative example since, of its 26 cantons, it has 17 cantons for German-speaking communities, four for French-speaking ones, and one for Italian-speakers, in addition to three bilingual German- and French-speaking cantons and one trilingual canton. Can Ethiopia learn from the Swiss way of making intra-federal boundaries? There are a number of problems with this. Switzerland is a coming-together federation, whereas there is no agreement whether Ethiopia is a coming-, holding- or putting-together federation. The 17 German-speaking and four French-speaking

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cantons were not the geographic and administrative designs of the architects of Swiss federation. There were already 25 cantons prior to the formation of the federation in 1848. It was the coming-together of these cantons that founded the constitution of the Swiss people and the cantons, as declared in the Preamble of the Federal Constitution. Only the canton of Jura, after struggling for more than four decades for internal secession from the Bern canton, was added to the list in 1978 after 164 years of stable intra-federal boundary.

It is important to underscore, however, that Jura (predominantly French-speaking Catholic) itself had a pre-existing regional identity before it was incorporated into Protestant, German-speaking Bern in 1815 at the Vienna congress by Prussia, England, Austria and Russia (Linder, 1994). The internal secession of Jura therefore remained true to the pre-existing cantonal identity and coming-together nature of the Swiss nation. Moreover, there are ongoing proposals to decrease the number of cantons from 26 to between four and nine so as to reduce fragmentation and the problem of being a small territory in a globalized world (Belser & Setz, 2012). Hence, one can scarcely point to Switzerland as the archetypal case for redesigning the federation and intra-federal boundary-making in Ethiopia.

As regards Nigeria, the restructuring of Nigerian federation, from three states in 1954 to 36 in 1996, was carried out over three decades. The additional states were created by undemocratic, military generals who became the presidents of the federation, and were brought into being for a variety of reasons. Among other things, the states were created to enable the generals-cum-presidents to win elections in as many states as possible and to control the oil revenue from the center. Tellingly, after its adoption of a relatively democratic federal constitution in 1999, Nigeria has not for two decades created any further new states.

Also, it should be noted that the Nigerian approach to nation- or state-building and management of ethnic diversity is integrationist rather than given to providing institutional accommodation to ethnic diversity. Unlike Ethiopia's federation, which is multinational in character, Nigeria's is a mononational federation emulating the US model. Nigeria remains 'a federation in search of federalism', as Babalola (2017) observes. As such, it is difficult to imagine how Ethiopia's parliamentary democracy and multina-

tional federation could learn from Nigeria's presidential democracy and mononational federation.

From the arguments raised here and there in support of it, it would appear that the proposal for "geographic federalism" makes at least four erroneous assumptions: (1) ethnic federalism is the main cause of the crises in Ethiopia; (2) ethno-nationalists are not pro-Ethiopian; (3) pro-Ethiopians are civic nationalists, not ethno-nationalists; and (4) the demands of competing (ethno-)nationalisms are secondary to geographic and administrative principles of governance. These assumptions not only minimize the relevance of ethnicity and (ethno-)nationalism in Ethiopia's political realities but also overlook the inextricable interrelationship between, on the one hand, ethnicity and territoriality and, on the other, ethnic and civic nationalism. After nearly three decades of the federal system and with the absence of a federal *Staatsvolk*[8]- a national or ethnic people, who are demographically and electorally dominant (O'Leary, 2001), it would be both futile and counterproductive to re-gear it into a unitary system under the guise of "geographic federalism" and, as it were, peddle "old wine in a new bottle".

4.2.2 Ethnic vs Civic Nationalism: A False Dichotomy?

The current debate on federalism in Ethiopia is suffocating under the dichotomy between ethnic and civic nationalism, one that appears to imply differing models of federalism. It is therefore worth questioning the relevance of this dichotomy and its connection to the model of federal design pertinent to Ethiopia. Is it borne out by reality, or merely a theoretical abstraction? Are ethnic and civic nationalism mutually exclusive? Are civic nationalists indeed civic? Do the two presuppose different models of federalism in Ethiopia?

First of all, the distinction between ethnic and civic national-

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8   According to Brendan O'Leary's neo-Diceyian theory, getting assured that it is unlikely to be coerced by minority peoples at the federal level, a preponderant *Staatsvolk* may be more willing to have its own national territory divided up into multiple regional states or provinces. Conversely, If the national or ethnic group is not a pre-eminent *Staatsvolk*, this group barely allows its territory divided into multiple federal units. See: O'Leary, B. (2001). 'An Iron Law of Nationalism and Federation? A (neo-Diceyian) theory of the necessity of a Federal Staatsvolk, and of Consociational Rescue', *Nations and Nationalism* 7 (3): 273-96.

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ism depends very largely on how one defines the "nation" under scrutiny. Etymologically, "nation" derives from the Latin term *natio*, which means "birth" or "people". Scholars define "nation" in many ways, including the following: (1) a nation is a social entity that has been gradually built around a core ethnic group characterised by a common collective name, shared myths of common descent, shared historical memories, one or more elements of a common culture, an association with a specific territory, and a sense of solidarity (Smith, 1986, pp. 22–31); (2) a nation is a self-differentiating ethnic group, or one with advanced political consciousness (Connor, 1994, p. 42); (3) a nation is a community of common political institutions (Gellner, 1983); and (4) a nation is an imagined political community (Anderson, 1983). In turn, "nationalism" is rooted in any one or combination of these definitions of a nation, and the dichotomy between civic and ethnic nationalism thus has to do with these varying understandings.

Proponents of civic nationalism tend to construe civic nationalism as something good, modern and civilized, and ethnic nationalism as bad, traditional or pre-modern.[9] At face value, ethnic nationalism is different from civic nationalism in the sense that the former is motivated by "primordial feelings", while the latter is motivated by "rational and universal principles". It is a distinction that exists in theory, but in reality the boundaries are blurred (Tamir, 2019). It is therefore delusory for advocates of civic nationalism to postulate the existence of an ethnic-less nationalism, or what Tamir (2019) calls a "nationless" nationalism. Indeed, for scholars like Kamusella (2017), civic nationalism is but "a subcategory of ethnic nationalism" and the dichotomy remains invalid so long as "all nations are ethnic nations". Likewise, Tinsley (2019) argues that "civic nationalism obscures patterns of exclusion within civic nations because the standards of inclusion within a civic nation are constructed on the basis of excluding the nation's Others; and civic nationalism is predicated on the creation and denial of Others". Hence, despite its outward self-presentation, civic nationalism is, in its way, "as exclusive as ethnic nationalism" (Caron, 2013).

The other problem with the distinction between ethnic and civic

9   Hans Kohn, who wrote extensively on nationalism from the 1920s until the 1970s, is widely credited as the first to have made the distinction between civic nationalism, or Western nationalism, as "good" nationalism, and ethnic nationalism, or non-Western nationalism, as "bad" nationalism. It was Ernest Gellner, on the other hand, who associated nationalism with the extent of modern industrialization.

nationalism is that it rests implicitly on another dichotomy, that of traditional versus modern societies – the implication being that ethnic nationalism is "of" traditional societies while civic nationalism is "of" modern ones. For Gellner (1983), it was economic growth and industrialization that led to the creation of homogeneous nations. He has been criticized for his utilitarian approach to nation-building, however, on the grounds that economic and industrialization factors alone cannot account for a nation's collective identity and the role of ideology as a mobilizing force in nation-building (Lecours, 2010). It would thus be misleading to make a distinction between civic and ethnic nationalism on the basis of the industrialization thesis's implication that ethnic consciousness is a transitory epiphenomenon that should fade away as industrialization proceeds.

Part of the reason for the dichotomized understanding of ethnic and civic nationalism lies in the vagueness of the distinction between citizenship and nationality. Self-evidently, all nationals are citizens of a given state, but the reverse may not be true. Citizenship can be understood as pertaining to the legal relation between a person and the state, including the political rights of the former in the latter, whereas nationality denotes belonging to a nation. Put simply, citizenship is a status conferred on a person fulfilling legal criteria, whereas nationality is about belonging to a nation and normally evades objective criteria. It is therefore in the context wherein the national identity includes all citizens that citizenship and nationality can be overlapping and identical.

Countries such as France and the US are examples of nation-states or mono-national states where citizenship coincides with nationality. It has to be noted, however, that these civic nations have been constructed on specific ethno-cultural cores – in other words, regarding the civic nation as "a voluntary political community that is ethnically neutral has been myth" (Özkirimli, 2005, p. 25). By contrast, Germany is an ethnic nation-state in which all nationals are citizens, but not the converse. In other contexts, such as Switzerland, which is a political nation by virtue of the will of its diverse people to belong to the state, the state is both a civic as well as ethnic nation where "citizenship and national identity are not completely identical" (Topperwien, 2003). From this perspective, since 1991 Ethiopia has made – at least on paper – a radical shift from nation-building by the ruling class at the center to the creation of a federal polity that includes all the

constituent nations. What Ethiopia badly needs is to find its own way of building a "political nation" that balances the ethnic and civic aspects of the would-be political nation arising from the will of its diverse people.

At present, there is an increasing tendency to apply classical-liberal logic to the context of federalism in Ethiopia. In particular, the advocates of a "citizenship-based politics" tend to view Ethiopia as deeply entrenched and inclusive state for all citizens. They rarely acknowledge the relevance of cultural factors to national identity and citizens' freedom. This contradicts what Kymlicka (1995) underscores: if liberals are indeed concerned with safeguarding and enabling individual freedom, they should be aware of its preconditions, in particular that membership of a cultural community is a crucial precondition for individual freedom. To be autonomous beings, individuals need cultural backgrounds. Our "context of choice" depends on our cultural backgrounds – that is to say, freedom of choice and whether citizens obtain their freedom and autonomy are determined by cultural locatedness. Since the ethno-cultural context of the citizen is a precondition for the freedom of individuals, there cannot be a "context of choice" for citizens without there being "cultural autonomy" for their group, and consequently putting civic and ethnic nationalism into different folders leads to a false dichotomy (Shulman, 2002; Kamusella, 2017) or deliberate effort to make the two irreconcilable. Insofar as Man is both an "emotional" and "rational" animal, there is no such thing as an either purely civic or purely ethnic human being: Man is both.

In a country like Ethiopia, where some ethnic nationalisms are emergent while others are resurgent, the evolution from ethnic to civic nation and from authoritarianism to democracy has not been accomplished. On one occasion, the Prime Minister of the FDRE, Abiy Ahmed, made a rare comment on this matter, saying that "every politician in Ethiopia is nationalist".[10] This does not seem to signal a dichotomy between ethnic and civic nationalism; indeed, the implication is that civic, or state, nationalism and

10   His words in the original were "ኢትዮጵያ ዉሰጥ በሔረተኛ ያልሆነ ፖለቲከኛ የለም" (23/03/19). The implication is that civic, or state, nationalism and ethno-nationalism are not mutually exclusive. One may wonder whether there are connotations in Amharic that distinguish clearly between nationalism, ethnicity, and patriotism. It is also doubtful that *Sabboonnummaa,* the Afaan-Oromoo word, adequately expresses "nationalism".

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ethno-nationalism are not mutually exclusive. As long as every nationalism is ethnically predicated, any claim to the contrary is either tacitly ethno-hierarchic or fake civic nationalism. Given, then, that the dichotomy between civic and ethnic nationalism is false and does not hold in reality, proposing a different brand of federalism on account of this false dichotomization is self-contradictory.

5. Multinational Federalism: A Viable Solution for Ethiopia?

Unlike with "geographic federalism", the proponents of multinational federalism endorse the principle underlying the Ethiopian federal design and recognise the relevance of ethnicity in the country's political realities. The case they present, however, is for making federalism a true or authentic strategy for nation- or state-building. In this regard, many scholars have expressed their doubts on the implementation of the Ethiopian federalism. Simeon, for example, observes that Ethiopia is "self-defined as federal but hardly functions in that way" (2015, p. 100). Likewise, Turton (2006) sees it as federal in form but not in substance. More widely, since 2014 the federation has witnessed popular movements, particularly in Oromia, calling for genuine multinational federalism.

The contention in this article is that, given the circumstances underpinning its adoption, multinational federalism was a move in the right direction; the key problem is that so far it has been wrongly applied and used perversely. The point of departure is therefore that the problem of federalism in Ethiopia is essentially attributable to pseudo-federalist practices that happen to be federal in form but not in substance. Multinational federalism has not been given the chance to come into its own, a situation that stems from a number of factors which, if addressed, could see federalism providing a viable solution for the political crises or instability in Ethiopia. The sections below discuss these factors and the prospects for multinational federalism.

5.1 Conditions Determining the Functions and Prospects of Multinational Federalism

A number of interrelated factors need to be considered in making multinational federalism a genuine nation- or state-building

strategy capable of providing a solution to the contemporary political and governance crises in Ethiopia.

5.1.1 Achieving the Main Goals of the Federation

The circumstances that brought about federalism are no less important than the conditions that maintain it. While we may disagree on everything when debating federalism in Ethiopia, the same should not be the case when it comes to the historical and philosophical underpinnings of the federal set-up. The similarities and dissimilarities between political parties reflect the varying standpoints that exist with regard to the original factors that led Ethiopia to adopt federalism. By and large, as previously discussed, there were three such factors: the identity of the Ethiopian state; the nationalities question; and land policy. Since the 1960s, problems relating to the identity of the Ethiopian state, ethno-hierarchy and unequal relationships between cultural identities were articulated through the propagation of Marxist-Leninist ideology (Gudina, 2011) and led to ethno-nationalist liberation fronts and the overthrow of the Derg regime in 1991. The architects of federalism presented it as a principle of governance for resolving age-old problems stemming from Ethiopian state-formation and addressing the wishes of ethno-nationalists and issues arising from the war these forces had fought against the Ethiopian empire.

When the EPRDF came to power in 1991, NNP self-determination had already become the governing principle and there was no option but to endorse it by adopting federalism as a nation- or state-building strategy. At that point, federalism was seen as a potential mechanism to "save" the integrity of the country and avoid its fragmentation, as a result of which the accommodation of ethnic diversity through a federal system became the official state ideology and a legitimate basis for political organization (Feyisa, 2011). Against this backdrop, the EPRDF has considered federalism a remedy for curing historical injustice and ethnic inequality inflicted in the name of the modern nation-state formation in Ethiopia. The Oromo people, for example, who constitute the largest ethnic group in Ethiopia, have been expressing their desire and demands for political and economic equality and an equal stake in the Ethiopian state (Záhořík, 2017). Although significant NNPs felt included and identified themselves with the Ethiopian state after the adoption of the federal republic as the

political vision for redeeming the injustices of the past, others describe their alienation from the national identity of Ethiopia and say they cannot recognize themselves in the (ethnically defined) federal state, which in their view side-lines their political history (Gudina, 2018).

One of the factors that led to federalism in Ethiopia was the land issue. As already mentioned, "land to the tiller" was the rallying cry of the popular and student movements against the imperial government during the 1960s, and upon seizing power, the Derg nationalized land to destroy the land-holding class that was the base of the imperial regime (Lovers, 2017). The EPRDF has held a similar position on land ownership[11] for several reasons, among others (1) to maintain the support of the peasantry; (2) to comply with rural development policy, during the period considered an imperative for emerging economies; (3) and to prevent the emergence of a land-holding class as well as restrict the rural-to-urban migration that could threaten social and political stability.

The FDRE Constitution separates the power over land into legislative and administrative powers and assigns the former to the federal state and the latter to regional states. Article 51(5) provides the federal government with the power to "enact laws for the utilization and conservation of land"; regional states are granted the power "to administer land and other natural resources in accordance with federal laws". However, on account of its broad policy powers, the need for standardization, and the dominant-party system, the federal government in practice has appropriated the regional states' power by means of the model regulations, directives, manuals, checklists and the like that it issues through executive institutions such as the Ministry of Urban Development. This is not in keeping with the constitutional division of power, and is one of the pressing issues to have vitiated the regional self-rule which is otherwise so crucial to authentic multinational federalism.

In a nutshell, federalism was introduced to address the nationality question and resolve the problem of ethno-hierarchy and the identification of the Ethiopian state with a single nation. Federalism as a multinational-state-building strategy is therefore meant to democratize the state and make it accessible to its constituent

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11   Article 40(3) of the FDRE Constitution stipulates that land is a common property of the NNPs of Ethiopia and shall not be subject to sale or other means of exchange.

nationalities. Put differently, federalism was intended for three purposes: accommodating ethnic identity, state-building and democratization (Mengisteab, 2007). The challenges confronting Ethiopian federalism are closely connected to the unattained primary goals of the federation and the unfulfilled promises surrounding them. Thus, for multinational federalism to be a genuine solution to the crises in Ethiopia, it has to respond sufficiently to the primary or underlying reasons for its adoption.

5.1.2 Ensuring Mutual Reinforcement between Democracy and Federalism

Democracy and federalism are held to be mutually constitutive and thus work in tandem with each other. McGarry & O'Leary argue that authentic multinational federations are democratic: such federations are democratic if based on "plurinational federalist principles" (2009, pp. 18–21). Similarly, Bermeo finds that democracy is essential for sustaining federations and that "no violent separatist movement has ever succeeded in a federal democracy" (2002, p. 108).

On the one hand, democracy allows the multiple national political communities to engage in dialogue and bargaining in regard to the interests, grievances and aspirations of the group they represent. On the other, federalism provides the institutional set-up facilitating democratic participation, separation of powers, checks and balances, representation, accountability and respect for diversity. Federalism also entails the non-centralization of government in that powers are divided among levels of government, an arrangement that contributes to preventing the arbitrary use of such power against the people constituting the federation (Elazar, 1987).

Osaghae (1999, pp. 261–262) emphasises that, in the multi-ethnic states of Africa, national cohesion and accommodation of diversity cannot be achieved in the absence of democracy. He also notes that, in liberal democracy, political parties, which are the main contestants for power, are assumed to have an equal opportunity to gain power in free and fair elections even where the groups they represent are unequal. This sort of democracy comprises fundamental human rights, rule of law and free competition, but these tenets of liberal democracy underplay and are blind to group differences and inequalities. Osaghae cautions

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that, in Africa's multi-ethnic states, where political parties are organized along ethnic lines, it would be dangerous for democracy to operate solely on the basis of free competition since free competition increases the likelihood that powerful groups would perpetually predominate over weaker ones.

Instead, Osaghae contends, pluralist democracy – a difference-accommodating and balance-oriented democracy effected through such strategies as power-sharing or federalism – prevents, or minimizes the effects of, political domination and exclusion by way of constitutionally guaranteed rights for minorities or marginalized groups. That in turn promotes, among all groups, both a sense of belonging as well as access to power and distributive justice. Pluralist democracy can reduce the inherent dangers – zero-sum competition and exclusionary politics – that unrestricted liberal democracy pose to national cohesion in multi-ethnic states (McGarry & O'Leary, 2009, p. 15).

By implication, federalism in Ethiopia, a multi-ethnic society, cannot amount to a real nation- or state-building strategy without pluralist democracy. It is true that, although the EPRDF is criticized these days for lacking a coherent ideology or being in an ideological vacuum, in the past it did not envisage the liberal bourgeois variant of democracy. However, as for the "democracy" part of "pluralist democracy", while the EPRDF has promised free, fair and competitive elections, none of the last five national elections attained these attributes. The urban development policy and so-called Addis Ababa Integrated Master Plan were the trigger of the protests that broke out in April 2014, but it was in fact the loss of faith in the country's democratic elections that precipitated them and – after the 2015 national elections, in which the EPRDF and its affiliates won 100 per cent of the seats – aggravated them once they had begun. It was not simply the election results that fuelled the protests in the aftermath of 2015: the protestors were rallying for substantive elements of democracy that go beyond elections and include, inter alia, accountable government, equity and fairness in power and resource distribution, political and socio-economic rights, and equal opportunities.

There cannot be genuine multinational federalism without the concomitant democratization of the state. According to Osaghae (1999, pp. 261–262), undemocratic states in African have three characteristics: (1) they have been captured for sectional use

and domination by a certain group; (2) they are implicated in conflicts they are meant to be mediating and regulating; and (3) the state is a contested locus of hegemonic control. Conversely, democratization of the state involves guaranteeing the right of all groups to access power and socio-economic resources; regulating conflict without being implicated in it; and ensuring that the state is not hegemonic, by, among other things, ensuring that state office-holders are transparent and accountable.

In this regard, prior to the adoption of federalism in the 1990s, the Ethiopian state was under the hegemonic control of the Amharic speaking (if not Amhara) ruling class. In 1991, this hegemonic site was occupied by the Tigray People's Liberation Front (TPLF), which remained in place for more than a quarter of a century until Abiy Ahmed came to power in April 2018 due to popular movements, in particular the formidable *Qeerroo* movement made up of Oromo youth. Today, there are fears that the state is falling under the control of the Oromo. The idea of *teregninet* – the idea that "it is Oromo's turn now" – has galvanised a social media campaign against the Oromo's presence in the center, a development that points to a pre-existing mind-set which conceives of the state as a site of hegemonic control by a segment of society.

Ethiopia has not made the transition to democracy, and democratization of the state is yet to be attained. It would be democratized if the state were to regulate conflict but not be implicated in the conflict; if the state were to cease being the contested locus of hegemonic control and monopoly for sectional or segmental use; if the state were to refrain from privileges for or discrimination against specific groups; if state laws were to enforce values common to all the state's inhabitants and uphold human rights and democracy; and if every group were to have a fair chance of exercising influence in political institutions.

Accordingly, the problem in Ethiopia is neither federalism nor the multinational nature of the federation, but the absence of democracy, both in its procedural and substantive aspects and lack of democratization of the Ethiopian state.

5.1.2.1 Popular Legitimacy

Needless to say, political stability in democratic systems cannot rely on force. The alternative to force is legitimacy – that is, an

accepted system for the "title to rule" or exercise political power (Lipset, 1994). Weber defines legitimacy as consisting in the acceptance of authority and obedience to its commands; put differently, legitimacy concerns the belief that a rule, institution, or leader has the right to govern. In Weber's conception, legitimacy derives from tradition, faith in rulers (charisma), or the rationality of the rule of law. There are thus three kinds of legitimacy, depending on their sources: traditional, charismatic and legal-rational. Accordingly, people might see a political or social order as legitimate because it has been there for a long time (tradition), because they have faith in the rulers (charisma), or because they trust in the legality and rationality of the rule of law (legality-rationality).

Part of the problem of multinational federalism in Ethiopia is due to a clash between these Weberian legitimacies. Those who are nostalgic for the pre-1991 rulers contend for control of the center and seek to regain their traditional legitimacy. Another group has become nostalgic for the glorious period spanning the past 27 years (1991 to April 2017); it employs the same logic of traditional legitimacy and too seeks control of the center, on the premise that they who control the center, control the rest of Ethiopia. In contrast, the group that came to power thanks to movements such as *Qeerroo* tend to have charismatic legitimacy. We witnessed celebration across ethnic and religious boundaries at the coming to power of Prime Minister Abiy and what was called "Team Lemma". Some went so far as to say, "Dr Abiy is a *Nebiy"*, that is, a God- or Allah-sent Prophet arriving at the time when the country was at a crossroads.

Be that as it may, the elephant in the room is that popular legitimacy – acceptance of the authority of the state and its government because it is underwritten by the consent of the people through their elected representatives – is yet to be achieved through free, fair and competitive elections. For multinational federalism to be part of the solution to the crises in Ethiopia, the clash between traditional and charismatic legitimacies needs to moderated by the attainment of popular legitimacy.

5.1.2.2 Constitutionalism and the Rule of Law

Comparative studies show that federalism cannot be functional without constitutionalism – for example, socialist federations

are said to have failed as a result of a lack of constitutionalism (Kavalski & Zolkos, 2008). Constitutionalism goes beyond written constitutions and refers to the extent to which the constitution is practised. It entails recognition of the sovereignty of the people and the existence of limited government, as prescribed by the constitution (Bo Li, 2000). Where there is constitutionalism, there is not only a supreme law or constitution but "an independent judiciary dedicated to legal reasoning to safeguard the supremacy of the constitution". Where the constitution regulates the government's power, where the constitution preserves the sovereignty of the people, and where the judiciary is independent and composed of independent judges dedicated to legal reasoning, there is constitutionalism (Bo Li, 2000).

Simply put, constitutionalism is less about rulers' application of constitutional rules in governing the people than it is about rules of the law that discipline and constrain the rulers. Constitutionalism is a necessary foundation of the rule of law, and the former is in turn safeguarded by the latter. The rule of law is, furthermore, constituted by four main principles: the law must be superior; the law must be applied non-arbitrarily; the law must be enforced by an independent judiciary separate from the lawmakers; and the law must treat all persons equally (Chhachhar & Negi, 2009).

Thinking beyond the design of the federal constitution per se, the key questions one has to pose are whether federalism in Ethiopia constrained the power of the government(s) and governed the politics, and whether the political behavior and practice of the government is limited. Evaluations of federalism in Ethiopia find that the written constitution has not engendered constitutionalism and the rule of law, and that the dominant-party system has not only put politics above the law but also made constitutionalism and the rule of law untenable. That is why the FDRE Constitution is said to be "a paper tiger" (Gudina, 2018). Thus, if there is any sort of commitment to make federalism a genuine form of governance, constitutionalism and the rule of law cannot be matters of choice in the multinational federation of Ethiopia.

5.1.3 Approaches to State Building, Nation-Building and Accommodating Diversity

There are at least three approaches in how states deal with nationalism and nation-building (McGarry & O'Leary, 2003). The

first is the Jacobian approach (as in, for example, France), which views federalism as a state-destroying and unfit for state nationalism and civic equality. The second is national federalism (as in, for example, the American model), which is driven by liberal nationalism. It promotes individual liberty and a difference-blind approach to state- or nation-building. Integral to mono-national federalism is what is called centripetalism, which tries to provide incentives for mixing ethnic identities and establishing umbrella parties (as in, for example, Nigeria). This mechanism focuses on engineering electoral institutions to create disincentives to political mobilization on the basis of a particular identity, the aim being to establish a common identity and balance multiple interests; it entails integrating the interests of the majority with those of the minority in policy-making. The third is the accommodationist approach that comes in different forms, including multinational federalism, consociationalism, or territorial autonomy (as in, for example, Canada, Belgium and Spain). This approach institutionalizes and protects at least two national or ethnic cultures.

Seen in the light of these approaches to state building, nation-building and the accommodation of nationalism, federalism in Ethiopia is neither mono-national federalism, given that the federation explicitly recognizes the NNPs, nor Jacobian, given that in 1991 the state shifted radically in form from a unitary to a federal republic. Instead, Ethiopia has a political and institutional arrangement that aims to accommodate ethnic diversity and regulate conflict.

For multinational federalism in Ethiopia to serve as a genuine state building, nation-building and conflict-regulation strategy, we need to be clear about the appropriate policy for dealing with ethnic diversity. There are essentially four options: assimilation, integration, accommodation and secession. The two extremes of assimilation and secession are out of contention so long as there is a desire for maintaining the union and preserving self-identity. The debate is thus between integration and accommodation.

Integrationists such as Donald Horowitz (1991) argue that accommodationist and power-sharing mechanisms deepen ethnic divisions: as there is no incentive or reason for ethnic elites to cooperate across ethnic fault lines, the result is the break-up of the state rather than the maintenance of its unity. Horowitz believes

the electoral system needs to force party leaders to attract voters across ethnic lines, as it is necessary to transcend ethnic divides by way of cross-cutting party alliances and policies. The problem, though, is that nation-states choose the integrationist approach if there is a plan to achieve assimilation as a long-run by-product (McGarry et al., 2008).

The accommodationist approach, following the tradition of Arend Lijphart, underscores that classic-liberal or majoritarian governments cannot keep "divided societies" together. It rejects the integrationist model as incapable of addressing the fundamental question of ethno-national parties in societies such as these: ethno-nationalists could easily shrug off the logic of moderation and cross-cutting party alliances by mobilizing their ethnic constituencies against the integrationists. According to the proponents of accommodation (McGarry et al., 2008), in order to keep divided societies together, there should be institutional and territorial mechanisms of power-sharing that allow for the recognition of collective identities, collective representation and collective participation in political decision-making.

Consociationalism, as a form of 'accommodation politics' is the opposite of 'majoritarian democracy' that is comprised of four basic principles, including: grand coalition, mutual veto, proportionality and segmental autonomy (Lijphart 1979, pp. 500) . Of the four basic principles of consociationalism, for example, the principle of 'grand coalition' refers to the power sharing scheme whereby the political leaders of all segments of the plural society govern the country together. The principle of 'segmental autonomy', on the other hand, entails that on "all the issues of common interest, the decision are made jointly by the segments' leaders, but on all other issues, the decision making is left to each segment"(Ibid). The principle of mutual veto, however, guarantees that every segment not to be "outvoted by a majority when its vital interests are at stake." Proportionality, Lijphart notes, "serves as a basic standard for the political representation, civil service appointments and allocation of public funds." For country like Ethiopia that is yet to make transition from authoritarian to democracy, consociationalism could support the process of transition as long as it not only enables the key political elites to make collective decisions but also to develop the spirit of cooperation among the key leaders of different segments of the plural soci-

ety.[12]

One of the conditions that determine the substance of multinational federalism is the existence of policies and institutions favorable to power-sharing. On the one hand, political elites need to work across ethnic lines, so there is call for electoral laws to this end in Ethiopia; on the other hand, what is also needed are coherent institutional and territorial mechanisms for empowering ethnic groups and thereby paving the way for the articulation of ethno-national interests, the accommodation of diversity, and the sharing of political power.

This leads to the conclusion that a purely Lijphartian or purely Horowitzian approach would do little to strike a balance between national cohesion and diversity. Rather, it is submitted, Ethiopia's State building, nation-building and diversity-management approaches should fall somewhere between integrationist and accommodationist so as to deal appropriately with cross-cutting and reinforcing cleavages. Institutional and policy reforms should introduce mechanisms for encouraging political elites to deal with demand for recognition, such as accepting ethnic/cultural differences, and demands for integration, such as working across ethnic fault lines, allowing inclusion of minorities' views into mainstream politics, strengthening mutual support and solidarity.

5.1.4 Institutions for Strong Intergovernmental Relations (IGRs)

IGRs have been likened to "the oil for the federal machine" (Piorier, 2018) or the "physiology" that determines the functioning of the federal political order (Wright, 1988). They refer to the many modalities through which cross-jurisdictional interaction takes place between or among spheres of government in federal systems, with their emphasis often falling on financial, policy and political issues (Watts, 2006, p. 201). IGRs help ensure that policies are based on consensus and that they take different perspectives into account when they are initiated, formulated and implemented. IGR bodies and forums can enhance inclusivity and legitimacy as well as constitutionalism and respect for the rule of law. Heinemann-Grüder et al. (2017) point out that IGRs

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12   Consociationalism is a "transitional method of collective decision making." See: Byran, K (2007) at pp. 247.

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provide a framework for the federal dogma of "unity in diversity" by ensuring at one and the same time that policy divergence is allowed but that there is sufficient coordination for the system to function. Hueglin & Fenna (2015, p. 287) note that IGRs have come to drive modern federal systems as much as, or more than, the formal constitutional set-up of divided powers and the bicameral legislative process. IGRs promote analysis, innovation and pragmatism, and enable federal system to adapt to changing circumstances and unforeseen policy factors.

One of the lacunae in the Ethiopian federal system pertains to IGR. Many of the contemporary crises in Ethiopia are intergovernmental conflicts in nature, but there is no robust institution of IGR that could help in dealing with them; instead, the dominant-party system, along with the parliamentary system of government, facilitated executive-dominated IGR schemes. The party system aside, broad federal powers over the legislative and national policy frameworks of the regional states have turned the latter into agents of the center inasmuch as it is the center that has been providing them with strategic direction, policies, standards and funds.

In this regard, the ideology of the developmental state, according to which the state plays an interventionist role in socio-economic growth and the eradication of poverty[13] and unemployment, has been criticised as a justification of the EPRDF's efforts to maintain the intimacy between the party and state and treat the regional states and layers of subnational governments beneath them as implementing agencies of the national order – an arrangement in which the center controls development policy and the latter is, or was, carried out by way of EPRDF structures imposed across formal jurisdictional boundaries.

IGR of this kind has not only been detrimental to constitutional principles such as the equality of different levels of government and the requirement that they respect each other's powers, but has also undermined the constitutionally guaranteed autonomy of the regional states to formulate and execute economic, social and development policies, strategies and plans[14] sensitive to

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13   EPRDF officials reiterated time and again that "poverty is the only enemy of the people of Ethiopia". The implication was that the center's policy interventions in any level of government were justifiable efforts to eradicate the big enemy threatening everyone – poverty.

14   Article 52(2)(c) of the FDRE Constitution.

their contexts. Indeed, popular movements in Ethiopia, particularly those in Oromia Regional State, have highlighted the defects of party-channel-based IGR and the attempt to implement development policies – the Addis Ababa Master Plan being a notable case in point – without adequate consultation with the regions or participation by the people.

Although the EPRDF's narrative was that Ethiopian federalism is cooperative federalism, the country's authoritarian political culture and dominant-party system have driven a coercive rather than cooperative federalism. Since Prime Minister Abiy came to power, party-channel-based IGR appears to have shifted due to the demise of the EPRDF and the creation in its stead of the Prosperity Party. For instance, the ruling party of the Tigray regional state, the TPLF, has not merged with the Prosperity Party, a turn of affairs that has already undermined the tradition of party-channel-based vertical IGRs in Ethiopia. Despite the death of the EPRDF, however, IGR that was founded largely on solidarity to the EPRDF ruling coalition has not been replaced by a coherent and embedded alternative. This lack of institutionalized IGR has made the federal system inconsistent and unpredictable, and left the regional states unarmed with mechanisms to safeguard them from attempts to limit their freedom.

If there is any genuine concern to make multinational federalism functional, there is a need for a strong institutionalization of IGR that in essence sets clear rules and norms of the game for the vertical and horizontal relationships between spheres of government; moreover, these rules should both transcend the life of any political party in office and balance the competitive and cooperative aspects of federalism, thereby helping to ensure the federality of the federation. Although there are some ongoing efforts to develop the legal and policy framework for IGR in Ethiopia, their status remains unclear. Henceforth, IGR between regional states and the federal government needs to be based on coherent principles, including respect for each other's exclusive powers, the recognition of the devolution of powers, and the pursuit of cooperation in matters where jurisdictions or policies intersect with each other. Furthermore, the institutionalization of IGR should seek to abrogate unfederal core-periphery relations and replace them with rules and norms consistent with federal principles.

5.1.5 Federal Political Culture

Studies indicate that, above and beyond institutional engineering, what makes federalism work is a federal political culture (Máiz, 2013). The cultural aspect of federalism denotes the cognitive aspect of federalism, or how people view the federal political system as a whole and their belief in its legitimacy. Federalism requires a political culture that affirms commitment to notions and values such as shared and self-government, unity in diversity, tolerance, equality, and negotiation (Brown 2012; Burgess, 2012; Máiz, 2013). For that matter, there is no such thing as federalism without a culture that prizes compromise and bargaining between political forces in the name of strengthening the community as a whole and respecting and protecting the autonomy of its constituent units (Riker, 1964). That is why scholars like Michael Burges (2012) and (2013) underscore that whether federalism promotes peace and stability depends on the cultural factor and ability to live up to 'federal spirit.'

Given that, as noted, Ethiopia made a radical shift in 1991 from a unitary to a federal state, one might have expected this to be accompanied by an equally radical shift from a centralist, hierarchical and authoritarian political culture to a federal political culture. Nonetheless, the political culture remained true to its unitary, authoritarian antecedents. Clapham observes that that "the culture of statehood in Ethiopia has long been – and remains – hierarchical and intolerant of dissent, and imposes limitations which are … responsible for much of the conflict from which the country has suffered" (2017, p. 2). The conception of the state as the institution it once was under unitarism lingers vestigially in the attitudes and mind-sets of political actors, and along with it the center-periphery tradition in which the belief is, "Whoever controls the center, controls the rest."

Ethiopia, albeit federal in form, has not rid itself of the old thinking to do with hierarchical pyramids of powers and center-periphery relations, notions which are antithetical to federal political culture. Indeed, had we been federal enough, we would not have such stiff contestation for control of a (single) center, that is, Addis Ababa – this contestation points to the lack of dispersion of power and resources, which remain concentrated in one locale. Conversely, as noted, the dominant-party system and the EPRDF's *modus operandi* of democratic centralism in policy- and

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decision-making made regional officers functionaries of the federal government and/or the EPRDF rather than genuine representatives of state governments.

Having federal governance with unitary mental modelling is tantamount to federalism without federalists: inasmuch as there is no democracy without democrats, so there is no federalism without federalists. In a context where the minds (federal idea), hearts (commitment and conviction) and habits (behavior and attitudes) of our politicians are disconnected, we cannot expect federalism to be means to regulate conflict, accommodate diversity and strengthen national cohesion. As is evident in the comparative literature, federalism cannot be successful if it is sidelined in the practices and habits of political elites; rather, it is a complex enterprise that demands political and ideological commitment (particularly from the ruling and opposition political contenders).

As such, it is relevant to pose questions like the following. Do the political elites talk about federalism out of conviction or convenience? Do they have faith in federal principles, multilevel governance, democracy, the rule of law, constitutionalism, the layered and multiple nature of citizenship, dual or shared sovereignty, and so on? What commitments and institutional mechanisms are there to develop federal political culture? Do our politicians value federalism as an end or a public good in itself? The point is that if there is any intention to make multinational federalism a genuine nation- or state-building strategy, an authoritarian, unitary political culture would have to be replaced by a federal political culture, one that promotes federalists whose federal minds, hearts and habits are synchronized with each other.

5.1.6 Comparative Lessons from Durable and Defunct Multinational Federalisms

Since the study of federalism is essentially comparative, it is the comparative method that provides a general explanation of why federations are established, why some succeed, why others fail, and what factors determine their success and failure. Analysing the success or failure of a federation is no easy task, and its difficulty begins in trying to define "success" and "failure" and identify a way to measure them objectively. Burgess (2012) cautions that a mere classification of federations as either a "success" or

"failure" is an oversimplification insofar as these terms are relative rather than absolute; so is the presumption that federalism is either a "panacea" or "pathology" for all ills. Watts reminds us:

> It should be noted that it is not so much because they are federations that countries have been difficult to govern but because they were difficult to govern in the first place that they adopted federation as a form of government (2008, p. 179).

Burgess identifies four dimensions in terms of which the success and failure of a federation may be considered: (1) whether it has attained the its primary goals; (2) whether federal values and interests are maintained; (3) whether it has developed mechanisms for adaptability, adjustment and innovation in the face of changing circumstances and unforeseen factors within the federation; and (4) the subjective view of the one who studies the federation.

In a similar vein, Simeon (2007), among others, enumerates several factors that determine the sustainability of federations. These include (1) disposition to democratic procedures; (2) non-centralization as a principle; (3) checks and balances to limit the concentration of political power; (4) open political bargaining for making collective decisions; (5) genuine group power-sharing within central institutions, often consociational; (6) respect for constitutionalism and the rule of law; and (7) institutions and principles of IGR between spheres of government.

In particular, a study by Kavalski and Zolkos (2008) on the defunct federation of Yugoslavia reveals that it failed due to a problem of duality. On the one hand, federalism was promoted as a state-building project meant to ensure the stability and territorial integrity of the country. On the other, the same federalism was envisioned as a temporary arrangement that would engender Marxist-socialist consciousness among the peoples of Yugoslavia, and hence its dissolution "was already programmed" at the outset. In the former communist federations, socialism was the political and ideational underpinning of the state, while federalism was superimposed on socialism as a mere device for territorial organization enabling the realization of socialism (Kavalski & Zolkos, 2008). It was the failure of socialism, the ideological un-

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derpinning of Yugoslavia as well as other communist states, that terminated the life of the federation. Federalism was not taken as a real state-building ideology in the former communist states.

The comparative analysis of federal systems, as mentioned, is not an easy endeavor, but there is no other means than the comparative method of describing a given federal system scientifically. On the basis of the literature of comparative federalism, analyses of the success and failure of federations, including that of Ethiopia, require that a number of hypotheses be tested to confirm or reject the success or failure story. These hypotheses are, among others, that federalism succeeds where it is wanted; it succeeds where it conforms to rules of (pluralistic) democracy; it succeeds if it is adopted out of conviction, not convenience; it succeeds if political elites bargain and compromise; it succeeds if it provides a just institutional setting for the accommodation of identities; its succeeds if it is not insulated from political reality in the context; and it succeeds if it is not side-lined by the political elites' practices and habits.

In the case of Ethiopia, detractors of the federal system focus on defunct federations, while its proponents focus on sustained federations – that is, the detractors see Ethiopia as predestined to be the next Yugoslavia, while ardent supporters of the extant federal design envision the country as the next Switzerland or Canada. In this regard, federalism in Ethiopia suffers from the controversy between "must fail" and "must succeed" kind of debate. A balanced view, however, takes account of federalism's mixed record by drawing lessons both from durable as well as defunct federations. Here, the very survival of a federation that was adopted when the state was on the verge of disintegration is considered an attainment of one of the primary objectives of the federation. The demand for making federalism a genuine nation- or state-building strategy is, in a way, a call for doing away with the dimensions along which federalism has been failing and for emphasizing the attainment of its primary goals, the maintenance of federal values, and the need for adjustments to cope with the changing circumstances. Thus, drawing balanced comparative lessons from both failed and successful federations in way sensible to contextual reality of Ethiopia is worth noting.

6. Conclusion

The debate about federalism in Ethiopia is between those who want to reconfigure the federation on the basis of geographic factors and those who want to maintain it but make the extant multinational federation genuine and functional. The proponents of "geographic federalism" criticize Ethiopian federalism on the grounds that it drew boundary lines to separate ethnicities – which in turn has intensified the political significance of ethnicity – and fear that comparative lessons from the defunct socialist federations predict that it will suffer the same fragmentation as befell them. This model by itself is, however, premised on false dichotomies between physical and human geographies and between civic and ethnic nationalism. After nearly three decades of multinational federation in Ethiopia, which has seen a heightened sense of ethno-regional identity and attendant demands by ethnic groups to establish to their own separate regional states, the call for such a reconfiguration of the federation would be unwise and counterproductive.

In contrast, the contention in this study is that the debate has to shift from the question of which model of federalism to select – there is no better option on the menu than the current one – to a recognition of the urgent need for giving multinational federalism genuine substance as a nation- or state-building strategy in Ethiopia. Adopting multinational federalism was a move in the right direction, but pseudo-federalist practices and lack of adjustment to unanticipated factors in the federation have, over the last three decades, reduced federalism to being part of the problem in Ethiopia's governance rather than part of the solution.

Based on comparative theories of federalism, the study offers the following normative recommendations as to how best multinational federalism could be a viable solution for the governance crises in Ethiopia:

- For the multinational federation to be a genuine state- or nation-building project, first and foremost it has to address the original causes – the need for inclusivity in the Ethiopian state, the nationalities question, and land policy – that led to the adoption of the federation.

- Inasmuch as authentic multinational federalism is demo-

cratic, as democratic multinational federalism is durable (McGarry & O'Leary, 2009), and as national cohesion and accommodation of diversity cannot be achieved in the absence of democracy (Osaghae, 1999), democracy and federalism must have a mutually constitutive relationship. A major task here is democratizing the Ethiopian state by making it inclusive; ensuring that it regulates conflicts without being implicated in them; having it cease to be the locus of hegemonic control and capture by sectional interests; and ensuring popular legitimacy, constitutionalism and the rule of law.

- The federation has to follow a clear, balanced institutional and policy framework that is effective in securing national cohesion and accommodating diversity.

- Strong institutions of IGR must do away with the age-old center-periphery relation and advance a polity aligned with federal principles.

- Federalism cannot be a genuine state- or nation-building strategy amidst a residual unitarist political tradition. The country's authoritarian political culture has to be replaced by a federal political culture. To this end, the multinational federation of Ethiopia seeks federalists whose federal ideas/minds, conviction/hearts and actions/behaviors are synchronized with each other.

- Lastly, based on a balanced appraisal of comparative lessons from durable as well as defunct multinational federations, the Ethiopian multinational federation has to be able to adjust to the realities of dynamic circumstances.

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