Federalism: New Frontiers in Ethiopian Politics ANDEREAS ESHETE

[1]

(andreaseshete@yahoo.com)

"…it is of great importance in the republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part."
-James Madison

"Where is an example of 'Federalism' ever having been a preconceived plan? Who carts around Federalism as an a priori panacea? Federalism has always appeared in any factual situation as a response to an existing division of power within a territory that comes together, or is thrust to- gether, in one State."
-Bernard Crick

Introduction

A new political vision now guides Ethiopia. The vision is a departure from preva- lent African political practice. In Ethiopia, too, the new politics - its source, spirit and style - seems unfamiliar to many.

Since 1991, Ethiopia has embarked upon a bold experiment in the conduct of public life. The hallmark of the experiment is a readiness to face the fact of eth- nic diversity. New political arrangements aim to shape Ethiopian political iden- tity around the country's constituent nations and nationalities. Even in this era of the politics of identity, Ethiopia's resolve to extend full public recognition to her varied national communities is unique. Ethiopia's recognition of Eritrea's right to self-determination is also unprecedented. Following a referendum on independ- ence held in 1993, Eritrea went her own way. The establishment of a sovereign Eritrean homeland marks the first birth of an African nation through secession. Within Ethiopia, the commitment to uphold the right to self-determination is equally striking. The right to secession is now a constitutional entitlement. All cultural communities are entitled to fair representation in the institutions of state and federal government. Territorially based nationalities exercise wide powers of self-government in political, economic, legal, cultural and educational affairs. The result is a political order open to cultural diversity, self-expression and au- tonomy.

Ethiopia's ethnic turn is a sharp break from African political practice.

1 ,With only a few stylistic changes, this is the text of a paper presented to a conference on Federalism, Conflict and Peace Conference held from 5-7 May, 2003 in Addis Ababa.

With rare exceptions such as Botswana and Somalia, vast cultural diversity characterizes African states. African states are not built on nations of their own making. Upon independence, African states inherited populations capriciously contrived by colonial powers that arbitrarily joined or divided cultural communities. The newly independent states sought to preserve the uneasy national legacy of colonialism. Amid heterogeneity, political rule tried to create and maintain unity in various ways. Some cobbled together coalitions whereby elites from diverse groups could have a stake in a unitary polity. Others designed political arrangements blind to cultural differences and cleavages. Another tack was to foster overarching identities---African or ideological---in order to overshadow or overcome internal differences over national and cultural identity.

Whatever the differences in approach, the overriding aim almost every- where in Africa was to refuse full political expression to cultural pluralism. Even on the rare occasion where national identity was an exercise in self-definition carried out through internal struggle and negotiation, there was no disposition to cultivate or even to acknowledge diversity. In the recent constitutional exercises undertaken by South Africa and Uganda, the choice was in favor of a unitary state. The pursuit of political unity at the expense of cultural plurality has been a leading objective of African statecraft that enjoyed wide legitimacy: for example, ethnic parties were often prohibited by law; African states consistently complied with OAU's principle of upholding colonial borders.

The inclination to ignore, conceal, subdue or erase cultural diversity in African politics has been sustained at considerable cost. Monopolistic political arrangements such as military government, one-party rule, systematic suppression of human and political rights are often rationalized as inescapable means of safeguarding unity. Despite these draconian measures, ethnic diversity has not been banished. Bitter wars for secession were fought by Katanga, Biafra, Eritrea and Southern Sudan. Though nothing approaches the genocide perpetrated in Rwanda, ethnic turmoil exists in most parts of Africa.

Even when strife in Africa centered on other matters, it was seldom alto- gether free of ethnic contention. Yet neither the threat of partition nor ubiquitous ethnic contest called into question African allegiance to a conception of state- hood that excludes national or cultural pluralism from the definition of political identity. Thus as we enter the new millennium, a vision of political unity that disavows or devalues diversity survives intact throughout most of Africa.

What, then, prompted Ethiopia to go virtually alone against the prevailing current in the continent? Ethiopia's anomalous new course is all the more sur- prising, for, unlike the rest of Africa, her heterogeneity of nationalities, cultural t

traditions, religions and languages is not a fortuitous outcome of alien imposi- tion. Though Ethiopia's autonomous development is no guarantee of the emer- gence of a national society, it is hard to overlook the society's resilience in the face of a long history of internal warfare and foreign encroachment. Even outsiders, without evident partisanship, detect the contours of an integral political com- munity.

Admittedly the image of Ethiopians as a well-defined people conveyed in international scholarship is sometimes merely a result of selective perception. Much the most addressed part of Ethiopia is the north, where literate cultures and salvationist religions have flourished since the distant past[2] . Accessibility to modern scholarship and cultural affinity rendered this terrain familiar to western observers. Another area of focus, one driven by concerns of development, is the small, largely urban area where modern economic and political institutions have gained a foothold. The impression of homogeneity gleaned from these perspec- tives does not reflect Ethiopian culture as a whole but rather the interests of other societies.

Still, those aspects of Ethiopia captured from culturally alien perspec- tives cannot be dismissed as mere fragments, for they have played a crucial role in drawing the wider community together. For good or ill, northern culture is diffused throughout the entire country. For instance, Amharic speakers can be found almost everywhere; the new Regional State of the Southern Peoples has adopted Amharic as its working language. Among the small but culturally influ- ential urban population, identities that cut across nationality, religion and lan- guage have, and are seen to have, salience. The purview of both Amhara - Tigray civilization and urban culture tends to define Ethiopia not just under western eyes; it is an important dimension of Ethiopian self-perception.

Even those who extend their sight beyond comparatively self-contained or integrative elements of the society in order to take notice of the whole are im- pressed by the presence of abiding affinities among Ethiopia's dispersed and di- verse cultural communities[3]. Strands of a common sense of community include:

2 , ,An example is Edward Ullendorff. 1960. *The Ethiopians.* London: Oxford University Press. He says: "… the following chapters on history, religion, language social structure, etc., will be primarily concerned with the population of the northern and central highlands." (p.10)

3 ,For a comprehensive treatment of trade and other economic ties since ancient times see Richard Pankhurst.1961. *An Introduction to the Economic History of Ethiopia.* London: Lalibela House. For an interesting sociological account of the evolution of a national society on the basis of an integral cultural community, encompassing the peoples of Ethiopia see Donald N.Levine.1974. *Greater Ethiopia: The Evolution of a Multiethnic Society*. Chicago: University of Chicago Press. This is an important modification of his earlier view of Amhara culture as the dominant national culture. The earlier view is in *Wax and Gold*. 1967. Chicago: University of Chicago Press. The

close and longstanding connections of far-flung trade and migration; collective historical legacy; shared cultural beliefs, rituals, symbols and ideals; common systems of social and political authority. On account of these ties, a distinctive community encompassing all the peoples in Ethiopia's present territory has endured despite recurrent fragmentation. The confluence of Ethiopia's varied identities can also be seen in the ambitions of empire-builders ---from within and without---who rarely settled for less than domination over what is now Ethiopia.

Though important, these indications of a shared sense of community show, at most, the possibility of political unity. Societies like Somalia well-en- dowed with traits conducive to national self-identification and cohesion have floundered in the search for statehood. Similarly, a bitter lesson of Ethiopian his- tory is that the potential for unity, however promising, cannot be realized with- out effective institutional means for its political expression.

It is a testimony both to the weight of Ethiopia's past and its political inconclusiveness that differences over the present dispensation are fought as battles over historical interpretation. Is Ethiopia three thousands years old or only one hundred? Have the Oromo and the Southern Peoples always been members of Ethiopian society or were they joined to Ethiopia through invasion and conquest in the nineteenth century? Is Eritrea an amputated limb of Ethiopia or is it a dis- tinct society with only a brief, forced marriage to Ethiopia during the federation and subsequent incorporation?

Some speak with self-confidence of belonging to an Ethiopia with a robust national identity intricately interwoven out of the country's constituent identi- ties. They claim that they cannot recognize themselves in the new ethnically de- fined Ethiopia. Others, however, speak with distance of Ethiopia as a community of which they were never willing members. For them, the new political vision enables them to identify with Ethiopia for the first time. The former feel that the present diminishes the past, creating a void that cannot be filled. The latter feel that the present redeems injustices of the past. These clashing conceptions of Ethiopia are a subject of everyday contention because of a widespread conviction that the uncertainties surrounding the country's self-identity are rooted in the past. While everyone agrees that Ethiopia houses a plurality of languages, religious and nationalities, disagreement rages over whether or not ethnic differentiation and inequality is so entrenched in Ethiopian history that it requires

modification is acknowledged in a new preface to the 1972 edition. A historical account of the resilience of the idea of a greater Ethiopia is in Harold Marcus.1994. A History of Ethiopia. New York: Berkeley and Los Angeles.

recourse to a new political order.

Even indisputable collective accomplishments of Ethiopian history do not yield a shared sense of pride. Undoubtedly the most significant achievement of modern Ethiopia is independence, successfully defended against a succession of invaders --- the British, the Egyptians, the Sudanese Mahdists, and the Italians. In this history of struggle, a singular triumph was in 1896 at the Battle of Adwa, where Ethiopia inflicted a stunning defeat on Italy. Inspirational as it was to op- pressed peoples and their champions everywhere, the Adwa victory marks a peak in Ethiopia's international prestige. Internally, too, Adwa was a watershed. Peo- ples from the entire empire marched to the battle: unlike previous resistance to foreign aggression, Adwa was a national victory. Adwa was also a formative mo- ment in the creation of Ethiopia as a modern nation-state. In the wake of the vic- tory, Ethiopian sovereignty was recognized by the European powers. Yet, Adwa's legacy remains ambiguous. Emboldened by his national and international pres- tige, Emperor Menlik II continued his expansion into the south and west, and consolidated his empire in the decade following Adwa. As a result, many peoples of Ethiopia who fought valiantly at Adwa are ambivalent about the victory: they see themselves as victims of their own triumph. Here as elsewhere, Ethiopians seem to be at once exalted and anguished by their past.

It is not obvious that anyone is now in a position to resolve the sharp differ- ences separating these conceptions of Ethiopia's past and the attitudes they yield toward the political present. These incompatible myths about the Ethiopian past do show that the new political order that gives pride of place to cultural diversity has not yet settled over the landscape. Myths about the past are conjured up in order to bolster or undermine the legitimacy of the new political vision. This is not of course a surprise: "The past has always been the handmaid of authority."[4] These judgments of the present by reference to the past are useful in other ways

--for example, to reach a prognosis of the new politics. The traumas and upheav- als that the country has suffered explain the rise of nationalist politics as well as the principles and practices in which it now finds political expression. A glimpse at the past also enables us to take a measure of the novelty of the present. For all their novelty, the present arrangements may well show remnants--desirable or undesirable --of the past.

Federalism Remarks on
Method

Even believers in an ideal conception of society do not insist that federalism must be realized in every legitimate polity. Nor is federalism supported by all

4 J.H. Plumb cited in I. M. Finley. 1971. *The Use and Abuse of History* .New York: The Viking Press. p.45

ideal conceptions of constitutional democracy. Federalism therefore differs from public ideals of universal reach. For instance, federalism is distinct from human rights: unlike federalism, "their political (moral) force extends to all societies, and they are binding on all peoples and societies, including outlaw states."[5] Vio- lation of human rights justifies condemnation or even coercive intervention. In contrast, rejection of federalism by a regime does not demonstrate imperfection, much less, wrongdoing in the regime.

Federalism is not, therefore, a necessary part of an ideal conception or theory of a democratic society; it is rather an ideal for a society in unfavorable circumstances, circumstances unfavorable to constitutional democracy. It might, of course, be argued that all political ideals answer to unfavorable conditions. For example, human rights are honored because everyone always needs to avoid be- ing killed, assaulted, deceived, used as a resource, or neglected in an emergency. The ills against which human rights afford protection represent evils to which all human beings are always vulnerable. The vital difference is that federalism is a public value tailored to conditions unfavorable to constitutional democracy that are not universal but rather peculiar to certain societies. However, the distinction suggested between ideal and nonideal theory may be blurred by adopting a posi- tion taken by a few political theorists: namely, either that there are no positive political values or that the only practicable public values are those that serve to ward off unfavorable features of men or their environment. Forging an intellec- tual link among all societies on the basis of the exclusive importance of pervasive unfavorable conditions would yield a minimalist political theory such as liber- tarianism or what Judith Shklar calls the liberalism of fear[6]. Still, this view is not a direct challenge to the proposal to treat federalism under nonideal theory, for the view does not amount to a denial of nonideal theory but rather to an affirma- tion of its ubiquity.

If, however, we subscribe to the position that social co-operation can aim beyond the avoidance of vice to the achievement of virtue, the distinction between ideal and nonideal theory survives. Federalism can then be seen as a proper part of nonideal theory which, according to John Rawls, "deals with un- favorable conditions, that is, with the conditions of societies whose historical, social, and economic circumstances make their achieving a well-ordered regime,

5 ,John Rawls. 1999. *The Law of Peoples* .Cambridge: Harvard University Press. pp. 80-81

6 ,A classic minimalist conception of rights is Isaiah Berlin. "Two concepts of Liberty," in Isaiah Berlin. 1967. *Essays on Liberty*. Oxford: Oxford University Press. pp. 118-172; On the minimal state of libertarianism see Robert Nozick. 1974. *Anarchy, State and Utopia* . Oxford: Blackwell. For a liberalism of fear see Judith Shklar. 1985. *Ordinary Vice* . Cambridge: Harvard University Press.

whether liberal or decent, difficult or impossible."[7] Nonideal theory delimits the requirements of an account of society burdened with unfavorable conditions. First, to identify the conditions – poverty; divisions of power, culture or identity; an intolerant public culture – that tend to stand in the way of fidelity to the values and institutions of constitutional democracy. Second, to determine the policies and practices that mitigate, overcome or deploy to advantage unfavorable condi- tions in the service of constitutional democracy.

In the task of unburdening a society from unfavorable conditions, non- ideal theory is guided by the aim of reaching or approximating ideal theory. In Rawls's words: "nonideal theory asks how the ideal conception of society … might be achieved or at least worked toward, generally in gradual steps; it looks for policies and courses of action that are likely to be effective and politically permissible for that purpose"[8] (italics mine). Rawls's remarks indicate a third demand of nonideal theory: starting from where the society is now, the search is for a passage to democratic institutions by democratic means. Unless nonideal theory furnishes democratic means for surmounting barriers to democracy it cannot reconcile us to unfavorable conditions.

To clarify the significance of the treatment of federalism under the aspect of nonideal theory, it may be helpful to contrast it with its more familiar alterna- tive: to explain and justify federalism as an integral part of an ideal conception of constitutional democracy. A few political philosophers have made serious at- tempts to find a theoretical underpinning for federalism and other public mani- festations of diversity as a freestanding value or ideal of constitutional democracy.

A notable example is Charles Taylor's influential essay on "The Politics of Recognition."[9] Taylor identifies two forms of recognition that he deems im- portant to contemporary politics. The first is recognition of what human beings importantly share, and it yields "a politics of universalism, emphasizing the equal dignity of citizens, and the content of this politics has been the equalization of rights and entitlements."[10] The second is a recognition of what makes human be- ings culturally distinct or different, and it yields a politics of particularism. "With the politics of equal dignity, what is established is meant to be universally the same, an identical basket of rights and immunities; with the politics of difference, what we are asked to recognize is the unique identity of this individual or

7 John Rawls, T*he Law of People*s, op. cit., p.5.

8 John Rawls. 1993. The Law of Peoples. *Critical Theory* . Vol. xx, No. 1 . p. 60.

9 Charles Taylor. 1992. The Politics of Recognition, in Amy Gutmann (ed.) *Multiculturalism and "The Politics of Recognition*. Princeton: Princeton University Press

10 Ibid., p. 37.

group from everyone else."[11] Taylor's chief concern is with the second form of recognition, for he believes that the first is dominant in contemporary political theory and practice, and that it has tended to undermine the second by aspiring to distance or even efface the culturally distinct from political life. Taylor argues that our allegiance to recognition of our common humanity should not blind us to the fact that recognition of distinctness is a vital human need, though the ur- gency of the need makes itself felt only after our release from social forms where the identity of individuals and groups had been preordained.

Taylor's thesis then is that to be recognized in one's cultural distinctness is a universal human interest. Multiculturalism and its institutional expressions such as federalism are reasonable realizations of a human interest for recognition of cultural distinctness. Indeed, to avoid denigration and forcible assimilation, universalist recognition of individuals as worthy of equal concern and respect demands public affirmation of their culturally particularist identities.

Now, it is not entirely clear why Taylor singles out cultural and linguistic identity, as opposed to, say, religious identity as a dimension of distinctness that warrants recognition and differential treatment in public life. Taylor does not, of course, deny that religious distinctness finds recognition outside public life in free associations. Yet he does not explain what is special about the claim of distinctness by Quebeckers such that he can say that here "what was at stake was the desire of these people for survival, and their consequent demand for certain forms of autonomy in their self-government, as well as the ability to adopt certain kinds of legislation deemed necessary for survival."[12]

Even if we allow that there are reasons for politically privileging cultural distinctness, it is not evident that recognition of a particular cultural identity is a categorical demand. Taylor's bold idea that recognition of one's distinct cultural identity must matter and always requires public affirmation is not altogether con- vincing. It seems more plausible to say that cultural identity does not necessarily matter, but if in a given case it does, it must be recognized. But then the claim to recognition of distinctness is not a fundamental human interest on a par, say, with the interest to be treated with equal concern and respect. The importance of securing recognition for one's cultural identity therefore depends on historical circumstance.

Why does Taylor suppose that recognition of one's cultural distinctness always matters? Taylor seems to be led to the conclusion that he has seized upon a vital human interest by a focus on recognition to the exclusion of its source. Even if cultural identity happens to be important to a person or a group and so anchors

11 Ibid., p. 38.

12 Ibid., p.52.

a claim to recognition of it by others, it is not obvious that recognition by any others is what is desired or desirable. Do French Quebeckers seek recognition of their distinct society by Zulus or Texans? Would Zulus or Texans have standing to extend or withdraw recognition from French Quebeckers? Indeed, if we accept Taylor's idea of the value of cultural difference and its recognition, it is puzzling why the demand for recognition is not put forward across societies as often as it is within societies. It is more plausible to think that recognition of distinctness or difference by others matters only when the others are those with whom there are reasons to feel closely identified. Recognition becomes salient with differences among those who, for any number of reasons, otherwise feel a sense of mutual identification. Whether or not there are such reasons has less to do with funda- mental human needs or interests than with the contingencies of history.

Will Kymlicka is another political theorist who is impressed by world- wide resurgence of entho-cultural disputes and conflicts. He concedes that "every dispute has its own unique history and circumstance that need to be taken into account in devising a fair and workable solution."[13] Still, his "aim is to step back and present a more general view of the landscape—to identify some key concepts and principles that need to be taken into account, and so clarify the basic build- ing blocks for a liberal approach to minority rights." [14]Despite the modesty of this characterization, Kymlicka has the ambitious aim to locate multicultural citizen- ship, group-differentiated rights and federative arrangements in the very foun- dations of a liberal conception of an ideal society. According to Kymlicka, aside from protecting the individual's choices from intervention by others and gov- ernment, a basic value of liberalism is to enable a person's freedom to form and revise a conception of a worthwhile life. He faults contemporary liberalism for overlooking the fact that meaningful choice and pursuit of a way of life requires secure membership in a particular culture. "Put simply, freedom involves making choices amongst various options, and our societal culture not only provides these options, but also makes them meaningful to us."[15] And again: "Liberals should be concerned with the fate of cultural structures, not because they have some moral status of their own, but because it is only through having a rich and secure cultural structure that people can become aware, in a vivid way, of the options available to them, and intelligently examine their value."[16]

For Kymlicka, the importance of secure cultural membership is a per

13 Will Kymlicka. 1995. *Multicultural Citizenship*. Oxford: Oxford University Press. p. 1

14 Ibid., p. 2.

15 Ibid., p. 83.

16 Will Kymlicka 1989. *Liberalism, Community and Culture*. Oxford: Clarendon Press. p.15

fectly general claim about liberalism. It is acknowledged in the classical liberal theories of Mill and Green, and in the practice of established liberal democracies, where liberal rule relies on a national culture upheld by the state. Kymlicka firmly resists the suggestion that cultural membership can be secured in free associations or through decentralized policies in language, education and land tenure. Cultural membership is instead a primary good that must be supported by a liberal political community, if the capacity to fashion and revise a conception of a worthy individual life is to be realized. The separation of state and religion cannot serve as a model for the relation between the state and ethnic or cultural identity. "The whole idea of 'benign neglect' is incoherent, and reflects a shallow understanding of the relationship between states and nations. In the areas of official languages, political boundaries, and the division of powers, there is no way to avoid supporting this or that societal culture, or deciding which group will form a majority in political units that control culture-affecting decisions regard- ing language, education, and immigration."[17] Every liberalism is necessarily a na- tional liberalism. The only question is to find a fair way to reconcile multinational societies to the inseparability of the state and the nation, required by the ideal conception of liberal society. A federative arrangement with group-differentiated rights of self-government is the only way to guarantee equality of cultural mem- bership for individuals in a multinational society. Benign neglect or separation of state and ethnicity would only mask the dominance of the official culture over the rest, whose members would be deprived of a context for the effective choice of a meaningful life.

Kymlicka's attempt to justify multicultural citizenship, collective rights, and federative institutions by appeal to primary values and principles of liberal- ism yields curious consequences that he countenances all too lightly. One con- cerns the extent to which a liberal, multinational state tolerates illiberal groups. Suppose a self-governing national group restricts the capacity of its members to lead lives of their own choice. Kymlicka allows that the federal state should try to change the illiberal national community. But, barring extreme cases—cases that would justify international intervention—he thinks legal intervention is im- permissible. To assent to this strange conclusion is to grant that the rationale for rights to self-government can be freely violated by those exercising self-govern- ment. Put differently, individuals are entitled to secure cultural membership in order to ensure their freedom to lead a life of their own choice, but nothing more than persuasion is possible if cultural membership robs them of this essential freedom. How can a multinational state legitimately count as liberal if member

17 Will Kymlicka, *Multicultural Citizenship*, op. cit., p. 113

states can violate rights central to liberalism with impunity? The sanctity of cul- tural membership as a primary good of liberal society seems, in the end, to over- ride the value of freedom it was originally intended to subserve.

This result is doubly disquieting. First, a liberalism founded on the value of individual autonomy is more permissive in respect to infringements of in- dividual freedom than liberalisms that avoid protection of substantive values, including autonomy, in public life. For example, in Rawls's political liberalism human rights define the bounds of pluralism. Secondly, tolerance of illiberal cultures eliminates Kymlicka's sole ground for advocating a marriage of culture and a liberal state while endorsing the separation of religion and the state. The ground is that religion, not culture, involves shared values. Leaving aside the question whether this is a trivial truth about liberal cultures or an interesting but controversial claim about all cultures, Kymlicka still faces a problem. Since both impose a conception of the good, there is no justification for being tolerant toward illiberal cultures and intolerant toward illiberal religions.

There is another unwelcome consequence of the liberal defense of multi- cultural citizenship, which Kymlicka points out, that has wider implications than he anticipates. Kymlicka argues that a stable liberal polity requires a sense of solidarity: "a shared civic identity that can sustain the level of mutual concern, accommodation and sacrifice that democracies require."[18] Yet, Kymlicka fears that a liberal state with a plurality of political communities may not foster an inclusive sense of solidarity sufficient to sustain the commitments of liberal citi- zenship to justice and the common good. Indeed, Kymlicka's skepticism about the possibility of solidarity in a multinational state inclines him to side with Mill, who, in Kymlicka's view, held that fidelity to liberalism is possible only in a state with a single national culture. Assuming that non-coercive assimilation is dif- ficult, Kymlicka is unsure why a liberal faced with a multinational society should not be favorably disposed to secession in order to pave the way for nation-states, the only settings suited to stable liberal democracies. What checks Kymlicka's liberal advocacy of secession is that natural circumstances are unfavorable to the exercise of secession. Many national groups may not prove viable as independent states. Secession often occasions violent conflict. There is not enough room in the world to create states to accommodate all nations. Even if all this is true, it is noteworthy that it does not prohibit a given national group from seeking seces- sion on liberal grounds. More importantly, Kymlicka's pessimism on the fate of solidarity in a multinational state shows that it is unfavorable circumstances for states with a single national culture, not intrinsic merit from an ideal liberal point

18 Ibid., pp. 173-174.

of view, that compels multinational liberal states.

Given that multinational states are, though not strictly desirable, una- voidable, Kymlicka feels that we must somehow search for sources of solidarity in multinational states adequate to liberal democratic citizenship. Kymlicka consid- ers shared public values, which he finds insufficient since peoples may go their own way despite such agreement. At any rate, as we saw earlier, there is no reason to expect adherence to the same principles or values in Kymlicka's conception of the liberal multinational state. A more promising basis is a commitment to what, following Taylor, he calls 'deep diversity.' Roughly, this is to appreciate and prize that there are varied grounds for allegiance to the wider political community in a multinational state. Even this he urges may be too thin unless it is coupled with something else he deems most important. "For citizens to want to keep a multinational state together, therefore, they must value, not just 'deep diversity' in general, but also the particular ethnic groups and national cultures with whom they currently share the country."[19]

This is an arresting conclusion: it is a clear admission that national iden- tity may be based on something other than a distinct cultural identity. Pride in historical achievements is a an example that Kymlicka offers of a shared national identity that does not draw on membership in a particular culture. Since Kym- licka insists it is Mill's belief that a single national culture is a requirement of a liberal state, it is worth noting that Mill himself holds that a shared past is a pow- erful source of a sense of nationality. He writes:

> A portion of mankind may be said to constitute a Nationality if they are united among themselves by common sympathies— which make them cooperate with each other more willingly than with other people, desire to be under the same government, and desire that it should be government by themselves, or a portion of themselves, exclusively. This feeling of nationality may have been generated by various causes. Sometimes it is the effect of identity of race and descent. Community of language, community of re- ligion greatly contribute to it. Geographical limits are one of its causes. But the strongest of all is identity of political antecedents, the possession of national history, and consequent community of recollections; collective pride and humiliation, pleasure and re- gret, connected with the same events in the past.[20]

19 Ibid., pp. 191.

20 Cited in John Rawls, *The Law of Peoples*, op. cit., p. 23.

What Mill singles out as the strongest source of national identity—collec- tive pride and humiliation in a shared past—may, for all we know, account for a sense of community even in culturally homogeneous societies. In any case, there is little reason to accept the thesis that a liberal political community is necessar- ily rooted in culture, the thesis on which Kymlicka, in part, mounts his case for a multinational liberal state. There is also reason to doubt the claim that a distinct culture is the only context for making choices about what life to lead. A shared past and the sense of identity it engenders may enable a Swiss or a Canadian to look into options for a worthwhile life in the wider community beyond the par- ticular culture to which the citizen belongs.

This brief discussion indicates that the search for an invariant, particu- larst value of constitutional democracy to anchor a general justification of mul- ticultural politics and federative arrangements is vain. For example, the candi- dates put forward for an invariant value or ideal cannot possibly account for the existence, importance or persistence of a federal state in the United States and Germany, where cultural distinctness or secure cultural membership does not loom large in federal politics. Moreover, the effort to define collective rights or federal distribution of powers by reference to an invariant value—a task under- taken more by Kymlicka than Taylor—tends to inhibit or distort abiding values of constitutional democracy. None of this is, of course, to deny the importance of the questions Taylor and Kymlicka formulate and the problems they probe. Rather, the difficulties and limitations in their answers and solutions attest to the limits of a particularist ideal or philosophical theory in coming to terms with a particularist phenomenon such as federalism. Multiculturalism and federalism enter the political agenda only under peculiar circumstances unfavorable to fa- miliar universal ideals of democracy. The unfavorable conditions as well as the democratic norms that answer to them vary significantly. The focus of nonideal theory is on the actual unfavorable circumstances and the specific ways in which they are reconciled to the standing values of constitutional democracy. Since the unfavorable conditions and the terms of reconciliation are diverse, a deeper un- derstanding invites a comparative assessment of different federal arrangements. Under nonideal theory, federalism thus seems a subject more fit for social sci- ence than for ideal or philosophical theory. The reason is that multiculturalism, multinationalism, and federalism do not call for a new value or theory of consti- tutional democracy; instead, they necessitate a nuanced institutional realization of universal ideals of constitutional democracy.

An application of the method of nonideal theory to federalism circum- scribes the scope of an adequate interpretation of federalism. First, the perspec

tive guides and shapes the selection of conditions unfavorable to democratic rule that call for federalist policies and practices. Second, it requires us to show how the principles and structures of federalism promote democratic ideals by checking and exploiting unfavorable circumstances. The defense of federalism is persuasive to the extent that it comes to terms with the unfavorable conditions that prompted it in ways that enhance or, at least, do not compromise democratic ideals of universal reach.

This understanding of the interpretation of federalism from the perspec- tive of nonideal theory leaves wide room for disagreement. A site of debate over federalism since its inception are differences over what values it serves and how well it serves them. One area of contention is how best to strike a balance between the claims of unity and the claims of diversity. A formative example is the constitutional debate in the United States between federalists (inclusive nationalists) and anti-federalists (exclusive or local nationalists)[21]. Another source of disagreement is whether federalism is a source of collective rights or merely an effective protection of individual rights in a pluralist society. An example is the debate over the status of the American bill of rights before and after the reconstruction.[22] Finally, there is a question kept alive by failed or troubled federalisms: Does federalism entrench or attenuate the nonfavorable conditions that occasion it?[23] This question arises not only where democratic aspirations have been disappointed but also where they have been reasonably fulfilled.

Unfavorable Conditions

Reasons of History for Ethiopian Federalism

The present boundaries of the Ethiopian state are largely the legacy of imperial expansion and conquest consummated in the nineteenth century. During the last quarter of the nineteenth century, the state succeeded in subduing the peo- ples now inhabiting the southern, western and eastern territories of Ethiopia. In a short span of time, the territory under the jurisdiction of the empire ex- panded threefold. Cultural communities with greatly varied cultures, religions and forms of life and millions of their inhabitants become subjects of an empire, superintended by rulers from the Christian highlands of Ethiopia. Though war

21 See, for example, Murray Forsyth (ed.). 1989. *Federalism and Nationalism*. Leicester: Leicester University Press. ; Akhil Reed Amar. 1998. *The Bill of Rights.* New Haven: Yale University Press.

22 See Akhil Amar, *The Bill of Rights*, op. cit.; Ellis Katz and G. Alan Tarr (eds.).1996. *Federalism and Rights* Lanham and London: Rowman and Littlefield

23 See, for example, Graham Smith (ed.). 1995. *Federalism: the Multiethnic Challenge*. London and New York: Longman.

and migration had fostered long-standing interaction and close affinity between the people of northern Ethiopia and the rest, the nineteenth century marks the decisive transition of the country from "an outpost of Semitic civilization" to what Conti Rossini, the eminent Ethiopianist, called "a museum of peoples."[24] This same period witnessed the empire's successful repulsion of the encroach- ment of foreign powers, including Egypt, Mahdist Sudan and Italy. The triumph of Ethiopian independence was sealed by the victory against Italy at Adwa in 1896. In the wake of the victory, Ethiopia's expansion was consolidated, and the empire found recognition in the international community. The prestige won by the only African society to safeguard its independence in the scramble for Africa conferred legitimacy on the emergent multiethnic empire.

The roots of Ethiopia's new political order are easier to discern in recent history. The half-century between the liberation from Italian occupation in 1941 and the overthrow of the military regime in 1991 was characterized, above all, by the ascendance of the powers of the state. The founder and icon of the state's ag- grandizement was Emperor Haile Sellassie. Haile Sellassie's long reign witnessed the establishment of a centralized state and the concentration of political author- ity in the person of the Emperor.[25] During his rule, endless rivalry between the monarchy and the nobility, a rivalry that threatened to tear Ethiopia asunder from the latter half of the eighteenth to the latter half of the nineteenth century, was decisively concluded in favor of the monarchy.

Haile Sellassie's absolutist design and the means he chose for its realiza- tion were evident from the very beginning of his rule. The 1931 constitution, promulgated only a year after his ascension to the throne, affirmed the absolute power of the crown. Characteristically, the Emperor deployed modern instru- ments of rule in order to institutionalize absolutism. The constitution estab- lished a parliament. The upper house was reserved for members of the nobility to be appointed by the Emperor; members of the lower chamber were to be selected from the landed aristocracy through indirect elections. The limits of parliamen- tary power were defined by the Emperor in a speech delivered during the signing of the constitution: "Decisions will be taken by these chambers according to the wishes of the majority of their members, but they will not enjoy the force of law until they have received the approval of His Majesty the Emperor."[26] The real

24 See Donald N. Levine. 1974. *Greater Ethiopia: The Evolution of a Multiethnic Society.* Chicago and London: The University of Chicago Press

25 A helpful discussion of the absolutist state and its economic underpinnings is provided in Bahru Zewde, 1991. *A History of Modern Ethiopia 1855-1974.* Addis Ababa: Addis Ababa University Pres.

26 Imperial Ministry of Information. 1967. Selected Speeches of H.I.M. Haile Selassie I, 1918 to

thrust of the constitution was to abolish the political prerogatives and privileges of the nobility. The political powers enjoyed by the nobility in their autonomous regions were taken away, among them: to confer appointments and land grants; to administer justice; to collect taxes; to maintain armies; to declare wars and to enter treaties. The political triumph of the center over the regions, initiated and legitimated by the constitution, was practically demonstrated when the Emperor prevailed over Abba Jiffar II of Jimma and Ras Hailu of Gojjam in 1932. With the fall of these powerful symbols of regional authority, their provinces were placed directly under the authority of central government. Well before the outbreak of the war with Italy, Ethiopia's provinces were brought under the political control of the crown.

The disarray of the occupation marked not a change but rather an inter- ruption of Haile Sellassie's course. The revised constitution promulgated in 1955 granted fundamental freedoms to speak, to assemble and to elect parliamentary representatives. These new measures were compelled by the 1952 federation with Eritrea and the desire to create a semblance of consistency with the Eritrean constitution, a democratic charter drafted by the UN. Despite the concessions made to appease outsiders, the revised constitution's position on imperial power was uncompromising. Article 5 reads: "By virtue of His Imperial Blood, as well as by the anointing which he has received, the person of the Emperor is sacred, His dignity is inviolable and His power is indisputable." In the second half of the decade following the revised constitution, Haile Sellassie's zeal to subdue region- al authority and identity was forcefully shown in Eritrea itself. Symbols of Eri- trean nationhood like the flag were abolished; the Eritrean judiciary was placed under Ethiopian jurisdiction; Eritrean political organizations, trade unions and newspapers were suppressed; Ethiopians were appointed to public positions in Eritrea; the use of Amharic was imposed; what used to be called the Eritrean government was dubbed the Eritrean administration. The rapid erosion of Eri- trean authority and identity ended in outright assimilation of Eritrea into Haile Sellassie's empire in November 1962.

The rise of autocracy required considerable innovation. In his lifelong drive for unlimited authority, Haile Sellassie was forced to create or expand mod- ern institutions and to find new social and economic resources. Amharic, the official language of the state, was used alone in the newly established institutions. The Ethiopian Orthodox Church, placed for the first time under the authority of the Emperor, became the established religion. The institutional arms of the autocracy were a modern bureaucracy and a permanent army. The creation of

1967. Addis Ababa: Imperial Ministry of Information. p. 390.

modern armed forces was promoted by the US in return for Ethiopian support such as the use of a communications base in Eritrea and the dispatch of troops to Korea. To meet the manpower needs of modern institutions, an elite educational system, centered in the cities, was formed. The state sought to increase its revenue through the imposition of a series of new taxes on land. Duties on imports and exports were increased, and their centralized collection was streamlined. In ad- dition, a small, modern economic sector supported by foreign capital emerged. Besides the establishment of private and state commercial farms, a number of factories were introduced. The new factories were chiefly engaged in the produc- tion of foods and beverages as well as the manufacture of textiles.

These new institutions, though they subserved the growing needs of the centralized state, did not better the material life of the bulk of the population. In the last decade of Haile Sellassie's rule, less than 10% of school-age children at- tended elementary school; enrolment in high school did not reach 100,000; only 3,000 were studying in the university; over 90% of the population was illiterate.[27] The vast majority of the population depended on subsistence agriculture with hardly any access to modern public services. Ethiopia was one of the poorest countries in Africa. If anything, the new demands of the state and the institu- tions designed to meet them imposed greater burdens--in increased taxation, land alienation-on Ethiopia's predominantly rural population, particularly in the territories recently incorporated into the empire.

Though successful, Haile Sellassie's autocratic rule met with resistance. From the beginning to the end of his long reign, Haile Selassie faced opposi- tion: nationalist resistance by Oromos, Somalis and Eritreans since the early 60s; peasant uprisings in Tigray in the 40s, Gojjam and Bale in the late 60s and early 70s.[28] Resistance was exerted both by forces that he had suppressed and by forces that he had unleashed. Nationalist struggle was a reaction against the sup- pression of national and regional identity as well as the encroachment on land often by people from other nationalities. Peasant revolts were directed against the growing burdens of taxation and tenancy, highhandedly administered by of- ficials appointed or backed by central government. Though these movements of resistance could only be controlled by military force, they did not pose a threat

27 Eli Ginzberg and Herbert A. Smith.1967. *Manpower Strategy for Developing countries: Lessons from Ethiopia.* New York: Columbia University Press. P. 162. The study shows that most schools were concentrated in Addis Ababa and Eritrea. The number of schools in Gojjam, Gomu Goffa, Harrar, Sidamo, Tigray and Wello was below the national average. Rural education everywhere was a disaster.

28 On rural revolt see Gebru Tareke. 1991. *Ethiopia: Power and Protest.* Cambridge: Cambridge University Press.

to the Emperor's grip on power. The disruptions in Eritrea, Gojjam or Bale did not spill over into the rest of the empire. Military might was sufficient to pacify unrest and to arrest its spread. The Emperor could even afford selective surrender to regional demands as he did in Gojjam, where he withdrew an attempt to levy a new agricultural tax.

The opposition from groups cultivated by Haile Sellassie himself posed a different danger. The 1960 coup exposed the vulnerability of autocracy to mili- tary insurrection. Still, imperial authority remained uncontested. Even the archi- tects of the coup, who sought the support of the crown prince and his succession to the throne as a constitutional monarch, did not envision a united Ethiopia without the crown. Yet their effort to overthrow Haile Sellassie showed that ef- fective exercise of imperial power depended on the military. The fact that more than a quarter of the budget was allocated to the armed forces and the security was a measure of the growing reliance of imperial authority on military power. The coup failed only because it was not backed by the entire military. The impe- rial bodyguard, which launched the coup, was opposed and defeated by the army and the air force. Yet the coup was not just a failed conspiracy. It shattered Haile Sellassie's façade of invincibility. For the first time a modern, urban group had spoken in a national voice about the country's intolerable backwardness, unfree- dom and poverty.

A group immediately inspired by the soldiers and their cause was univer- sity students. Beginning in the mid-60s, student protest gave coherent public ex- pression to the discontent felt in different segments of the population. Students fought for the right to free speech, assembly and organization. Under the banner of "Land to the Tiller" they agitated for radical agrarian reform. By championing the right to self-determination, they defended the equality of nationalities and religions. Vehement public action by students in support of these ideals vividly depicted the evils of the empire. While the Emperor returned to business as usual after the defeat of the 1960 coup, the student movement of the 60s and 70s set the country's political agenda for the rest of the century.

This array of opposition forces came into play during the nine-month period of crisis in 1974 leading to the Emperor's downfall. The crisis was precipi- tated by a famine that affiicted Wello in 1972-74.[29] The famine was a dramatic manifestation of official neglect of the peasantry even in times of desperation. There was no effort by the government to offer help even though there was no crop shortage in the country: grain from Wello was being sold in Dessie, Wello's capital, and in Addis Ababa. By denying and concealing the famine, the gov

29 Amartya Sen. 1981. *Poverty and Famines*. Oxford: Clarendon Press, Chapter 7.

ernment also prevented the delivery of international relief. Government neglect and heartlessness was brought to the public's attention by students and teachers. Blame for the willful starvation of tens of thousands of peasants was in the end placed directly on the Emperor.

What triggered public defiance of the government was a mutiny in a gar- rison at Negelle in January 1974 to protest living conditions. Noncommissioned officers arrested their seniors. The mutiny soon spread to Bishoftu, where the air force was stationed, and in time to all parts of the country where the army was garrisoned to battle nationalist and regional movements. The mutineers de- manded improved living conditions, pay raises, better military supplies and the removal of corrupt officials. In the meantime, protest and disobedience was un- derway in Addis Ababa. In mid-February, teachers and students went on strike for higher teachers' salaries and against a proposed educational plan, which was perceived as a scheme to reserve access to education beyond the fourth grade to children of the well-advantaged. There was also a strike by taxi drivers to protest the government's refusal of higher fares, following a 50% rise in fuel prices forced by OPEC.

Through agitation, particularly by students, by the end of February the focus of these demonstrations over deteriorating working and living conditions became official ineptitude and corruption. Granting pay increases and curb- ing prices of fuel and other essentials, measures that the Emperor had ordered, seemed insufficient to allay the intoxicated crowds of February. On 27 February Aklilu's cabinet was forced to resign, and a new cabinet was appointed under Endalkachew's leadership.

Endalkachew aimed to introduce political and social reforms. The prime minister's plans for reform were frustrated by students and workers, who insisted on immediate radical change. Student opposition to Endalkachew and his re- formist agenda started at the beginning of his term and remained unabated until the end. The Confederation of Ethiopian Labor Unions mounted a general strike only a week after Endalkachew's appointment, on the day after he went public with his proposals for reform. In the following months, the new government was plagued with a series of public demonstrations. For example, 100,000 marched in April to protest discrimination against Muslims. In order to carry out his reforms, Endalkachew needed military support against civilian resistance and unrest. To win the military over, he gave in to their demands to bring previous officials to justice. Many prominent members of Haile Sellassie's regime were placed under detention.

The evident unpopularity of Endalkachew's reforms among the organ

ized urban population together with his growing dependence on the military emboldened the armed forces to assume leadership of the movement for sweeping change. In June, representatives from the various branches of the military met and formed the Coordinating Committee of the Armed Forces - the Derg. The Derg dismissed Endalkachew in July and replaced him by Michael Imru, who briefly served as a figurehead. In August and September, the Derg openly campaigned against the emperor. Finally, on September 11 the Derg, now called the Provisional Military Administrative Council and headed by General Aman, deposed Haile Sellassie.

The fall of the Emperor and the end of his empire was a collapse from within. The Emperor did not suffer military defeat. Indeed, no one came forward to defend his regime. He had himself disarmed all the supporters of the old or- der. In the crisis that finally swept the Emperor away, he succumbed to forces he had created to achieve a centralized autocracy. By 1970, the Emperor's survival was in the hands of the army. The urban upsurge of 1974 was able to overcome the monarchy only with the blessing of the military. But without students and other civilian advocates of radical change, it is not likely that the military would have had the political will to turn against the crown. At each critical turn in the crisis of 1974, students persuaded the public that there was no option but to go on in order to win political freedom, land reform and equality of religions and nationalities.

The government that supplanted Haile Sellassie perpetuated his quest for centralization. The overthrow of the monarchy offered an opportunity to reconsider Ethiopia's imperial status and to redress the plight of aggrieved cultural communities, who increasingly saw themselves as captives of the empire. Despite declarations of cultural equality and occasional gestures in the direction of cultural autonomy, the successor regime showed little sign of a political will to seize this opportunity. Instead, the commitment was to a unitary state in order to uphold what was called the "indivisibility of Ethiopian unity". Ethiopia Tikdem or Ethiopia First, a leading slogan of the new regime, asserted the priority accorded to an inclusive national identity. The military government never acknowledged the legitimacy of Eritrean nationalism; it rejected all proposals for the reinstate- ment of federal ties with Eritrea, General Aman Andom, elected spokesperson for the ruling military group, was killed in November 1974 for seeking reconcili- ation with Eritrean nationalist movements. In the same month, a law was passed making any action challenging the integrity of the state -- for example, voicing a demand for secession -- an offense punishable by death.

Under the new regime, the organs of the state firmly established by the

Emperor -- the bureaucracy and the military -- were vastly expanded. For in- stance, Haile Sellassie's army of about 45,000 grew tenfold to 450,000 regulars and militia by 1990. But the military government was not a larger incarnation of Haile Sellassie's empire. Under its rule, the nature and scope of the centralized state underwent great change. The military regime exercised close control over economic and social life. To realize its aim of total control, from the start the new regime made extensive use of mass terror, mass mobilization and mass organiza- tion.

The military government's first significant act was the execution of the former public officials under detention and the killing of General Aman in No- vember 1994. This inauspicious start foreshadowed the Derg's determination to do away with its enemies, including erstwhile allies. In the aftermath of the bloodshed, the government moved quickly to launch fundamental changes in order to live up to its promises to its civilian partners as well as to find social sup- port for itself. A commitment to socialism was declared in December 1974. 1975 witnessed sweeping measures of nationalization. By far the most significant and lasting step was Proclamation 31 of March which decreed the nationalization of all rural land and the establishment of peasant associations, with authority over land redistribution, administration of law and internal security. 60,000 students were mobilized to march to the countryside in order to help organize the peas- antry. At one stroke control over land and tenants enjoyed by landlords, particu- larly in the south, was abolished; governance of rural Ethiopia was largely left to peasants. Private financial and insurance companies were also taken over by government. In addition, the state took possession of industrial firms, including foreign-owned companies. In July, urban land was nationalized; rental housing was expropriated. Kebelles, an urban counterpart of peasant associations, were formed. By the end of 1975, the state thus owned all basic resources of the coun- try, thereby imposing governmental control over the economic and social life of every single citizen.

In the next few years, the military's attention centered on the consolida- tion of its political power. Except for the war with Somalia and the ill-fated peas- ant march on Eritrea, the Derg was now consumed by fights with the urban op- position. Since the military and the urban opposition shared a socialist ideology and tended to undervalue the political importance of national identity, the chief point of contention was the establishment of civilian rule. There were no signs that the Derg was prepared either to transfer power to a civilian government or to countenance any civilian opposition. A civilian commission of inquiry on allega- tions against previous public officials was suspended; a draft constitution

providing for civilian rule was rejected. The Derg prohibited strikes and demonstrations; organized labor was suppressed. But neither these repressive steps nor military championship of the radical reforms put forward by the civilian opposition arrested the movement for a civilian government. In a May Day demonstration in 1975 there was a call for immediate civilian rule which the military answered with fire.

The opposition to a military government was led by the Ethiopian People's Revolutionary Party (EPRP), which advocated a people's democratic republic. EPRP commanded wide support in organized labor and among urban youth. Discouraged by government intransigence over civilian rule as well as by a crackdown on labor and students in mid-1976, EPRP took up urban guerrilla tactics. EPRP assassinated Derg officials and leaders of organizations willing to work in co-operation with the Derg, notably, Meison. An attempt on Mengistu's life was blamed on EPRP.

The military's reaction to EPRP's militant challenge was ruthless. The Red Terror, a systematic campaign of killing and brutality, was formally declared in April 1977 by Mengistu. A slogan of the campaign was: "For every revolutionary killed, a thousand counter-revolutionaries executed."[30] Between November 1977 and May 1978, the government targeted EPRP members and urban youth. Over 30,000 were imprisoned in Addis Ababa alone. The prisons instituted a meth- od of interrogation carried out under systematic torture. There were numerous mass massacres of students. Children were routinely imprisoned or killed for the crime of reading a leaflet issued by EPRP. Bodies of the executed were daily seen on the streets, with notices on their backs proclaiming that they were victims of the Red Terror. The terror spread to provincial towns such as Gondar, Makelle, Nazreth and Harrar. In Addis Ababa, an estimated 10,000 youth were executed. With so many jailed, tortured and executed, no one was brought before a court. The merciless use of naked force crushed EPRP. Many EPRP members and urban youth went into exile or joined EPRP's army in the countryside. The government also attacked the other powerful socialist organization, Meison, in the summer of 1977. Meison worked within the government and had shown co-operation in the Derg's deadly campaign against EPRP. However, the Derg was apprehensive of the co-option of mass organizations such as peasant associations, Kebelles and the militia by Meison. Meison's leadership was killed or apprehended, and the organization soon fell into complete disarray. By 1978, left opposition to the Derg was vanquished in the cities. Since the unrestrained violence unleashed by the Derg was altogether disproportionate to the threat posed by opposition from

30 Cited in Rene Lefort. 1983. *Ethiopia: An Heretical Revolution*. London: Zed Books. p.142.

the left, the impact of the Red Terror went far beyond its victims and their immediate families. The fear instilled by the atrocities of the Red Terror silenced urban civilian opposition to the Derg. The Derg also eliminated those in its own ranks who urged conciliation with the opposition and its demands. Among the executed were: General Aman Andom in November 1975; Colonel Sisay Habte in September 1976; General Tafari Banti in February 1977; and Colonel Atnafu Abate in November 1977. In 1978, Mengistu Hailemariam became the uncon- tested leader of a military tyranny free of any urban opposition.

With the entrenchment of power, the Derg was positioned to combat its nationalist foes organized in the countryside. The Eritrean People's Liberation Front (EPLF), which controlled the road between Assab and Massawa, tried to capture the port at Massawa in December 1977. EPLF'S attempt was decisively repulsed by the military government. But the offensive against Eritrea started in earnest with the redeployment of troops from the Ogaden in mid-1978. The campaign combined intensive bombardment with a series of large ground offen- sives. By 1978, the government succeeded in defeating the Eritrean Liberation Front (ELF) and in pushing EPLF into the Sahel. The Derg continued with mas- sive and costly assaults on Naqfa during 1979. After a lull during 1980-81, the government decided to break the stalemate by a campaign to capture the Sahel mounted in January 1982. The Red Star campaign, with various fronts both in Tigray and Eritrea, was led by Mengistu. The chief target, Naqfa, was subjected to intense bombardment, followed with successive assaults by over 100,000 men. In the end, the government failed to capture Naqfa. After heavy losses, the cam- paign was called off in June. There were few large - scale engagements in 1983 until an EPLF offensive succeeded in capturing Tessenay in January 1984.

With the war at a stand off, famine struck the north during 1983-5. Though the lack of rains in 1983 and 1984 resulted in a major crop failure, the offensives of 1978-82 certainly contributed to the famine. The massive flow of refugees, the disruption of trade and migrant labor, the burdens of feeding an enormous army, the compulsory conscription of able manpower, the human and ecological disaster of saturation bombing all jeopardized the production and circulation of food.

The famine was the culmination of disastrous agrarian policies. The na- tionalization of land and its redistribution through peasant associations resulted in smaller holdings. Most of the available fertilizer, improved seeds, and farm machinery was allocated to state farms, which accounted for less than 5% of total production. Farmers working with stretched traditional means on dimin- ished plots produced reduced yields. Thus, after the land reform, total agricul

tural output steadily declined. And since peasants were relieved of grain payments to landlords, their greater consumption meant that less of the harvest reached the market. A disincentive to consumption was the new quota system imposed by the Agricultural Marketing Corporation (AMC) established in 1976. Through the peasant association, each peasant was required to surrender a fixed amount to the AMC. In times of stress many were unable to meet the quota: some were forced to sell essentials or to abandon their farms in favor of work- ing as wage-laborers on state farms. A growing percentage of the grain collected through the quota system went to the army. The AMC also placed severe restric- tions on the free exchange of grain. In the early eighties, the price of agricultural commodities was fixed by the AMC. Peasants were forced to sell to the government at rates far below the market price. In addition, the government exacted a wide variety of new tax payments from the peasantry: membership fees to peasant, youth and women associations; monetary and labor contributions for public services such as roads, schools and relief. In the end, what the government exacted from peasants exceeded previous tenant transfers to landlords. Amid declining agricultural produce and peasant impoverishment, the drought-stricken population was defenseless against famine.

When famine broke out in 1983-84, the government was preoccupied with elaborate preparations for a celebration of the tenth anniversary of the rev- olution, when the foundation of the Workers Party of Ethiopia was to be an- nounced. Afraid that news of the famine would cast a cloud over the festivities, the government was unwilling to acknowledge the calamity, and refused to hear the pleas of its own concerned officials and those of international observers. It was only after the celebrations that the government turned its attention to the famine, which by then was taking ten thousand lives weekly. The government's corrective actions were true to character: mass coercion and mass mobilization. It prohibited delivery of international relief to areas under the control of libera- tion forces. People in these areas were compelled to rely on cross-border opera- tions organized by the liberation fronts. Food was also used as an inducement to recruitment. The government then launched an ambitious campaign of resettlement.[31] Six hundred thousand people were forcibly uprooted by 1986. They suffered family separation and disease. As a result of crowding and exposure to unfamiliar environments many lost their lives. The massive destruction of community life was intensified when the government undertook its program of villagization in 1985. Villagization required peasants to abandon their hamlets and homesteads in order to move into crowded settlements amenable to govern

31 See Alula Pankhurst. 1991. Resettlement: Policy and Practice. in S. Pausewang et.al. eds., *Ethiopia: Optio,ns for Rural Development*. London: Zed Book.

mental control. Through these coercive measures of mass mobilization and organization, the Derg exploited the famine in order to isolate the population and to bring it under firm government control. In the course of this effort, the line between counterinsurgency and standing public policy was increasingly blurred. At times the government seemed set on building what might be called a war so- ciety - a society where the overriding aim of all institutions and their members is the conduct of warfare. Ironically, coercion and regimentation proved advanta- geous to the liberation movements, for predictably they alienated the peasantry from the Derg.

With the end of the famine in 1985, the government launched extensive air and ground offensives over the next few years in order to take control of the towns in Tigray and Eritrea. But gradually it became clear that the liberation forces were gaining the upper hand in the war in the north. Closer military co- ordination between TPLF and EPLF coupled with greater readiness for conven- tional warfare turned the liberation fronts into a formidable military force. For the Derg, 1988 was the beginning of the end. The EPLF, which had overcome the encirclement and defeated nearby garrisons by 1987, scored a major victory at Afabet in March 1988. The EPLF captured tanks and heavy artillery. In the meantime, the TPLF managed to throw out the government army from Axum, Adwa and Shire. The newly formed Ethiopian People's Revolutionary Democrat- ic Front (EPRDF) forces proceeded to Wello and northern Shoa. As the EPRDF consolidated its position in Gondar and Wello during 1990, EPLF succeeded in capturing Massawa in February of that year. The government responded to de- feat with indiscriminate bombings of Massawa, a policy of wanton destruction previously seen during the evacuation of Tigray.

In early 1991, the war moved south. In February, EPRDF mounted Op- eration Tewodros aimed at the liberation of Gondar and Gojjam. EPRDF, with mechanized support from EPLF, rapidly overrun the government army. The tri- umph of operation Tewodros was immediately followed by an offensive in Wol- lega and by Operation Wallelign in Wello during April and May respectively. Lekemte in the south, Dessie and Kombolcha in the north were captured. With the defeat of the government army at Ambo, nothing stood in the way of a march into Addis Ababa. On 21 May, Mengistu fled to Zimbabwe. On the heels of his flight, his huge army dispersed.

The tyrannical military regime came to an ignominious end. The regime had deployed a radical ideology, modern techniques of mass terror, mass mobi- lization and mass organization in order to build an impregnable state. State con- trol extended its reach throughout all spheres of social and economic life. The

state's extravagant growth met resistance from the same forces that had opposed Haile Sellassie. Merciless military terror eradicated opposition in the cities. The urban opposition was thus forced to mobilize the peasantry in the countryside. Government repression of the peasantry eased the task of mobilization. Peasants who had surrendered their sons and their produce faced the additional hardship of resettlement and villagization. With the resultant loss of the securities and consolations of communal life, peasants no longer had any reason not to join the opposition. Nationalist movements were therefore gradually able to assemble peasant armies capable of engaging the Derg in conventional warfare. Unlike Haile Sellassie's government, the military regime did not fall under the pressure of a nonviolent urban upsurge. Instead, military rule was overcome through pro- tracted rural warfare, ending in the Derg's utter defeat. By the time the national- ist liberation armies were ready to seize the cities, the military government had ceased to exist.

Prior to EPRDF'S entrance into Addis Ababa, the US convened the Lon- don talks in late May 1991 in order to determine the terms of a transfer of power. As it turned out, there was little left to negotiate. With US acceptance of Eritrea's right to self- determination, a change of heart from its long held position of oppo- sition to partition, EPLF had no reason to join the talks on the future of power in Ethiopia. The Ethiopian government's delegation, now stranded without a gov- ernment to represent, withdrew from the talks. The US was left with the modest task of reaching an understanding on the nature of transitional rule with EPRDF and the Oromo Liberation Front (OLF).

The conditions that cleared the path to a transfer of power indicate why federalism figured centrally in the transition from a dictatorial to a democratic order. It is possible to underestimate the historical constraints to which EPRDF was subject in approaching the task of transition. Impressed by the utter defeat of the military regime, it is tempting to suppose that EPRDF could dictate a po- litical settlement. Although there was no need to reach an understanding with the vanquished government, it was difficult to avoid negotiation with powerful nationalist movements that had not joined the coalition formed by TPLF - for example, the OLF, which represented a third of the population with a substantial presence in all but two regions. Even if EPRDF could militarily prevail over na- tionalist movements outside the coalition, a democratic transition was unthink- able in the absence of terms for a shared political life that would be agreed to by all cultural communities.

The reasons of history that EPRDF could not afford to overlook at the transition were various. First, Eritrean independence was a foregone conclusion.

EPLF had fought for independence for nearly thirty years; it was hardly likely that it would abandon this aspiration upon triumph. Most Eritreans had come of age during the years of struggle, and had no experience of amicable ties to Ethiopia. A retreat by EPLF from independence would court a real danger of loss of legitimacy in the eyes of a populace that had incurred exacting sacrifices in the war of independence. Second, TPLF and, later, EPRDF had supported Eri- trea's right to secession. Military alliance between EPLF and EPRDF in the war against the military regime was possible, in spite of many differences between the two movements, because of agreement on the fundamental question of Eritrea's right to independence. TPLF itself had waged a long war to win self-rule for Tigray. Thus, when the war concluded and consultations on the orderly transfer of power were convened in London in May 1991 by the United states, all the po- litical organizations summoned -- EPRDF, EPLF, OLF -- represented nationalist movements. During the Peace and Democracy Conference held at Addis Ababa in July 1991, the vast majority of participants were nationalist organizations, with political programs upholding the right to self-determination. The few political organizations without a nationalist political agenda lacked organized constituen- cies. In this gathering, EPLF was an observer rather than a participant, thereby going public with Eritrea's decision to exit from Ethiopia.

Within this assembly, EPRDF could not vote for a unitary state without provoking disarray in it own ranks and among representatives of diverse cultural communities, whose withdrawal from the new government would pose an im- mediate threat to the very survival of Ethiopia. Those in the assembly who had fought against great odds to lead their own lives by their own lights were not at all prepared to entrust their fate to anyone. A conference agreed on a referendum to decide Eritrea's independence could not possibly deny self-determination to peoples within Ethiopia without a blatant deployment of double standards. The National Charter, a transitional constitution endorsed by the conference, there- fore, predictably recognized self-determination and secession as entitlements belonging to Ethiopia's territorially based cultural communities. The definition of self-governing ethnic regions mandated by the Charter was executed by Proc- lamation No. 7/1992 that demarcated their boundaries. The history and identity of the protagonists that emerged in the wake of the victory over tyranny thus explains why federalism proved to be a decisive political instrument in Ethiopia's transition to democracy. Affirmation of the equality and freedom of the peoples of Ethiopia enabled the leading agents of political change to embark on a transi- tion to democracy not haunted by the specter of fragmentation or intercommu- nal confrontation.

Constitutional Arrangements

Reasons of Principle for Ethiopian Federalism

What are the basic elements of federalism in the new Ethiopian constitution, and just how do they subserve the values of constitutional democracy? In answer- ing this question, it is important to attend not only to constitutional provisions that explicitly address federalism but also to provisions, without direct reference to federalism, whose justifying aim is federalist. The full scope and rationale of ethnic federalism emerges if we avoid a clausebound reading of the constitution in order to bring together the salient connections among its ostensibly distinct parts.

The first article states that the "Constitution establishes a democratic fed- eral structure." Chapter II, which enunciates the fundamental principles of the constitution, identifies the seat of sovereignty. Article 8, 1-3 reads: "All sovereign power resides in the nations, nationalities and peoples of Ethiopia; this constitution is an expression of their sovereignty; they exercise in accordance with this constitution their sovereignty through their elected representatives and through direct democratic participation." In these articles, the constitution affirms a commitment to the ultimate sovereignty of "the nations, nationalities and peoples of Ethiopia." The state is a union formed through the free consent of each of the nations, nationalities and peoples. If government abuses their right to self- government through their elected representatives or through their direct democratic participation, they are entitled to reassert their powers of sovereignty by changing or abolishing government. This collective right of nations, nationalities and peoples is nowhere starker than in Article 39:1: "Every nation, nationality and people in Ethiopia has an unconditional right to self-determination, including the right to secession." According to the constitution, once a decision to secede is reached in a given regional sate, the federal government is obliged to hold a referendum in that region within three years. If secession receives a simple majority vote in the referendum; the region goes its own way following a division of assets. It is no exaggeration to say that Ethiopia's cultural communities now enjoy a unilateral right to secession. Thus the foundation of the Ethiopian state as well as its continuance now require the consent of each Ethiopian nation, na- tionality and people. The importance of this collective right and the strictness of the unanimity condition it imposes on the sovereignty of the federal state is underlined by the constitutional provision stipulating that the right to secession is not derogable during national emergencies. The demands of internal sovereignty take precedence over the demands of external sovereignty, the state's independ- ence from external threats to its authority.

The national regions hold extensive entitlements in the ordinary exercise of power by the federal government. With a parliamentary form of government, the legislative is the chief organ of federal power. Since virtually all electoral dis- tricts are drawn within ethnically defined constituencies, with the exception of the federal capital and large cities, the legislative is made up of representatives of the regions. A law cannot be enacted or a chief executive elected that is hos- tile or indifferent to the interests of sub-national groups. In addition, cultural communities are granted a right of special representation to a second body of parliament, the House of Federation. Though the House of Federation is not a legislative body, it exercises fundamental powers of government. When consti- tutional disputes arise, it has the ultimate authority to decide what the consti- tution requires. Apportionment is also under the jurisdiction of the House of Federation. Binding decisions on the division of power and resources between the federal state and regional states as well as among regional states are therefore made by the House of Federation. In addition, regional states exercise extensive rule within their respective territories. A state is entitled to frame and ratify its own constitution, to enact legislation, to form its own assembly and judiciary, to elect its own officials, to choose its official language, to run state education, to levy taxes, to establish a state police force. To guard against a robust central state's infringement on the rights of incipient regional states, the constitution prohibits the delegation of power by states to federal government.

Though the constitutional right to secession is, no doubt, striking, what is otherwise distinctive about federalism may not clearly emerge from the rich ar- ray of collective rights provided in the new constitution. To bring out the distinc- tiveness of the Ethiopian experiment, it is useful to see how it fits a distinction commonly drawn between federal states created through aggregation and those created through devolution, or what Alfred Stepan classifies as coming-together as against holding-together federalism. Following Riker, Stepan sees coming-to- gether federalism as "the result of a bargain whereby previously sovereign poli- ties agree to give part of their sovereignty in order to pool their resources to in- crease their collective security and to achieve others goals, including economic ones."[32] The United States, Switzerland and Austria are examples of this form of federalism. Holding-together federalism is the result of unitary states reaching "the decision that the best way—indeed, the only way—to hold their countries together in a democracy would be to divide power constitutionally and turn their threatened politics into federations."[33] Examples of holding-together federalism

32 Alfred Stepan. 1999. Federalism and Democracy. *Journal of Democracy.* Vol. 10, no.4. p. 21.

33 Ibid., p. 22.

are India, Belgium and Spain. No one, of course, pretends that the types are mutually exclusive so that any federation must belong to one or the other kind. It is, for example, often noted that Germany is a hybrid. German federalism after World War II is plainly devolutionary. Yet, German unification in the nineteenth century was a matter of coming together. The shape of the post-war arrange- ment as well as its ready acceptance owes much to the earlier German experi- ence. Divergent conceptions of Ethio-Eritrean federation as coming-together or holding-together federalism was one cause of its instability and its ultimate fate. However, the existence of mixed cases does not mean, here as elsewhere, that the distinction cannot contribute to a comparative assessment of federal states that highlights the peculiarities of each. Though the distinction is one of pedigree, the difference in pedigree is of interest because of its connections to differences in constitutional principles and institutions. For example, Stepan urges that com- ing-together federalism tends to impose constraints on government and the ma- jority, and to grant the same central powers to regional government. In contrast, holding-together federalism encourages central government and majority rule; it, in addition, favors asymmetrical distribution of central power among states.

Although Ethiopian federalism was born in the wake of a long-standing unitary state, the constitutional principles governing federalism exemplify fea- tures characteristic of coming-together federalism. We already took note of the fact that the constitution vests ultimate authority in the nations, nationalities and peoples of Ethiopia. The important Preamble to the constitution opens with the following statement: "We, the Nations, Nationalities and Peoples of Ethiopia [are] strongly committed, in full and free exercise of our right to self-determination, to building a political community founded in the rule of law and capable of ensur- ing lasting peace, guaranteeing a democratic order and advancing our economic and social development." The Preamble makes it plain that the constitution is a covenant among Ethiopia's ethnic communities. The wider political community is created by their decision to authorize the federal state through a transfer of some of their sovereign powers. The pedigree of the Ethiopian state as a case of coming-together federalism finds reflection in other features of its constitutional structure. The priority of state sovereignty over federal sovereignty is upheld in Article 52.1: "All powers not given expressly to the Federal Government alone, or concurrently to the Federal Government and the States are reserved to the States." There is great variation in size and endowment among Ethiopian communities. Of the present nine members of the federation, even if Harrar is excluded as an exceptional case of a city-state, Gambella has a population of less than 200,000 whereas Oromia's is over 18 million. Despite such wide disparities,

Article 47.4 provides that "Member states of the Federal Democratic Republic of Ethiopia shall have equal rights and powers." Ethnic communities enjoy equal rights of self-government in their respective territories. In the federal sate, they are equals in respect to the right of entry and exit.

Is this self-image of the new Ethiopian political order as a coming-to- gether federalism a constitutional fiction? Although some ethnic communities were autonomous during stretches of Ethiopian history, none was an independ- ent political community at the time of federation. The federal constitution was not the creation of preexisting states resolved to pool their sovereignty. None- theless, the federal constitution's self-portrait of its creation is not altogether a fiction. With the defeat or exile of multinational political organizations, the chief political actors at the transition were representatives of ethnic communities. All ethnic political organizations asserted the right to self-determination, including independence. In Tigray, the struggle for self-rule had become a practical reality while the military government was still in power. The administration of justice and the provision of public services was under the authority of TPLF. Well before the transition, Tigray saw itself as a de facto independent political community. Tigray under TPLF was more of a de facto independent political community than Eritrea, where EPLF did not exercise complete control until the collapse of the military regime.

In its effort to carry the struggle beyond Tigray, TPLF did not merely draw on its success but on a consistent pursuit of the principles it had followed in Tig- ray. Before and after its ascendance to power, TPLF championed ethnic political organizations. In forging alliances with emergent organizations, TPLF respected their organizational autonomy. In collective decisions, equality of representation was recognized. Affirmation of the independence and equality of ethnic com- munities and organizations appealed to many among whom ethnicity had al- ready found political and organizational centrality. TPLF's way of extending its reach was not dictated by pragmatic considerations alone. TPLF urged national self-determination for ethnic communities within Eritrea, thereby challenging EPLF's policy of fostering inclusive nationalism. The spread throughout Ethiopia of TPLF's convictions and practices on the enfranchisement and equality of eth- nic communities resulted in the rejection by all political agents of any political unity imposed through coercion. Thus, as the transition approached, the unitary state had lost all legitimacy in the eyes of all cultural communities and their po- litical leadership. When the nationalist groups were finally ready to assume state power, the unitary state had ceased to exist. In the absence of the unitary state, ethnic communities and their political representatives were free to reconstruct a

shared political community anew. Federalism in Ethiopia is a coming-together federalism because its advent was the result of a revolutionary overthrow of the unitary state.

Although the Ethiopian experiment has telling features of coming-togeth- er federalism, there are other aspects of the constitutional arrangement that re-semble holding-together federalism. The Preamble expresses a commitment by all members "to live as one economic community." According to Article 51.2, the federal government has the power "to formulate and implement the country's policies, strategies and plans in respect of overall economic, social and devel-opment matters." The House of Federation, whose membership consists of del-egates of the regional states, is not based on equal representation: more seats are given to more populous nationalities. In any case, the House of Federation has no powers of legislation. Nor does it have the power to veto legislation passed by the House of Peoples Representatives. Its only power over legislation is indirect, arising from its authority as the body with the ultimate power to interpret the constitution. The House of Federation decides disputes over the constitutionality of federal or state law. The rest of its powers concern member states. According to Article 62.1: "It shall, in accordance with the constitution, decide on issues relat-ing to rights of Nations, Nationalities and Peoples to self-determination, includ-ing the right to secession." It also has the responsibility to settle disputes between states. More importantly, the House of Federation can order federal intervention in a sate that poses a threat to the constitutional order.

Under Ethiopian federalism, the power of states to make or unmake in- clusive legislation and policy is limited. The center's dominance, owing to the holding-together elements of the constitution, is counterbalanced by the member states' right to exit. In case the federal state either does not honor the symmetrical rights of member states in their own territories or pursues discriminatory or det- rimental policies, a member state has a choice to secede. This, however, does not seem to be an effective state constraint on federal power over the course of ordi- nary politics, unless the contest is over an issue where state government has the support of most state citizens. Otherwise, secession checks federal government from overstepping constitutional bounds. The dominance of the center furthers efficacious choice and implementation of laws and policies. The constitutional di- vision of power can also be seen as an attempt to strike a balance between partici- patory and representative democracy. In member states, where self-government is further devolved to zones and districts, citizens can play an active role in mak- ing and executing decisions that affect their daily lives. Representative, majoritar- ian democracy holds sway in federal government.

The anomalous fit of Ethiopian federalism in the distinction between coming-together and holding-together federalism has to do with the peculiari- ties of ethnic federalism: ethnic communities are the ultimate agents and bear- ers of rights. The paradigm of a coming-together federal sate is an agreement of free and equal political communities to form a shared political community that preserves their distinctness. Ethiopian federation fits this paradigm since it is an agreement between free and equal ethnic communities to join a political commu- nity that protects their distinctiveness. The difference is that an ethnic communi- ty, unlike a political community, lacks a well-defined jurisdiction. The territorial boundaries of the regional states were drawn after the decision to form a federal state. The original boundaries were changed after a decision by southern ethnic communities to form a single regional state. Indeed, the constitution does not regard its present member states as permanent, and accordingly permits changes in their boundaries: "Nations, Nationalities and Peoples within the States … have the right to establish, at any time, their own State." (Article 47.2) The fact that ethnic communities lack clear territorial or other jurisdiction means that there are few prior constraints on the powers of the center in the creation of federalism. Cultural autonomy and equal powers of self-government in their own territories are the only pre-commitments to cultural communities in deciding on the scope of central authority. These constraints, however far-reaching their consequences, are compatible with a robust central state provided in the Ethiopian constitution. If correct, this conclusion should give pause to many critics of Ethiopia's federal- ism who charge that it has achieved peace at the price of political fragmentation. To appreciate the wider importance of federalism it is essential to look beyond the principles of sovereignty, self-determination and self-government that reconstruct the Ethiopian state and redraw its internal bounds. Other principles that do not obviously speak to the question of nationalities are ultimately tied to ethnic federalism. A notable case is the right to collective ownership of land, the only right, other than the right to secession, championed by EPRDF and opposed by a sizeable minority in the making of the new constitution. Article 40.3 holds that: "Land is a common property of the nations, nationalities and peoples of Ethiopia and shall not be subject to sale or other means of transfer." The minority position instead advocated a private property regime in land.

The dispute over whether ownership of land should be an individual or collective right, unlike the controversy over federalism, generated division only within the formal constitutional process: the public was not eager to take sides. There are many reasons why the question of land ownership failed to excite pub- lic passion. For one thing, the majority position on land was a defense of the

status quo. Equanimity in the face of continued collective ownership expressed what is called adaptive preference formation: preferences change to conform to available options.[34] Forced to live for over a decade without private ownership, people had minimized frustration by tailoring their economic lives to suit accessible forms of ownership and production. Federalism, on the other hand, marks a drastic departure from the status quo. Federalism was bound to be unsettling for a country that took pride in its status as an independent, unitary state, a self- image nourished and defended for a century in political life and for far longer in imaginary life. Differences in the expected outcomes of collective ownership and ethnic federalism as well as in the attitudes they elicited masked deeper connections between the two constitutional principles.

Another reason why private land ownership did not find popular support was that it was far from clear that its institution would restore the status quo ante. An effect of the military's rural reforms was the irreversible transformation of tenancy, particularly in regions where private ownership in land had been domi- nant. Nationalization of rural land involved the dispossession of large landown- ers and the permanent dissolution of their estates. The restoration of original ownership rights in rural land was not therefore a practicable possibility. Aside from the peasantry, there was no social class with expectations of immediate gain from individual ownership of land. Even the potential benefits to peasants were difficult to determine. A peasant's control over his land under collective owner- ship is considerable: to use, to lease and to bequeath. The short-term marginal gain from the additional right to sell balanced against the gain from the right to lease cannot be great where the average holding is too small to make any perma- nent transfer beneficial even in times of difficulty such as drought and famine. The economic debate in the constitutional process was at bottom over the long- term effects of the sale of land on development. The distant consequences of in- stitutions are highly controversial: nobody could confidently predict the future winners and losers in the choice of a scheme of land ownership.

There are, however, political considerations that pertain to a principled defense of the decision on who controls land. A classic case for the right to pri- vate property is that it would enable the citizen to enjoy independence from government. Suppose this political argument is accepted, does it uniquely favor individual or collective ownership? The impression that it evidently does arises from the uncritical assumption that the sole alternative to individual ownership is a single system of collective ownership under a unitary state. This overlooks the possibility that the collective right may be held by agents independent of the cen

34 Jon Elster. 1981. *Sour Grapes*. Cambridge: Cambridge University Press, III.

tral state. In this case, whether individual or collective ownership affords greater protection against government is an open question.

There is reason to think that collective ownership by nations, nationali- ties and peoples under ethnic federalism erects a justiciable constitutional right against intervention by central government. After all, in private property, fed- eral democracies such as Canada, the collective property rights of territorial mi- norities constrain private property rights upheld by government. The right to secession imparts still greater weight to collective property rights in Ethiopia. To confer the right to secession on national communities is to grant that a regional state's collective property rights take priority over the property rights of outsid- ers – nonmembers and federal government—in the region. What is now held by nonmembers can be legitimately taken by a seceding state. There will be compen- sation for what is taken, but the taking is involuntary. However, if what belongs to nonmembers happens to be so large as to make a compensated appropriation forbidding or impossible, secession would be a right that cannot be exercised.

In federalism that includes an effective right to secession, there is there- fore a compelling case for collective ownership of land by regional communities. Once collective ownership is in place, nationals and communities of a regional state are capable of independence from federal government. What further tips the scale in favor of collective ownership of land in Ethiopia is the country's glar- ing poverty. Most have limited economic endowments: a small plot of land is a peasant's only durable asset. In consequence, a right to private property would leave most vulnerable to governmental power. Collective ownership of land pro- tected by a regional state offers a far more powerful weapon against government tyranny over cultural communities and their citizens. A principled defense of the right to collective ownership of land – all too often taken as protection for the economic security of the peasant – rests on the political rights of ethnic federal- ism.

The principal provisions of the new constitution taken together demon- strate a willingness to diminish powers and resources at the disposal of central government and inclusive national identity in order to enhance the authority of constituent parts of the political community and the public presence of their var- ied identities. To achieve this purpose, the constitution breaks old political forms and lays the foundation of new structures in government and civic culture. What is novel in the constitution is not mere decentralization: a delegation of powers, however generous, to the regional states undertaken at the pleasure of a unitary state holding undivided powers of sovereignty. What the new constitution offers instead is devolution of rights to regional states. The newly recognized rights of

regional states are protected by the supreme law from invasion by central government; and, as illustrated by the right to collective ownership of land, the material conditions for the effective exercise of the rights of states are provided by the constitution. A redistribution of power in favor of federal government would no longer be just following wrong public policy, but committing wrongs against the states for which they can claim redress under law.

Though the distinction between decentralization and federalism is clear enough, does it mark a significant practical difference? Is there an aim that fed- eralism serves that is not equally well served by decentralization? One evident point of a federative arrangement in Ethiopia is to allow cultural communities free expression of their collective identities and their particular forms of life – a pressing matter, given the dark history of neglect and subordination of many cultural communities, and the protracted wars of nationalist resistance, culminating in the making of the new constitution. Although the present federative arrangements clearly fulfill these aspirations, it is not at all plain that they could not be satisfied by a distribution of power less stringent than the constitutionally entrenched division of public authority and resources. Indeed, many in Ethiopia opposed to federation were willing to cede choices over schooling, language, and jurisdiction of customary law to cultural communities.

The leading justifying aim of federalism lies elsewhere. Akhil Amar of the Yale Law School puts forward a plausible proposal about its location:

> The best argument for federalism, then, is neither experimentation, nor diver- sity nor residential self-selection but protection against abusive government. Just as competition protects consumers against monopolistic exploitation and competition among political parties protects voters from the insensitivity and oppression characteristic of one-party regimes, and so competition between
>
> federal and local officials can help protect citizens against government tyranny.[35]

Like decentralization, federalism serves experimentation, diversity and residential self-selection; unlike decentralization, federalism also serves democ- racy by deterring government tyranny. Under federalism, cultural and social pluralism form the basis of political pluralism. The important aim of federalism looms large in Ethiopia, because its political culture offers few restraints on gov- ernment tyranny. Long-standing monopoly of political authority together with an economy in the grip of landlords or the central state had stifled sources of political and social competition. The political landscape is still barren of forces

35 Akhil Amar. 1987. Of Sovereignty and Federalism. *The Yale Law Journal* . vol. 96, no 1425. p. 1506

favorable to democratic rule. There are no vigorous opposition parties or a robust free press. Trade unions are enfeebled by high unemployment and high govern- ment employment. Nor is the past alone to blame for the absence of conditions conducive to democratic governance. The parliamentary system embraced in the new constitution eliminates a clear separation of executive and legislative pow- ers. The rejection of judicial review renders the courts an unreliable vehicle of remedy against executive and legislative abuse. In this unfavorable setting for democracy, it may prove easier to understand the distinctive contribution of fed- eralism to self-government. Regional states would be a serious check against the abuses and excesses of central government. The bulwark against government tyr- anny would be the bulk of the population, peasants, usually deemed unfavorably disposed to democratic action and participation.

The measure of federalism's success in the promotion of democratic values under unfavorable circumstances can be seen by noting specific ways in which it helps to overcome difficulties of stable self-government that beset poor societies. Federalism is a barrier to the lawless use of military force. The new constitu- tion places the military under civilian command, and it vests the power to de- clare wars and national emergencies in the legislature. Though important, these and similar provisions are by themselves notoriously mere parchment barriers. More reliable restraints are found in the division of sovereign powers compelled by federative arrangements. Since the legislature is composed of representatives of sub-national communities, it is unlikely that federal government would ever be empowered to wage war against a particular cultural community. The right to self-determination and secession would, in turn, make regions less prone to raise arms in conflicts with the federal government. Moreover, just as demo- cratic states seldom wage war against each other, the possibility of violent conflict between self-governing regional states is vastly diminished.[36] There is also an ef- fort, inspired by federalism, to make the armed forces fully representative of the ethnic composition of the population. This coupled with the provision for police forces under the command of regional states reduces the chances of successful military intervention by federal government against a regional state. A govern- ment entertaining the use of military force in defiance of the regions will have to consider the real possibility of resistance. Perhaps for the first time in Ethiopian history, a ruling party or its opponents cannot usurp or retain the powers of gov- ernment by force. Federalism can be credited with the achievement of the lawful transfer of power, an achievement of democracy that continues to elude many poor societies.

36 See Michael Doyle. 1997. *Ways of War and Peace.* New York: Norton.

A common worry about fundamental political freedoms essential to a democracy is that they have limited worth for the many who are materially disadvantaged in an impoverished society. This judgment may have merit in a unitary state, where the concentration of power allows only well-endowed political elites effective exercise of political rights. A federative arrangement creates public spaces and practices where ordinary poor people can make meaningful use of their fundamental freedoms as citizens. Citizens cannot be indifferent to fair representation of their cultural community in federal organs of government. They have a clear stake in local assemblies and officials making decisions that govern their daily life. Federalism may also help with more controversial, though critical, economic rights such as freedom of hunger. Qualms about allowing that freedom from hunger is a right may arise from skepticism about the possibility of specifying a legal or institutional remedy, particularly amid poverty. However that may be, it is clear that public officials cannot easily ignore or conceal famine in a self-governing regional state without inviting punishment in the hands of their suffering constituency.[37] Federalism's turn to the local thus creates an environment hospitable to political liberty in spite of the ills of poverty.

In a poor society central government lacks the capacity to implement public policy everywhere; its ability for flexibility to accommodate regional and sub-regional differences is highly limited. In the absence of competitive parties and media with country-wide constituencies and audiences, a citizen has few op- portunities to choose and to experiment among different political programs. In a federal arrangement, regional states provide an arena for choice and experimen- tation. In the United States, welfare programs as well as laws protecting labor, women and children were adopted in the states before they found support in fed- eral government.[38] In Ethiopia, regional states have already enacted legislation designed to reform family law for the first time in almost half a century.

Concluding Remarks

The Practice of Federalism

Federalism concluded protracted civil strife fuelled or exacerbated by ethnic cleavage and conflict. The achievement of peace paved the way for a transition to democracy. The recognition of the equality and autonomy of ethnic communities is an important step in the passage to democratic rule. It is a check on the abuses and excesses of political power. Federalism erects a barrier against the forcible transfer of state power. Federative arrangements furnish public spaces and prac

37 See Amartya Sen. 1981. *Poverty and Famines*. Oxford: Clarendon Press.

38 A.E. Dick Howard, Does Federalism Secure or Undermine Rights? in Ellis Katz and G. Alan Tarr (eds.), *Federalism and Rights*, op. cit., p. 17.

tices for the effective exercise of the rights and freedoms of self-government by ordinary citizens throughout a largely rural society. Since all stable multinational democracies are federal, it is not surprising that federalism ushers transitional democracy in Ethiopia.

Nearly two decades of experience with federalism should suffice to enter tentative judgments on whether or not it has fully lived up to its promises. Two important phenomena complicate the effort to appraise the successes and fail- ures of the federal experience: the dominance of the center over the regions in economic life; the status of EPRDF as the dominant party in federal and in most regional political life.

By any measure, the member states are dependent on the federal state for their expenditures. The disparity arises from differences in their sources of revenue. Proclamation 33/1992 specifies sources of federal and state revenue as well as sources over which they have joint power. Sources of federal income in- clude: taxes and duties on international trade; direct and indirect taxes; taxes on transport; taxes on federal property; fees on federal licenses and services. Taxa- tion power of the states includes: taxes on state property; agricultural income tax; fees on licenses and services of state government. Areas of concurrent power are direct and indirect taxes on jointly owned enterprises; income and royalty from forests, petroleum, gas and large-scale mining. In addition, the regional states receive grants from the federal state based on their population, revenue and level of development, which is determined by indices such as food production, size of rural population, industrial capacity, and provisions for roads, schools and hospitals. Under this distributive scheme, the richest sources of revenue belong to central government: all international trade and 88% of indirect taxes. The fed- eral state controls more than 80% of domestic revenue and, with control of most external assistance, about 90% of total revenue. In consequence, member states are obliged to rely on central government to meet their vastly expanded respon- sibilities in public services such as health, education and security. In 1995-96, the highest local contribution to state expenditure by Oromia was 24.4% of the total; the lowest by Afar was only 4.85%. Regional states were dependent on the federal states for all of their capital budget and more than half of their recurrent budget. Can member states effectively exercise their constitutional rights to self- government without fiscal autonomy? Fiscal dependence of the states on central government certainly raises doubts about the wisdom and likelihood of seces- sion, provided that economic viability is a critical consideration in the decision on independence. Particularly in the border states, where separation seems a

practical possibility, the comparatively greater dependence on central govern

ment should restrain the inclination to exercise the right to secession.

Fiscal dependence also bears on the freedom of officials and citizens in autonomous territories. Officials supported by transfers lack economic incen- tives to reach decisions tailored to the needs and preferences of their constitu- ents. Since most of the state budget is spent on salaries of state employees and public services, state officials have little leeway for experimentation. Of course, the fact that officials executing policy are drawn from the local ethnic commu- nity has great symbolic value. It may even encourage citizens to assert their rights and to hold officials accountable. Moreover, justice may be better served in courts conducted in one's own language, regardless of the sources of the revenue for the administration of justice. Still, the fiscal dominance of the center coupled with its constitutional dominance in fundamental choices of law and policy leaves nar- row room for diversity in economic and social life.

Member states chiefly manifest cultural diversity. However, the federal government's dominance limits diversity even in public culture. There is hardly any variety in the content either of teaching materials or of news and entertain- ment programs across cultural communities. School curricula and texts as well as distance education programs in regional languages are, by and large, translations from the original Amharic. Scarce state resources for funding the arts and the interest of authors and publishers to reach a wide public prevents new writing in local languages. The printed press caters to urban readers primarily in Amharic and English. Cultural diversity thus reduces to linguistic diversity.

It is possible to see fiscal dependence in a different light. The predomi- nance of central government in economic and social policy, the constitutional commitment to a single economic community, the exigencies of development all favor or require uniformity in planning and policymaking. This, however, implies that ethnic federalism, aside from the protection of ethnic equality and diversity, consists chiefly in administrative decentralization. What is dispersed to regional states is executive power. If this is correct, the problem is to explain or explain away the legislative and judicial powers that the constitution grants to member states. Legislation of criminal and civil law is almost entirely reserved for the federal state. Enactment of a commercial and labor code is also a federal power. Regional states may be able to legislate in areas under the jurisdiction of customary and religious law. Even this devolution of legislative power centers on the protection of cultural diversity. Other areas such as land, where customary law can figure importantly, do not provide fertile ground for legislation because land is a common or collective asset. At any rate, federal government holds the power to "enact laws for the utilization and conservation of land…" (Article 51.1)

The real power of the states in respect to the law is therefore the administration of justice, not legislation. State judicial power guarantees equal protection of the laws to citizens belonging to different cultures. Lack of fiscal autonomy is not therefore a formidable obstacle to the exercise of constitutional rights to self-rule by regional states, provided they can command sufficient resources to protect their cultures and to carry out their administrative and executive authority. Of course stable fulfillment of this condition may require allocation of a better tax base to the regional states.

It might be thought that fiscal dependence of cultural communities on the federal state and the related dependence of relatively deprived states on well- endowed states and cities fosters solidarity in the wider political community. But such transfers and subsidies were made under the unitary state without creating intercultural solidarity. Still, it might make a difference that the transfers now serve the cultural and executive autonomy of ethnic communities. Does a citizen now have sufficient reason to identify with citizens of the federal community that provide the means for the protection of what the citizen prizes? Mutual identi- fication requires more: outsiders must act with the intention of protecting the equality and diversity of cultures on the belief that the culture has value and is valued by others. However, the belief that a culture or religion is valuable and is cherished by an individual or a community does not generally provide an outsid- er with reasons to make sacrifices for its protection. There is reason to promote a culture belonging to others only if there are independent grounds for identifying with them. Cooperation in the protection of cultural equality and diversity does not engender solidarity; to the contrary, it presupposes solidarity.

Taking stock of federalism in Ethiopia faces another difficulty. EPRDF is the dominant party both in federal and regional government. It is not easy to disentangle either the possibilities and limits of federalism or the scope of contest between federal and regional power from the centralizing influence of EPRDF's overarching power in federal and regional rule.

EPRDF's dominance reinforces the dominance of the center in lawmak- ing as well as in economic and social policy. This does not, of course, mean that the interests of member states are subordinate to those of the federal state. For one thing, most regional states are governed by EPRDF. Moreover, EPRDF is a coalition of ethnic parties with equal powers of decision on federal matters. There is therefore little risk that the federal state will act contrary to the interests of the regional states. The danger of a dominant party is instead that it imposes limits on political pluralism. The experience with ethnic federalism over the last ten years shows pronounced political orthodoxy. State constitutions, plans and

policies are alike, and show few signs of divergence from federal constitution and policy. Ethiopian federalism therefore displays rich cultural diversity without political diversity.

However, it is not obvious whether the absence of political pluralism is best explained by the existence of a dominant party or by the constitutional divi- sion of powers. It was earlier noted that the constitution vests the power of deci- sion on law and policy in the federal state. Regional states mainly enjoy cultural and executive power. The constitutional division of power does not appear to be conducive to political pluralism irrespective of whether or not political power at the center is held by a dominant party. Hence, it is not clear what a regional state under the control of a party opposed to the federal ruling party can do to defy or depart from federal laws and policies. A regional state sharply at odds with the federal state could exercise its political will by recourse to secession. This, of course, would not advance political pluralism.

In its brief life, federalism has been subjected to other, more specific tests. The presence of a dominant party makes it difficult to reach a clear verdict on how well federalism fared under trial. For instance, although programs of most nationalist political organizations included the right of secession at the start of the transition, constitutional recognition of the right seemed to occasion a dras- tic change of attitudes toward secession. After federalism, there were few signs of a desire to secede or even a desire to use the threat of secession as leverage to win concessions from federal government. Still, it is difficult to say that the striking shift in attitude before and after federalism signals a change of heart about the desirability of union. The fact it that EPRDF, though a champion of the right to secession, is generally opposed to its exercise. So the recent decline of secessionist sentiments and strategies may reflect not the attractions of union but the regional power of EPRDF. The situation is further complicated by another phenomenon: the existence of a dominant party has not stemmed a tendency by cultural com- munities, increasingly manifested especially in the south, to break away from a regional state to form their own, a tendency also opposed by EPRDF.

The allegiance of regional states and cultural communities to the federal union faced a different test in the Ethio-Eritrean war. The grave costs of the war were felt largely in the border state of Tigray, where territory was seized and hun- dreds of thousands were displaced by the Eritrean invasion. Nonetheless, all the regional states, including cultural communities that remained aloof in past Ethi- opian wars, volunteered in large numbers to defend Ethiopia's territorial sover- eignty. Although the war silenced doubts that a shared sense of national purpose could survive devolution under ethnic federalism, it raised questions about

the practical wisdom of the right to secession. After the war with Eritrea, it was hard to maintain that secession guarantees peace, especially if the seceding com- munity is undemocratic in its internal politics and is dependent on the original community for its economic viability.

None of the problems encountered in an assessment of Ethiopian federal- ism undermines its justification. Federalism in practice compensates for circum- stances unfavorable to democratic rule, and it creates conditions for the emer- gence of more favorable circumstances. Cultural communities now have homes of their own, where they can decide who they are and who they are to become. The Ethiopian state cannot exercise legitimate rule unless it heeds the independ- ent voices of the country's diverse peoples. Sovereign ethnic communities offer more than resistance to unimpeded, arbitrary power. The different concerns of different seats of sovereignty are a catalyst to the free public expression of rival values and interests on which democracy thrives.

Yet, the cardinal virtues of federalism do not yield unambiguous conclu- sions on its prospects. Ethiopia's federalism has removed ethnic contest from the national political agenda. Admittedly, ethnic conflict is possible in regional states with significant cultural pluralism. Although ethnic parties predominate, eth- nic issues do not predominate in the affairs of government. For the first time in Ethiopian history, the state is free to pursue democratic rule and the betterment of the material conditions of citizens and communities. The state's success in both endeavors depends on the active participation of mobilized citizens. The fight for freedom, justice and the common good amid poverty cannot go far without the citizenry's commitment and public action. This, in turn, requires an endur- ing sense of a shared destiny and identity that transcends cultural identity. The public culture must uphold collective achievements and values that cross cultural communities in order to create a sense of fraternity in the wider political com- munity[39]. Collective achievements in democracy and justice can, in turn, enrich solidarity.

Progress in democracy and social justice would have consequences for the persistence and importance of cultural identity. Over time, marked improvement in material life would occasion greater mobility of citizens across ethnic commu- nities, growth in multicultural urban populations, and greater differentiation in the interests of groups. These and similar changes would improve the prospects of political mobilization and organization not rooted in ethnic identity. As feder- alism surmounts the limits imposed by inhospitable conditions -not least, mate- rial deprivation -on the pursuit of democracy, its value may gradually decline.

39 On fraternity and nationalism see Andreas Eshete. 1981. Fraternity. *Review of Metaphysics,* Vol .xxv, No. 1 , pp. 29-44.

Federalism may well be a self-effacing instrument of constitutional democracy. The same point can be made by reference to the political agents empowered by the new Ethiopian constitution. In federalism Ethiopia has found a new answer to the question: Who inherits Ethiopia? The cultural communities are now the heirs of the Ethiopian state. However, as democratic rule and material well-being flourish, thanks to federalism, the legacy may either become less valuable or it may be passed on to others.

References

Amar, Akhil Reed. 1998. The Bill of Rights. New Haven: Yale University Press.
Amar, Akhil. 1987. Of Sovereignty and Federalism. The Yale Law Journal . vol. 96, No 1425.
Andreas Eshete. 1981. Fraternity. Review of Metaphysics, Vol .xxv, No. 1 , pp. 29-44.
Bahru Zewde, 1991. A History of Modern Ethiopia 1855-1974. Addis Ababa: Addis Ababa University Pres.

Berlin, Isaiah. 1967. Two concepts of Liberty. in Isaiah Berlin. 1967. Essays on Liberty. Oxford: Oxford University Press.
Doyle, Michael. 1997. Ways of War and Peace. New York: Norton. Elster, Jon. 1981. Sour Grapes. Cambridge: Cambridge University Press.
Finley, I. M. 1971. The Use and Abuse of History .New York: The Viking Press. Forsyth, Murray (ed.). 1989. Federalism and Nationalism. Leicester: Leicester University Press.
Gebru Tareke. 1991. Ethiopia: Power and Protest. Cambridge: Cambridge Uni- versity Press.
Ginzberg, Eli and Herbert A. Smith.1967. Manpower Strategy for Developing countries: Lessons from Ethiopia. New York: Columbia University Press. Howard, A.E. Dick. 1996. Does Federalism Secure or Undermine Rights? in Ellis Katz and G. Alan Tarr (eds.), Federalism and Rights. Lanham and London: Rowman and Littlefield .
Imperial Ministry of Information . 1967. Selected Speeches of H.I.M. Haile Selassie I, 1918 to 1967. Addis Ababa: Imperial Ministry of Information.
Katz, Ellis and G. Alan Tarr (eds.).1996. Federalism and Rights. Lanham and London: Rowman and Littlefield.
Kymlicka , Will. 1995. Multicultural Citizenship. Oxford: Oxford University Press.
Kymlicka, Will. 1989. Liberalism, Community and Culture. Oxford: Clarendon

Press.
Lefort, Rene. 1983. Ethiopia: An Heretical Revolution. London: Zed Books. Levine, Donald N. 1967. Wax and Gold. Chicago: University of Chicago Press. Levine, Donald N. 1972. Wax and Gold. Chicago: University of Chicago Press. Levine, Donald N. 1974. Greater Ethiopia: The Evolution of a Multiethnic Soci-
ety. Chicago and London: The University of Chicago Press.
Marcus, Harold. 1994. A History of Ethiopia. New York: Berkeley and Los An- geles. Nozick, Robert. 1974. Anarchy, State and Utopia . Oxford: Blackwell. Pankhurst, Alula. 1991. Resettlement: Policy and Practice. in S. Pausewang et.al.
eds., Ethiopia: Options for Rural Development. London: Zed Book.
Pankhurst, Richard.1961. An Introduction to the Economic History of Ethiopia. London: Lalibela House. Levine, Donald N. 1974. Greater Ethiopia: The Evolution of a Multiethnic Society. Chicago: University of Chicago Press.
Rawls, John. 1993. The Law of Peoples. Critical Theory . Vol. xx, No. 1 . Rawls, John. 1999. The Law of Peoples .Cambridge: Harvard University Press. Sen, Amartya. 1981. Poverty and Famines. Oxford: Clarendon Press. .
Shklar, Judith. 1985. Ordinary Vice . Cambridge: Harvard University Press. Smith, Graham (ed.). 1995. Federalism: the Multiethnic Challenge. London and
New York: Longman.
Stepan, Alfred. 1999. Federalism and Democracy. Journal of Democracy. Vol. 10, no.4.
Taylor, Charles. 1992. The Politics of Recognition. in Amy Gutmann (ed.) Multi- culturalism and "The Politics of Recognition. Princeton: Princeton Uni- versity Press.
Ullendorff , Edward. 1960. The Ethiopians. London: Oxford University Press.