
The Politics in Naming the Ethiopian Federation

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Abstract

The Ethiopian federal arrangement is commonly referred to as a case of 'ethnic federation'. A critical assessment of the experience in naming federations, the historical antecedents of the system, the dichotomy between the concepts ethnicity and nationalism, the design-related nature of the system, and even the practice as indicated by some critical decisions of the organs of the government conveys a message that the label 'ethnic' is erroneous. Rather, such an assessment implies that the system is multinational. A possible explanation for such a wrong label is, to a major extent, defined by a political opposition to the system and, hence, the interest to disdain it by calling it ethnic; a derogatory name, at least, in the Ethiopian political context. Lack of clarity on the system and the distinction between the concepts ethnicity and nationalism and/or the lack of interest to do so explains the remainder.

Key words: Ethiopia, Federalism, Ethnicity, Nationalism, Multinationalism

Introduction

Naming political parties, public institutions, governments and governance systems is a serious matter. First, names are expected to summarize the nature, purpose, and behavior of the entities they represent. Secondly, names convey messages with a direct bearing on the popular perception of a system or an entity and therefore contribute to its approval or rejection by the public. In some instances, names denote a political position and an action called for by a group. For example, 'naming' the military regime that took power from the Emperor in 1974 was a controversial issue among the main progressive parties of the time. The Ethiopian People's Revolutionary Party (EPRP) named the regime 'Fascist' while advocating for a revolution to overthrow it. But the All Ethiopian Socialist Party (MEISON) called it a 'military junta' and asked for a 'critical support' to the regime to ensure a peaceful transition. Both parties

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were not simply fighting on 'naming'; but, on their political positions and their respective call for actions as expressed in their debate on naming the regime. Last but not least, calling systems or entities with a name that reflects their nature, missions and/or objectives is a matter of justice. For example, naming a political party fighting for the secession of a certain region a "unionist party" is misleading. It is tantamount to public cheating to name an institution engaged in systematic torture a "rehabilitation center". It is confusing to name a country that has never held any elections a "democratic republic". Hence, naming organizations/institutions and systems is different from naming individuals, as the former has political implications and the latter is simply driven by individual wishes and preferences.

Ethiopia embraced a federal system of governance *de facto* in 1991 and *de jure* in 1995. There are many scholarly works on the Ethiopian federal arrangement, almost all of them referring to the latter as "ethnic federation". The Constitution of the Federal Democratic Republic of Ethiopia instead refers to a multinational federal arrangement and there is no reference to ethnicity and/or any related arrangement in any of its articles. The objective of this paper is to examine the appropriateness of labeling the Ethiopian federation "ethnic".

The first section discusses the problem in naming the Ethiopian federation. This section starts by discussing the experience in naming federal arrangements similar to Ethiopia and it briefly covers the literature on naming the Ethiopian federation. In its second section, the paper provides clarity on the concepts ethnicity and nationalism by reviewing scholarly works. In its third section, it discusses the historical and political context that prompted the arrangement; its design; and its implementation. In its fourth section, the paper examines the relevant constitutional provisions and seeks for evidence that leads to the federal arrangement's proper naming. The fifth section examines two cases as practical evidence. The paper, in its conclusion, analyzes the reasons for calling the Ethiopian federal arrangement "ethnic", and suggests the correct name for the same.

1. The Problem in Naming the Ethiopian Federation

There are two groups of federal arrangements: mono-national and multinational. Mono-national federations are established mainly for economic

and security reasons (e.g. Germany, USA). Multinational federations are established mainly for accommodating diversity on top of economic and security considerations (Kymlicka 2007). Examples of multinational federations include Canada, India, Switzerland, and Belgium. A discussion on some key characteristics of these multinational federations, particularly their naming, helps elaborate the problem in naming the Ethiopian federation.

India is one of the most – if not the most – diverse countries in the world. We find over 1600 languages spoken at the level of a mother tongue (Bhattacharyya 2007). Mahajan (2007:85) states that “[w]hen India gained independence in 1947 it was a foregone conclusion that it would be a parliamentary and federal democracy.” Thus, a federal governance system was adopted with the help of the British. The Indian federal arrangement uses ethno-linguistic, and in one case religious-linguistic, factors in establishing the constituent units of the federation (Watts 2008). Sensitivity to cultural identities is one of the hall marks of the Indian federation. The linguistic, cultural, and religious diversity of Ethiopia is more or less similar to that of India. Ethiopia’s federal arrangement is similar to the Indian one in that it aims to accommodate cultural and linguistic diversities. Despite this similarity, the two big federations are referred to by different names in the literature: while the Ethiopian federation is referred to as “ethnic”, the Indian federation is considered as an example of a successful multinational federation (Singh 2008; Burgess 2006).

Canada is one of the mature federations. The Canadian federation was aimed at accommodating the two linguistically and culturally distinct dominant communities of English-speaking and French-speaking Canadians. Burgess (2001:257) elaborates this in the following manner:

The division of the Province of Canada into two quite distinct cultural communities one mainly English-speaking and the other predominantly French-speaking along territorial lines was made primarily to resolve the political deadlock that had arisen between them. But it was at the insistence of French- Canadian political elites that the new Canadian union adopted the peculiarly federal form.

The Canadian federal arrangement is informed by the history of the two linguistically and culturally distinct administrative units that existed during the colonial period. At the insistence of the minority French-speaking unit, the

federal arrangement of independent Canada was created to ensure that the two communities were given enough space to use and develop their languages and cultures.

Again, there is a parallel between the Canadian and Ethiopian federal arrangements, as both were aimed at accommodating linguistic and cultural diversities at the insistence of minorities. Yet the Canadian federation is referred to as a multinational one (Keating 2001; Kymlicka 2007) while the Ethiopian federation is referred to as "ethnic".

Another religiously and linguistically diverse federation is Switzerland. Switzerland came into existence as a state entity in 1291 through the alliance of small communities in the Alpine valleys (Grin 2005). The country constitutes of people who belong to one of four linguistic groupings: German (63.7 %), French (20.4%), Italian (6.5%), and Romansch (0.6%) (Office fédéral de la statistique (2002), in Grin (2005)). Federalism in Switzerland has been very closely linked to the country's ethnic heterogeneity since the founding of the modern federal state in 1848 (Glass 1977). Glass (1977:47) further states that: "federalism developed in Switzerland as a means to help accommodate ethnically diverse groups and ethnic considerations which remain important".

The Swiss federal arrangement is different from those of Canada and India. The key difference is the canton system whereby ethno-linguistically homogenous groups are divided into different units for administrative purposes. Each canton is, however, sensitive to cultural and linguistic issues and it regulates language use in public spheres, including education and commerce. In all the German cantons, German is the official language; and French is the official language in the French cantons. The bilingual cantons use both languages officially. Thus, the Swiss system is even more sensitive to linguistic and cultural differences when compared to other federations, and yet it is referred to as a 'multinational federation' (Sweden 2006; Kymlicka 2007).

Belgium is one of the emerging federations, having officially introduced federalism in 1993. Karmis and Gagnon (2001:139) underline that "the history of Belgium is generally analyzed through the evolution of three cleavages: clerical/anti-clerical; capital/labor; French/Dutch speakers." The recent dominant force is the competition between the French and the Dutch speakers.

Historically, the French speakers were dominant both economically and culturally. French was and still is the language of the capital Brussels, although it is located in the Dutch-speaking territory. Recently, the Dutch speakers are improving economically and becoming more assertive of their rights. It was because of this tension that the federal arrangement was introduced. Hence, the federal arrangement is basically aimed at accommodating the two communities: the Dutch speaking (called Flanders) and the French speaking (called Walloons).

The Ethiopian federation was introduced at about the same time as Belgium and the two federations were intended to accommodate the tension between the different communities living in their territories by being structured around ethno-linguistic and cultural identities. Yet, the Belgian federation is referred to as multinational federation (Keating 2001; Kymlicka 2007) while the Ethiopian federation is referred to as “ethnic”.

From the discussion thus far, the defining features of the Ethiopian federation can be seen to be similar to the defining features of other multinational federations. Yet almost all the literature portrays the Ethiopian federal arrangement as “ethnic”. Why is it called so? What reasons do the authors provide to call the Ethiopian federation “ethnic”? It is imperative to review the literature around the naming of the Ethiopian federation with the objective of answering such questions.

In reviewing the literature, we failed to come across an author who comprehensively discusses why the Ethiopian federation is referred to as “ethnic” rather than “multinational”. The limited attempts depend on misrepresentation of some constitutional provisions and/or the historical context. Others simply discuss the merits and/or demerits of such an arrangement taking the label ‘ethnic’ for granted.

The authors that refer to the Constitution as evidence do injustice to its interpretation. Aaron (2002), Yonatan (2010), and Van Der Beken (2012) are some of the writers that point out that the 1995 Ethiopian Constitution established regional states based mainly on ethnicity. Aaron (2002:8) explicitly writes:

The new map of Ethiopia had done away with the ‘provinces’ and ‘administrative regions’ of past regimes. Instead, the country consisted

of fourteen units, based on language and ethnicity, which include chartered cities....

In the same fashion, Yonatan (2010:2) writes:

In the case of Ethiopia, ethnicity constitutes one of the major features of the Constitution. Nine regional self-governments delimited, by the large, on the basis of ethnic identity make up the Ethiopian federation....

Van Der Beken (2012:4) strengthens the ideas of the two by stating that:

The Ethiopian territory is divided into nine regional states (or regions) and two cities under direct federal control. As was the case with the regions from the transitional period, the nine federated entities are also ethnically based.

Nowhere in the Constitution does it indicate that the formation of the states is based on ethnicity. Rather the Constitution states that settlement patterns, identity, language, and consent of the people concerned should be considered in establishing the states (Art. 46(2)).

Some writers equate ethnicity with the Constitutional terms 'nation, nationality and people'. Yonatan (2010:2), for example, says:

All sovereignty, according to the Constitution, resides with these ethnic groups, which the Constitution refers to as 'Nations, Nationalities and Peoples of Ethiopia' (Preamble Ethiopian Constitution; see also Article 9 Ethiopian Constitution). That is why the Ethiopian Federalism is often referred to as ethnic federalism.

Along these lines Abbink (2011:151) concludes that "...Ethnic identity has been declared as the ideological basis of political organization and administration, and has also been enshrined in the Federal Constitution of December 1994 defining the outlines of the new Ethiopia." These statements are problematic because interpreting nationalism as ethnicity can only be ignoring a clearly established knowledge of social science that stipulates 'ethnicity' and 'nation' or 'nationalities' as different terms capturing different social phenomena.

As mentioned earlier, many authors take the label “ethnic” for granted and focus on the merits and demerits of the Ethiopian federal arrangement. Writers like Fasil (1997), Aalen (2011), Praeg (2006), and Young (1998) see the arrangement as inescapable in the current Ethiopian situation, and maintain that its merits outweigh its demerits. Fasil (1997) calls it a logical consequence of the power struggle preceding the advent of the new system, and Praeg (2006:2), recognizes it “...as [an] optimal political model in which the most progressive articulation of unity in diversity can be affected.” Young (1998) also calls it ethnic and a deliberate design of the Tigray People’s Liberation Front (TPLF), but considers it appropriate as he thinks that local administrations are politically and historically sound in Ethiopia, despite some difficulties during the time his piece was written.

On the other hand, other writers characterize it as an arrangement whose demerits predominate. For example, Berhanu (2007) and Paulos (2011) describe it as conceptually flawed for diverse countries such as Ethiopia. Their understanding is that ethnic federalism is a mechanism of destroying Ethiopia as a unitary nation-state. They claim that ethnic differences can disappear once political and economic deprivations are removed, but the current arrangement encourages the ethnic differences to continue flaming ethnic conflicts and impede the process of eliminating real political and economic deprivations.

In summary, one can see that the most critical gap in the literature on the characterization and naming of the Ethiopian federation is the fact that there is little attempt to provide evidence for calling it “ethnic”. The little attempts to provide evidence are either related to lack of clarity on the dichotomy between ethnicity and nationalism and/or misinterpretations and misunderstandings of the FDRE Constitution. It is from this understanding that we opted to elaborate on the concepts ethnicity and nationalism in the next section.

2. The Dichotomy between Ethnicity and Nationalism

Scholarly debates on ethnicity and nationalism are long standing. Time and global political developments did but increased and complicated the varied ways the two are understood (see Breuilly 1993). The key approaches in the debate are the primordialist, the modernist and the constructivist approaches. The primordialist approach considers ethnicity and nationalism as given by nature while the modernists see the two as time bounded societal

developments like industrialization and urbanization. The constructivists see ethnicity and nationalism as pure social constructs with some unifying factors such as culture (see Özkırmlı 2010).

This section discusses the key features of ethnicity and nationalism and identifies the key dichotomies between the two. The paper is not going to delve into detailed discussions of each approach but it identifies the minimum agreements in each of the approaches so that basic differentiation could be established. The distinguishing attributes may be perceived differently by a primordialist, a modernist, or a constructivist but still remains differences between the two.

To begin with, Narroll (1964) states that “ethnicity” is employed to designate a population which: (1) is largely biologically self-perpetuating, (2) shares fundamental cultural values, realized in overt unity in cultural forms, (3) makes up a field of communication and interaction, (4) has a membership which identifies itself, and is identified by others, as constituting a category distinguishable from other categories of the same order. From this definition, one can see the importance given to biological perpetuity. In other words, one of the prime requirements for a group to constitute an ethnic group is blood ties among its members. Genealogy and common descent are, obviously, essential requirements here.

On the other hand, “nation”, according to the most elaborate definition of Stalin (1953:307) is defined as follows: “A nation is a historically constituted, stable community of people, formed on the basis of a common language, territory, economic life, and psychological make-up manifested in a common culture”. According to Stalin, a community doesn’t necessarily need a common descent or blood ties to qualify to be a nation. What is required is having a common historical heritage, stable community of people occupying a certain continuous territory and having a common economic life. It should as well have a common psychological makeup manifested through a common culture and language. According to Stalin (1913), a community should have the above key commonalities to be called a nation, a definition with no requirement for genealogical or blood relations.

Western liberal writers have come up with similar definitions for the term ‘nation’. A prime example is Kymlicka (1995:11): For him, “...nation means

a historical community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and culture". He adds that "...national membership should be open in principle to anyone, regardless of race or color, who is willing to learn the language and history of the society and participate in its social and political institutions." As per Kymlicka, common genealogy is not a requirement for joining a nation, neither is one required to embrace the authentic religion of the community. One does not even need to share the common political opinion, as willingness to participate in the society suffices.

The latter notion is more elaborated by Grosby (2005:5). In his discussion on nationalism, he says:

Nationalism refers to a set of beliefs about the nation. Any particular nation will contain differing views about its character; thus, for any nation there will be different and competing beliefs about it that often manifest themselves as political differences.

Thus, inclusivity is one of the defining features of a nation that makes it different from ethnicity. Ethnicity is exclusive as it requires common descent, and it may even extend to propagating the same politics and religion.

Contrary to the previous definitions, constructivists dilute the distinction between ethnicity and nationalism with a tendency to see the construct rather than the composition of cultural, socio-economic and political realities. For example, Ranger (1999) criticizes the tendency to portray Africa as a perfect destination for a scholar studying ethnicity. He further claims that ethnicity is a recent invention in Africa. According to him his own and other scholars' extensive researches in Africa indicate that Africans used to identify themselves in terms of "place, household, connection, occupation, polity, cult, and status – much like European identities in the medieval and early modern period." According to this claim there is nothing specifically ethnic or nationalist about Africa as compared to other parts of the world.

By extension of this approach, one can say that there is an Oromo-Ethiopian identity as much as there is a Scottish-British identity. There is a Hutu exclusionist identity as much there was, and still exists, a Nazi idea of a "pure Aryan race" in parts of Europe. From Ranger's argument, there is no room to employ ethnicity as a base for a federal arrangement in Africa in general, and

in Ethiopia in particular as there is nothing called “ethnicity” except an exclusionist and backward tribalism.

Some writers define ethnicity and nationalism on a continuum. For example, Yonatan (2010) states that once an ethnic group demands autonomy or self-administration, it turns itself into a national group. This implies that, for such a claim to arise, the presence of political parties representing the group claiming political rights is a requirement. This statement falls short as it does not recognize that political parties themselves are the creation of a certain socio-economic development in society.

In our discussion so far, we have tried to dichotomize ethnicity and nationalism. We have established that ethnic identity is different from national identity as the former considers genealogical relations to be necessary, and that it is exclusionist in nature. National identity on the other hand is open, in principle, to anyone, regardless of race or color, who is willing to learn the language and history of the society and participate in its social and political institutions. This conceptual framework is an important element in evaluating the nature of the Ethiopian federation.

Understanding the historical context within which the current arrangement came to be is also important to fully understand the nature of the Ethiopian federation. It is with this perspective that we discuss the historical roots of the Ethiopian federal arrangement in the next section.

3. Tracing the Roots of Nationalism as Expressed in the 1995 Ethiopian Constitution

The history of the modern Ethiopian state is marred by conflicts of various forms. Most of these conflicts erupted from the centralized hierarchical nature of the state that failed to accommodate the diverse interests of the diverse societies. The tensions that resulted from this incompatibility had to be managed by political dexterity i.e. by devising a formula through which the underlying divisions of an extremely varied society could be held in some kind of check (Clapham 2009). However, such management only contributed to the proliferation of armed resistances in all corners of the country, which culminated in the collapse of the authoritarian government in 1991, creating a space for change. This section looks at the historical context of the Ethiopian

political environment that gave birth to the federal arrangement *de facto* in 1991.

The empire building project was 'completed' by Emperor Menelik II at the end of the 19th century, a process accompanied by controversies. For some, the Ethiopian empire is a mere creation of Emperor Menelik and his predecessors in the second half of the 19th century (Merera 2006). For others, Ethiopia is the material and historical inheritor of the ancient civilizations that flourished in present-day Ethiopian territory (Messay 1999).

The imperial regimes of Menelik and Haileselassie pursued open policies of assimilation in their efforts to bring together a centralized Ethiopian state. Once the current Ethiopian territory was brought under the imperial regime, Emperor Haileselassie, in the first half of the 20th century, structured the country into fourteen provinces. He appointed governors from the center, in most instances undermining preexisting traditional structures (Bahru 1991). Where found to be loyal to the Emperor, local chiefs were incorporated into the new centralized state structure as governors and district administrators. On the other hand, extra tax burdens were levied and local chiefs marginalized in areas where loyalty to the center was doubted.

This project required the establishment of a state bureaucracy – machinery that required a huge amount of resources to maintain it. As the demand for resources increased, taxation increased both in absolute amount and in its variety in order to meet the demands of the state. This increasing burden on the peasants created dissatisfaction among the population. Moreover, the assimilationist policy of the centralized state failed to accommodate diversity in all its forms, be it national, religious, linguistic, or cultural. Local languages were undermined and Amharic became the working language of government at all levels (Young 1998). Christianity was the state religion and other religions and beliefs were challenged. These factors served as a driving force for opposing the regime throughout the empire. The Tigrean farmers' uprising in 1943 and the Oromo uprising in Bale in 1963, both brutally suppressed, are two examples.

The 1974 revolution erupted as a result of the continued growth of the popular resistance which eventually weakened the empire. The causes for the popular uprising were numerous: oppressed nations and nationalities rose against

national oppression; Muslims demanded religious equality; soldiers and workers demanded a pay raise and improved working conditions, among others. As the pressure from the popular uprising increased, the suppressive capacity of the regime was weakened, and open political debates on the problems of the nation and the way forward came to the fore. Most current political differences and alliances were largely shaped during those times.

When the nature of the imperial oppression and the way forward was discussed by the then intelligentsia, differing views emerged in line with ideological adherence and loyalty. Three dominant views came to the scene (Merera 2006) the first being the 'nation-building' thesis. According to the proponents of this thesis, there was nothing wrong in the Ethiopian nation-building process; any mishaps or oppression witnessed in the process were to be expected. They refer to foreign examples such as France where a cruel assimilation policy accompanied by brutal force was employed to create the French nation. The second group presented the situation as 'national-oppression'. Most opponents of the imperial regime, particularly those with Marxist backgrounds, belonged to this group. There was a consensus that the problem should be addressed through a radical change that involves restructuring the Ethiopian empire. Despite this consensus, members of this group differed on the way forward. While some believed that a nationalist struggle was the primary form of struggle, others considered this a narrow nationalist approach that weakens class struggle. The former group later formed the TPLF and the latter became the EPRP and the MEISON. The third thesis is known as the 'colonial' thesis whose adherents sought separation as the only solution. Among them were the Eritrean People's Liberation Front (EPLF) and the Oromo Liberation Front (OLF).

The revolution that culminated in the downfall of the last Emperor in 1974 was, at the end, hijacked by the military. The military regime declared Marxism-Leninism as its guiding ideology. It demolished the feudal land holding system by introducing a radical land administration policy; and the Ethiopian farmers ceased to be tenants of the feudal class. With the objective of creating a socialist mode of production, it nationalized all major private banks, industries, commercial farms, hotels and major service giving centers. It went to the extent of nationalizing rental houses. These measures enabled it to get initial support from the population in general and from the peasants in

particular. However, the support did not last long, as the new measures failed to provide the anticipated individual and national economic gains.

Most importantly, the regime failed to respect group and individual rights in every form. The repressive regime criminalized dissent and declared that any attempt to oppose (or to think of opposing) “Ethiopia Tikedem”, a name given to the policy guide of the government, as a crime for capital punishment. It failed to honor the right of nations and nationalities to self-determination and any attempt to raise the question was considered treason with the intent to dismantle the country. As a result, space for peaceful political struggle was eliminated and armed oppositions proliferated in all corners of the country.

The armed opposition movements varied in their approaches, resulting from their different perspectives on the form of struggle required to emancipate the country from dictatorship. Initially, the opposition movements were chaotic, fighting not only the military regime but each other as well, driven by opposing viewpoints and the desire to control the political space. The overall complexities of the struggle demanded survival of the fittest; eliminating several organizations and creating new ones. Amidst this chaos, the TPLF, later joined by like-minded organizations to form the Ethiopian Peoples’ Revolutionary Democratic Front (EPRDF), became a victor in Ethiopia. Thus, those who thought that ‘national-oppression’ is more helpful in understanding Ethiopia’s problems won over those who claimed that ‘class-oppression’ was better (Teshale 1995). Alongside the EPRDF, the Eritrean People’s Liberation Front (EPLF), an organization that was fighting for the secession of Eritrea marched into the capital of Eritrea and formed a provisional government.

Within a month following its victory, the EPRDF called all opposition parties committed to peaceful political struggle to participate in a conference to design the Transitional Charter of Ethiopia. Most political organizations and civic associations in the country responded positively. Moreover, most of those who joined the conference were entities organized under national slogans. Seen from this historical antecedent and given the prominent role played by nationalist parties during the transitional period (1991-5), it is not surprising that the Constitution adopts the issue of nationalism as a core organizing factor in the fundamental restructuring of the Ethiopian state. The new Constitution was ratified in a constituent assembly held in 1994 and came into force in August 1995.

The Constitution retained the important elements of the Transitional Charter, such as the rights of nations and nationalities for self-determination including and up to secession. It established a federal state based on the "consent" of the 'nations, nationalities, and peoples'. Theoretically, this reflected a federation in which the nations had come together. Furthermore, sovereignty now lay with the 'nations, nationalities, and peoples' (see the preamble and Article 8 of the Constitution).

The birth of the new political dispensation in the form of a multinational federation appears to be a result of several factors related to the nature of the armed revolutionary war. Though every popular resistance had its peculiar characteristics, the armed groups that played the critical roles in restructuring the Ethiopian state, particularly those under the umbrella of the EPRDF, were far removed from ethnicity.

The TPLF (one of the members of the EPRDF coalition) was a national organization embracing Tigrean nationalism and fighting for self-determination including and up to secession. The TPLF explicitly defined what a "Tigrean" constitutes in its first 1975 manifesto. Accordingly, a "Tigrean" includes all Tigrinya speakers in the territory of Tigray, the Kunama, the Saho (Irob), the Afar, and members of these groups who live outside of Tigray. It is also explicitly declared in the manifesto that the Tigray struggle is a national struggle.

The presumption was that these people have developed a common nationalism owing to the long history they shared, the continuous territory they occupied, the common economic life they shared, and even a common psychological make-up they developed through centuries-old mutual coexistence and interaction. This understanding of Tigray nationalism in the early days of the TPLF is closer to the definition of a national group than ethnicity by all standards. There is nothing implying any such requirement as blood-ties, kinship, or genealogy to join the struggle, despite Markakis' (1996) unhesitating claim that the TPLF was an ethnic movement.

The practical engagement of the TPLF was even more inclusive than what is pronounced in the manifesto. One was free to join the movement so far as one accepted the cause of the struggle, which is why many individuals outside of

the groups indigenous to Tigray joined the struggle. Some also rose to the ranks of the top leadership. Were it for genealogical and kinship ties, the TPLF of Tigray and the EPLF of Eritrea would have formed a political alliance, since they speak the common language of Tigrinya, and have a common descent, culture, and kinship ties. Yet no alliances were formed along these lines. The EPLF embraced Eritrean nationalism based on a common colonial legacy and history of the different groups in Eritrea. This proves that nationalism, while understood in different ways, was the dominant force in the armed struggle of both the TPLF and the EPLF.

The other coalition partner of the EPRDF was the Amhara Nation's Democratic Movement (ANDM). The ANDM was a very heterogeneous organization in terms of the genealogy, kinship, blood-ties, and native languages of its individual members. It was composed of Amharic, Tigrigna, Awigna, and Oromifa speakers among others. But, in the later days of the struggle, it clearly came out as the most avowed guardian of Amhara nationalism. "Amhara" is a socio-cultural category rather than an ethnically distinct category. Shack (1976) in Tronvoll (2009:86) describes this reality as follows: "...on the ground, in social interaction, this means that any person, whatever his exact origin, who claims to be an 'Amhara' and to whom others react behaviorally as though he was an 'Amhara' is sociologically an 'Amhara'". That is why we observe the presence of members, including members in the leadership of the ANDM that do not have any direct kinship relationship with any of the communities in the region. These members consider themselves to be Amharas and are accepted by others as Amharas. The same goes for the Oromo People's Democratic Movement (OPDO) and the other nationalist parties.

In summary, state structures and governance systems are very much driven by history, over and above dominant thinking and philosophy of the ruling elites and other related factors. In our discussion so far we have seen the role of national-oppression and national armed movements in the fight for democracy. We have also seen nationalism as the main organizational form of the coalition that spearheaded the transition to democracy in Ethiopia. The constitution is a compromise between competing and sometimes contradictory interests in the country. In a country as diverse as Ethiopia, and where accommodating that diversity has been the main cause of struggles, it would be unlikely for a Constitution to sustain itself as a national organizing factor while renegeing

self-rule on its manifestation. It is from this historical perspective that the current Ethiopian federal arrangement should be understood.

4. The Call of the Constitution: an Ethnic or a Multinational Federal Arrangement?

A critical assessment of the most relevant Constitutional provisions further elaborates our argument in this regard. The preamble of the Constitution begins with the phrase "we the nations, nationalities, and peoples of Ethiopia". The phrase is an indication of Constitutional recognition of diversity and multinationalism. More importantly, it asserts that the various national groups are the owners and pioneers of the Constitutional arrangement. The latter is, of course, explicitly provided in Article 8 of the Constitution. Article 8(1) devolves sovereignty to the 'nations, nationalities, and peoples' of Ethiopia. Sub-Article 2 states that the Constitution is the expression of the sovereignty of the 'nations, nationalities, and peoples' of Ethiopia. Some writers, as discussed earlier, present the cumulative reading of the Preamble and Article 8 of the Constitution as evidence to support their allegation that the Ethiopian federation is ethnic. One may contend with the policy of allocating the sovereignty of a country to its parts rather than the whole; but in no way can this be interpreted as evidence for the federation being "ethnic".

Article 39 (5) of the Constitution (the most controversial article), in its definition of "nations, nationalities, and peoples", clearly articulates that these entities are socio-cultural rather than kinship-based or ethnic. The provision reads:

A "Nation, Nationality or People" for the purpose of this Constitution, is a group of people who have or share a large measure of a common culture or similar customs, mutual intelligibility of language, belief in a common or related identities, a common psychological makeup, and who inhabit an identifiable, predominantly contiguous territory.

As per this definition, there are cumulative requirements for a group to qualify as a nation, nationality, or people. The Constitution's definition is very close to the definitions of a nation given by Kymlicka and Stalin. Let alone making an explicit reference to ethnicity, it is hard to find an indication in the Constitution that one would have to prove one's blood, kinship, or genealogical ties to belong to a national group.

The other relevant constitutional provisions are Articles 46 and 47. According to Article 46 (2), regional states shall be established considering such factors as settlement patterns, language, identity, and the consent of the concerned people. The requirements are again cumulative and there is nothing that recognizes ethnicity as an organizing principle of the federation. The provision talks about identity, but there are multiple expressions of identity, such as common culture, economic activity, and shared history. Moreover, the same provision talks about pure geographic requirements such as settlement patterns. Nevertheless, this article is taken as a proof of the 'ethnic' nature of the Constitution by some authors, for example Aaron (2002). The criticism that the regional states are organized around ethnic and linguistic lines falls short of recognizing the multilingual nature of all the regional states. The smallest city state of Harar, for example, brings together the Harari and the Ormo people residing in its environs, and uses both languages officially.

Article 47 of the Constitution is concerned with the regional states of the FDRE. It is a matter of public knowledge in Ethiopia that none of the states is homogenous in any terms of expression of identity, let alone ethnicity. Van Der Beken (2012), meanwhile, claims that the states are ethnic-based. He further asserts that while some ethnic groups have their own states, others are just part of a bigger multi-ethnic state. His argument is not tenable because none of the states is, in fact, homogenous, although some are more diverse than others.

Despite Ethiopia's large size and diversity, it is widely believed that there is a common sense of Ethiopian national sentiment. A Tigrean from the north and a Sidama from the South claim Tigrean and Sidama nationalisms respectively, while at the same time being Ethiopian. They do have multiple nationalisms. This is not different from a Scottish claiming to be a Scot and a British national at the same time.

Van Der Beken also makes an implicit argument on the presence of nation-bearing 'ethnic' groups in some parts of Ethiopia. This is inaccurate because the different indigenous groups in Tigray are equally owners of the region. The different groups in the Amhara regional state (such as the Oromo or the Awi) are equal owners of the regional state. A question may arise that the dominant language of a certain group is adopted as the language of the regional states

(such as in Tigray and Oromia) but this is again in line with the federal level arrangement. According to Article 5 of the Constitution, the sole working language of the federal government is Amharic. This serves a practical purpose, because Amharic connects the diverse Ethiopian groups better than any other language.³ By analogy, in states where a dominant language is spoken across diverse groups, that language is adopted as the language of the center. When there is no such language, the regions adopt the language of the center as their official language. The Harari region has taken a different path of adopting two languages (i.e. Oromifa and Harari) as both indigenous languages connect the 'indigenous' peoples in the region.

Some writes such as Roeder and Rothchild (2005) have gone to the extent of depicting the Ethiopian federal arrangement as a unique ethnic federal experiment in sub-Saharan Africa. The Ethiopian federal arrangement is indeed unique in Africa in that it embraces multiple-nationalism as its core organizing principle, but not because it is ethnic.

In our discussion thus far, we have examined whether the Constitutional provisions of the FDRE serve as evidence of the "ethnic" nature of the arrangement and concluded that this is far from the case. Yet, looking at the Constitutional provisions is not enough, as the practice could be different from the laws and principles. In the next section, therefore, we will see whether the practice is indeed in line with the text and spirit of the Constitution.

• 5. The Federal Arrangement in Practice

Under this section, we will examine two of the leading decisions in relation to group rights in Ethiopia. Our aim is to examine whether the decisions of the relevant government organs consider ethnicity or nationalism to be the determinant factor of the group rights examined.

The first case⁴ brought to the FDRE House of Federation (HoF)⁵ for a Constitutional interpretation pertained to the right to vote and to be elected for

³ This does not mean we necessarily agree with the current language policy of Ethiopia. The intention is to just present the official justification of the policy makers in making Amharic the sole official language of the center.

⁴ Our source of information for this case is the report provided in the Journal of Constitutional Decisions of the House of Federation of the Federal Democratic Republic of Ethiopia Vol. 1, No. 1.

“non-indigenous” communities living in the Benishangul/Gumuz state. The regional state is originally the ancestral land of the Gumuz, Shinasha, Komo, Mao and Berta communities. Over time, non-indigenous people settled in the region as well. The number of settlers from the Oromo, Amhara and Tigray national groups in particular became substantial, as a result of the settlement program by the previous regime. The dispute arose when the settlers requested to exercise their constitutional right to vote and to be elected. This claim was supported by political parties representing the Gumuz, Shinasha, Komo, and Mao, but rejected by the political party representing the Berta.

Following this, the Berta political party applied to the National Electoral Board of Ethiopia (NEBE) for the latter to cancel the candidacy of the “non-indigenous” groups, on grounds that the candidates were unable to speak the Berta language that is indigenous to the Benishangul/Gumuz state. The NEBE, accepting the complaint of the Berta Party, and invoking Article 38(1)(b) of Proclamation 117/87 ruled that the candidates could not compete in elections in the state, as the latter provision requires competence in the regional state’s national language.

The representatives of the “non-indigenous” nations, on the other hand, claimed that international law and Article 38 of the FDRE Constitution guarantee the right to vote and to be elected without discrimination based on any manifestations of identity such as language, race, religion, sex, nationality. Then, they appealed to the HoF on 27/6/92 E.C. to reverse the decision of the NEBE by claiming that Article 38(1)(b) of proclamation 117/87 was unconstitutional.

The HoF, accepting the complaint of the representatives of the “non-indigenous” groups, referred the case to the Council of Constitutional Inquiry (CCI)⁵, to determine whether Article 38 (1) (b) of Proclamation 117/87 contradicts Article 38 of the FDRE Constitution. Unable to reach a unanimous decision, CCI put forth two recommendations. The majority’s recommendation was brief in its content; it affirmed that the Proclamation contradicts the Constitution.

⁵ The House of Federation is the upper house of the legislative branch of the federal government of Ethiopia whose main function is to interpret the Constitution.

⁶ This is an organ that serves as an advisor to the HoF in carrying out its duties in relation to Constitutional interpretation (see Article 84 of the FDRE Constitution).

The minority's recommendation, on the other hand, read that Article 38(1) (b) of Proclamation 117/87 should be seen in light of the broader federal arrangement and the right of the nations, nationalities, and peoples. The minority further stated that the right to use one's language does not mean that learning others' languages is prohibited. Furthermore, the requirement that a candidate must speak the language of the council s/he is competing in does not amount to discrimination based on language. On the other hand, if the candidate is able to speak the language of a certain nation, there is no reason to prohibit the former from participating in any governance structure of the latter. This is because the participation of the candidate does not, by any means, affect the right of the concerned nation. Moreover, the minority's recommendation stated that Article 38 of the Constitution never prohibits putting language as a requirement for a candidacy in an election. What is prohibited, according to the opinion of the minority, is discriminating against individuals based on the language they speak. Hence, they concluded that Article 38(1) (b) of Proclamation 117/87 is constitutional.

After careful examination of both arguments, the HoF came up with an analysis similar to that of the minority, but arrived at a different conclusion. In brief, the HoF argued that nations, nationalities, and peoples have the right to develop their culture, language, and other manifestations of their different identity. However, it ruled that abusing such right for "racist" purposes is prohibited. It further ruled that NEBE's interpretation of competence in the regional state's national language as provided under Article 38(1) (b) of Proclamation 117/87 is wrong. This is because the regional council of Benishangul/Gumuz uses Amharic officially, and it is this language that the candidate is required to be competent in. Therefore, it is unconstitutional to cancel one's candidacy based on inability to speak Berta.

From this, one can infer that descent does not dictate a political career or how to exercise one's rights in the Ethiopian federal arrangement. What is required is national competence⁷ in the group one is attempting to represent. If the Ethiopian federal arrangement were ethnic, the descent of individuals would be given prominence, and the HoF would have ruled differently on this case. It is true that the distinction between ethnicity and nationalism is not always

⁷ Linguistic competence can be taken as one of the key and most unambiguous standards of competence in representing a certain national group's interest.

evident; however, the above case demonstrates that the Ethiopian federal system is capable of handling such challenges.

Another case demonstrating that blood-ties, genealogy, and descent, are irrelevant to the Ethiopian federal arrangement is the Silte referendum.⁸ According to Alem (2007) and Nishi (2005), the Silte were traditionally considered part of the Gurage ethnic group by outsiders. Nevertheless, there are scholarly works that show that the Silte are a separate people speaking the Siltigna language. Such works precede the claim for a separate Silte national identity. Two scholars identified people who lived in such areas as Azernet-Berbere, Silte-Zeway, Olichu-Wiro, Kokir, Gedebano, Hulbareg, Wollene, Dallocha, and Sankur Zeway as Siltigna speakers, although they restricted the scope of their study to the Azernet-Berbere. The Silte language was also one of the languages used during the literacy campaign of the military regime (Abraham and Habtamu ND).

With the introduction of the new federal arrangement, political parties representing the Silte group claimed a separate Silte nationality/identity. Initially, due to doubts over this question being of genuine public concern, the demand did not succeed. A more significant event occurred in 1997, when the SNNP region organized a conference in Butajira to discuss the agenda of Silte identity. 961 Siltigna speakers were selected to represent the Silte community at the conference. As reported by Nishi (2005, 165),

After three days of argument, they voted to determine, if the Silte is part of the Gurage or not. Of 927 votes, 781 were for the unity of Gurage, and 146 abstained. None of the votes supported the Silte identity. The Silte People's Democratic Unity Party (SPDUP) announced that it wouldn't accept the outcome of the conference.

This case as well was referred to the HoF, which directed the case to the CCI for advice on two issues: one, who should decide on a community's identity questions; and two, what procedure should be followed in settling such questions? The CCI underlined that the FDRE Constitution does not provide clear answers to such questions but, it concluded, since identity questions arise within the regional states, the latter must entertain them. It further

⁸ Our partial source of information for this case is the report provided in the Journal of Constitutional Decisions of the House of Federation of the Federal Democratic Republic of Ethiopia Vol. 1, No. 1. The remainder is obtained from the authors cited in the main text.

recommended that a referendum would be the appropriate procedure to follow. After much deliberation, the HoF referred the case back to the SNNP regional state by putting certain directions to be followed in settling the issue. The SNNP regional state organized a referendum as per the recommendations of the HoF in March 2001. The NEBE announced that out of 421, 188 voters 416, 481 voted for separate Silte identity (Nishi 2005).

It is sometimes argued that not all groups in Ethiopia have developed a sense of nationalism. Kymlicka (2006) argues that the Ethiopian federation, particularly the Constitution, imposes a national identity on every group in the country. Still, a conclusion that the federation is ethnic does not follow from such an argument, even if it may be accepted as a valid criticism. Moreover, this case demonstrates that nationalism is not static and that the Ethiopian federal arrangement is open for the development of new national identities.

A more important issue here is whether or not the Silte case demonstrates that the Ethiopian federal arrangement is “ethnic”. The Silte did not claim that they do not have any links, (for example, intermarriage) with others groups, including the Gurage. Neither did they claim that their religion is entirely different from those of the other groups. They follow Islam, as do other groups like some of the Gurage and the Oromo. What they claimed was that their unique history has made them develop a separate identity (Alem 2007). They added that their language is different from both the Sebatbet and the Soddo Gurage (Nishi 2005).

Moreover, the Silte referendum demonstrates that they were very aware of their separate identity, as shown by their demand for autonomy and self-administration. This demand was transformed into a political agenda through political parties representing the Silte. Therefore, taking the latter facts into consideration, and since history and language have more to do with nationalism than ethnicity, the Silte case demonstrates that the Ethiopian federal arrangement is not ‘ethnic’.

Conclusions

The essential question this article attempts to answer is whether the term “ethnic” truly describes the intended design and the realities of the Ethiopian federal arrangement. The foregoing discussion shows that labeling the

Ethiopian federation “ethnic” is improper and misleading. It does not accurately describe the Ethiopian federation from theoretical, practical, historical, or comparative angles.

The Ethiopian federation recognizes and aims to accommodate the diverse identities of the ‘nations, nationalities, and peoples’ of the country. The group-rights-related cases overseen by the organs of government such as the HoF show that descent, genealogy, and blood-ties are irrelevant to defining one’s constitutional rights. Rather, language, culture, psychological makeup, and history are important criteria making nations inclusive of all who want to join. If such is the case, the Ethiopian system is understood to adopt nationalism, not ethnicity, as its primary organizing factor and, hence, it is a multinational federation.

Although the understanding and meaning of some scholars might come from a constructivist perspective of ethnicity, there are others who clearly come from a primordial angle and call the Ethiopian federation ‘ethnic’ in the way it means ‘*gossegna*’, meaning tribal in Amharic.

Three possible explanations can be provided for why writers label the Ethiopian federation “ethnic”. The first and probably the minority group consist of those who do not exert much effort in trying to digest the distinction between ethnicity and nationalism but take the name for granted and focus on measuring the merits and demerits of the arrangement (see for example: Harneit-Siever et al 2010; Smidt and Kinfie 2007; Alem 2003; Van Der Beken 2012; Roeder and Rothchild 2005; Young 1998). The second group consists of those who come from a constructivist approach seeing no meaningful difference between the two. The third group, the concern this article intends to address, consists of those who are opposed to the federal arrangement and intend to use naming as a means of political opposition. Such writers want to ridicule the system at any cost. They seem careless even if they would camouflage academics with their political stand (see Berhanu 2007; Messay 1999; Paulos 2011). The same applies to foreign writers. Some of them may label the Ethiopian federation ‘ethnic’ because some other writer has done so. Others may use the term because of the inherent bias to see Africa as, yet, an ideal home for ethnicity and tribalism (Rangers 1999) and, hence, they are uninterested in conducting some investigation about the reality of the system

they are writing about although they may have a similar system at home with a different name (see Watts 2008).

We want to reemphasize that debates on whether a multinational federal arrangement is preferable or proper for Ethiopia should be encouraged. But it is also crucial that the system is presented as it is with no exaggerations, be they in the affirmative or the negative. The label “ethnic” is one way of ridiculing the system. This, apart from being unjust and improper, distorts the true nature of the Ethiopian federal arrangement. Distortion impedes proper understanding of the system and future positive engagements.

Last but not least, we want to underline that the design must not be confused with any practical irregularities that may be encountered in implementing this infant system. The question should be whether the system provides a venue for entertaining such challenges.

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