The Continuing Quest for Inclusive Democratic Governance in Ethiopia

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Abstract

As early as the 18th Century, James Bruce, a European Traveller, observed that bad government was the most important source of the problems that plagued the Ethiopian society. Centuries on, political and ethnic mistrust and polarization, insecurity, human rights abuses and armed conflict characterize the Ethiopian body politic. The rule of law and democracy are far from taking roots. This article –pointing out the most outstanding governance deficits of the Emperor Haile Selassie, Derg and EPRDF-*cum*-PP's (Prosperity Party) governments– argues that the lack of inclusive democratic governance remains at the core of Ethiopia's socio-political crises. It will offer suggestions on democratic governance options that, if adopted, can help deal with Ethiopia's long-time political ills.

Key terms:

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1. Introduction

Ethiopia has existed as a polity in different sizes and shapes for centuries. It largely acquired its present geographical and socio-demographic composition towards the end of the 19th century and the beginning of the 20th century[1]. Until the 1974 popular revolution swept the last monarch –Emperor Haile Selassie I (r. 1930-1974), out of power– the main state power had been monarchical, with various kings or kings of kings succeeding one another at the helm of state power. Before the largely successful efforts of Emperor Menelik II (r. 1889-1913) to bring the several semi-sovereign entities inhabiting the present-day Ethiopia under his central political authority, these entities had different types of traditional local governance in most cases and, most of the times recognizing the suzerainty of the distant monarch who often was represented by his officials in the various localities.[2]

The sphere of influence of the semi-sovereign entities had never been constant, expanding and shrinking as were the territories and peoples under the direct, close control of the monarch had as well been. It suffices to mention here the expansion in the 16th and early 17th centuries of the Oromo clans and Ahmed Ibn Ibrahim (more commonly known as "Ahmed Gragn": Ahmed the left handed). These expansions traversed the entire Ethiopia, including the present day Eritrea. In the course of these expansions, conquering and being conquered by the locale; advancing and being pushed back until the balance

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[1] See, Bahru Zewde (2001), *A History of Modern Ethiopia: 1855-1991*, James Currey.

[2] For example, historical records show that during the first half of the 16th century, the monarch's representative in different parts of the country was known as "Azmatch"; Yilma Deresa (2006), *Ye etiopia Tarik be asra sidistegnaw kifle-zemen* (in Amharic: A history of Ethiopia in the 16th century), Addis Ababa, Mankusa printing, at 227.

of power squared out to end up in the present territorialisation of the dominant ethno linguistic groups of the country.

The centralization of power by successive governments, starting with Emperor Menelik II, ignored local interests and uprooted local authorities and modes of governance. The centralization of power was intensified under Emperor Haile Selassie, especially from 1942 onwards till the end of his rule in 1974. The Derg that came to power following the 1974 revolution took the centralization of power to the highest level, which no doubt was aggravated by its leftist political orientation.

The TPLF (Tigray People's Liberation Front), the most committed of the anti-Derg movements, waged a consistent armed struggle against the Derg till 1991. The EPRDF (Ethiopian Peoples' Revolutionary Democratic Front), the coalition of four that the TPLF created and led, finally overthrew the Derg and assumed power in May 1991. As shall be elaborated later in the article, the TPLF held the view that Ethiopia's political ills resulted from the oppression of nationalities by the Amhara (particularly the Shewan Amhara). Once it assumed power, it quickly moved to attempting to implement its political program and ideology it held starting from its founders' student days at the Haile Sellassie I University (now Addis Ababa University) in the 1960s and early 1970s. These included reconstituting the country as a federation of nationalities, and granting each of them an 'unconditional right to self-determination', including the right to a 'full measure of self-government' within the federation and the right to secession if any of the nationalities so wishes. As highlighted in Section 2 (pages 8-9), this paradigm traces its roots to a radical pre-revolutionary version of the Leninist-Stalinist right to self-determination which was believed to eventually give way to proletarian internationalism.

In this article, I will attempt to refute the diagnosis made by the TPLF and its likes that the main political problems of Ethiopia emanated from national oppression. I will argue that the lack of inclusive democratic governance which affected every Ethiopian citizen, regardless of the ethnic group to which she/he belongs, is the main reason for the socio-political ills of the country. Although the article is not intended to delve into the theoretical analyses of the notion of inclusive democracy, its arguments are positioned within the conceptual frame of inclusive democracy, interpreted based on the realpolitik in Ethiopia.

The notion of inclusive democracy can be understood in different ways. The now famous theory of "consociational democracy" popularized by Arend

Lijphart[3] provides for the basic elements of the concept. Consociational democracy is an alternative to majoritarian –for or against–democracy[4] practiced in old democracies like the USA and the UK. According to Andeweg, "inclusion of representatives from all social segments" characterizes consociational or inclusive (non-majoritarian) democracy[5].

Lijphart originally held that consociational democracy has two important components: grand coalition of major political players in running government business, and segmented autonomy for territorially concentrated minorities. But he later included other two elements: proportional representation electoral system and the possibility of veto-power for minorities in decision-making bodies on matters concerning their interests.[6] Further elements such as bicameral legislative arrangement, proper checks and balances between the legislature and the executive, and well-functioning judicial review system have also been imputed to inclusive democracy by other theorists.[7]

This article adopts the theoretical exposition of inclusive democracy summarized above but goes beyond that. In Ethiopia, where, ethnic, linguistic and religious diversities abound, inclusion, in the decision-making and the officialdom, of political actors organized on ethnic, ideological and other grounds is critical. Therefore, the political arena has to be open to all these actors so that decision-makers are elected and appointed through free and fair elections. Power-sharing must apply to all important political and economic institutions and positions from the national level down to the local level. This article will show that the lack of such inclusive institutional setup has been the harbinger of the political ills that continue to plague the country.

2. Explanations on the political crises of the 20th Century

Scholars –local and international– and political actors sought to explain the political crises of modern Ethiopia from different perspectives. The diagnosis of the problems made were also followed by prescription of solutions for the diagnosed problems. I will briefly summarize these diagnoses as follows.

The first thesis explaining the political crises of Ethiopia is a class oppression thesis. The thesis views the problems of the Ethiopian masses –

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[3] Arend LijPhart (1969), "Consociational Democracy" 21(2) *World Politics* 207.
[4] See Arend Lijphart (2012), *Patterns of Democracy*, Yale University Press, at 9-29
[5] Rudy B. Andeweg (2000), "Consociational Democracy" 3 *Annual Rev. Pol. Sci.*, 509, at 512.
[6] See Arend Lijphart (2004), "Constitutional Design for Divided Societies" 15(2) *Journal of Democracy* 96.
[7] See Andeweg, note 5.

wherever they might be located– as emanating from the oppression of the peasantry and other exploited classes by the ruling/feudal/semi-bourgeoisie class. This latter class, as the case may be, comes from the nobility, the aristocracy, the privileged soldier-settlers in the southern part of the country and other landlords. Although the oppressor class was not ethnically defined (nor was it an ethnic-exclusionary group), the point put forth was that a "state-related" oppressor class did evolve, especially in the south.[8] The proponents of this view, mostly originating from the student Marxists, including the Ethiopian People's Revolutionary Party (EPRP), argued that ethnic and regional irredentism by ethnic nationalists were expressions of local resentment at the economic exploitation and political autocracy imposed by the imperial regime.[9] We need to be reminded in this connection that the military government (Derg) which subscribed to Marxism Leninism also stated that "ethnic contradictions have no objective existence once class contradictions are resolved".[10]

The second explanation of the country's political problem depicts it as a problem of colonial relations between the Ethiopian state on the one hand, and on the other the societies that were incorporated into the state during the end of the 19th century and the beginning of the 20th century. This explanation was first proffered by the Eritreans in the 1960s when, as earlier noted, the Ethio-Eritrean federation was dissolved by Emperor Haile Sellassie in 1962.[11] This view has also been entertained by some Oromo intellectuals associated with the Oromo Liberation Front (OLF).[12] The OLF itself, at least previously,

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[8] Getachew A. Woldemariam (2018), 'The Constitutional Right to Self-Determination as a Response to the "Question of Nationalities" in Ethiopia' 25(1) *International Journal on Minority and Group Rights* 1, at 31-32.

[9] Christopher Clapham (2009), 'Post-war Ethiopia: The Trajectories of Crisis', 120 *Review of African political Economy*, at 182.

[10] John Markakis (1994), 'Ethnicity and Conflict and the State in the Horn of Africa', in K. Fukui and J. Markakis (eds.), *Ethnicity and Conflict in the Horn of Africa*, Oxford, James Curry 217, at 235.

[11] Merera Gudina (2003), Ethiopia: Competing Ethnic Nationalisms and the Quest for Democracy, 1960–2000, Chamber Printing House, Addis Ababa, p. 100.

[12] See, eg., Asafa Jalata (1993), *Oromia and Ethiopia: State Formation and Ethnonational Conflict*, 1868–1992, Lynne Rienner Publishers, Boulder; Bonnie K. Holcomb and Sisai Ibssa (1993), *The Invention of Ethiopia: The Making of a Dependent Colonial State in Northeast Africa*, Rutgers University Press, New Brunswick.

subscribed to this proposition. Members of the Ogaden Liberation Movement and its ideologues also have subscribed to this position.[13]

As an explanation of the state crises of the 20th century, the colonial thesis does not have many proponents other than the ones indicated above. Though I cannot go into the detail here, in my view as well, one can show its hollowness by drawing on abundant socio-historical facts and evidence. This completely denies the centuries of interaction between the Oromos –as conquerors and as conquered; as victors and as losers; expanding and being pushed back, traversing the whole country including the present-day Eritrea– and other linguistic communities of Ethiopia in war, in peace, in trade, because of other manmade calamities and natural disasters. As Professor Clapham averred, this claim can be dismissed as "ridiculous".[14]

The third thesis explaining the 20th century state crises of Ethiopia is what we can call the "power and resource inequity thesis". The state power that seems to be held in the cultural and religious overture of the Amhara has neglected other nationalities, leading them to believe that there is an ethnic dimension to the political exclusion.[15] As Clapham observes, this view understands that although the Ethiopian system of rule and power in practicality functioned as an inegalitarian, "it carried no 'premise of inequality'".[16]

The fourth explanation of the state crises is the national oppression claim. This claim singles out the Amhara as the oppressor group and the other nationalities as the oppressed. This thesis accuses the Amhara of promoting their culture and language at the expense of all other cultures and languages. It is held here that as a result of the identification of the Ethiopian state with the Amhara, all other groups were required and forced to assimilate into the Amhara cultural ethos in order to be recognised as Ethiopians. The most outspoken of the proponents of this position, the TPLF, maintains that the 'Shewa' Amhara have exercised a monopoly over political and economic powers in Ethiopia during the past century in exclusion of all other groups.[17]

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[13] Teshale Tibebu (2008), 'Modernity, Eurocentrism, and Radical Politics in Ethiopia, 1961–1991', 6(4) *African Identities* 345, at 347.

[14] Christopher Clapham (2002), 'Rewriting the Ethiopian History', 18 Annals de'Ethiopie 37, at 50.

[15] Markakis, *supra,* note 10.

[16] Christopher Clapham (1988), *Transformation and Continuity in Revolutionary Ethiopia*, Cambridge University Press, Cambridge, at 22.

[17] See interview by Paul B. Henze with Meles Zenawi (in 1990), <Meles Zenawi's interview with Paul Henze 1990 | Ethiopia (wordpress.com)> (accessed on 18 June 2022).

The TPLF and other ethnic-based movements that emerged in the early 1970s sprang from among the student revolutionaries who, from the second half of the 1960s, had embraced leftist political orientation. As Professor Bahru (2014) observes, the issue of nationalities had been discussed by sections of the student revolutionaries from around 1967, in connection with skirmishes between students on the basis of regional origin, such as between Eritreans and non-Eritreans. Randi R. Balsvik (2005) also notes that the national question was discussed among the Ethiopian student organizations in America and Europe before the famed piece by Wallelign Mekonnen on "the question of nationalities in Ethiopia" made its appearance in 1969. As Bahru and Balsvik observe, the interpretation of the sources of Ethiopian social ills became hotly debated among the student revolutionaries who thought the main sources as class problem, and those who held the view that national oppression was the main culprit.[18]

The sections of the student revolutionaries that held the position that Ethiopia's political, social and economic problems emanate from national oppression maintained that the country's problems could be resolved by dealing with the issue of national oppression.[19] Most of the students that branched out into the various political organizations in the early 1970s, including the TPLF, had already adopted Marxism-Leninism as their governing ideology in the late 1960s.[20] The national oppression thesis was given a cogent intellectual expression by the earlier noted piece entitled "the question of nationalities in Ethiopia" written by Wallelign Mekonnen. He opined that the Amhara and to some extent the Amhara-Tigre have dominated Ethiopia. According to him, what is considered as the Ethiopian culture, language, religion, and national dress are all the Amhara (and to some extent Amhara-Tigre) culture, language, religion, and dress.

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[18] These two positions and other positions advanced by various components of the student revolutionaries and the party formations that sprang from them will be discussed latter in the article: See, Bahru Zewde (2014), *The Quest for Socialist Utopia: The Ethiopian Student Movement c. 1960-1974*, James Currey; Randi Ronning Balsvik (2005), *Hatile Sellassie's Students: The Intellectual and Social Background to the Revolution, 1952-1974*, Addis Ababa University Press.

[19] The two Eritrean movements, the ELF and the EPLF, in fact adopted a different position regarding the relationship between Ethiopian and Eritrea, namely, that the former colonized the latter and that the struggle therefore was a decolonization one.

[20] Andargachew Tiruneh (1993), *The Ethiopian Revolution, 1974–1987: A Transformation from an Aristocratic to a Totalitarian Autocracy*, Cambridge University Press, Cambridge, at 29.

It is possible to take issue with what Wallelign so confidently asserted. For one, this obviously does not accurately reflect the accommodative approach exercised by the political power –in both social and political spheres– towards all linguistic groups of the country. Second, the association of the political power squarely with the Amhara and placing the blame on the Amhara for the policies of the Ethiopian state, which should be viewed separately from the Amhara misses a lot of points.

In any case, one should note the striking similarity between how Wallelign framed his arguments in the piece referred to above (and subsequently developed and practiced by the TPLF), and the Marxist[21] but more so Leninist and Stalinist approaches to the question of nationalities. As the studies made on the Leninist-Stalinist theory of the question of nationalities show, the theory took a definite shape starting from 1903 framed more broadly in the beginning for the purpose of intensifying the socialist revolution against Tsarist Russia.[22] The theory framed the Russians as oppressors and the various regional and linguistic communities under the Tsarist Empire as oppressed groups. As such, therefore, Lenin and Stalin promised independence to those geographical and linguistic communities under the Tsar in order to garner their support for the revolution.

Although Lenin endorsed the right of nations to secession, he in principle was against supporting separatist movements. He is often quoted as saying that "the right of divorce is not an invitation for all wives to leave their husbands".[23] In reality, Marxism-Leninism holds that communism and nationalism are ultimately incompatible. However, Marx and Lenin believed in the necessity of appealing to nationalism in the pre-revolutionary period. They condoned the manipulation of the national question to further the revolutionary movements. In fact, the Leninist national policy asserts that "the struggle to overcome nationalism in the communist movement is the most important task of Marxist-Leninists".[24] Thus, the Marxist-Leninist theory holds that nationalism –loyalty to one's nation or nationality– on the part of the masses is acceptable in a pre-revolutionary situation but must give way to

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[21] Graham Smith, says that classical Marxism had little to say about the national question and offered no advice on the issue of national self-determination; Graham Smith 'Nationalities Policy from Lenin to Gorbachev' in Graham Smith (ed) (1994) , *The Nationalities Question in the Former Soviet Union*, Longman 1, at 2.

[22] See, Walker Connor (1984), *The National Question in Marxist-Leninist Theory and Strategy*, Princeton University Press, 1984; Smith, *Ibid.*

[23] Smith, *ibid.*

[24] Connor, *Ibid.*, at 11.

proletarian internationalism or socialist patriotism in the aftermath of the revolution.[25]

Another anomaly about the proposition of the question of nationalities in Ethiopia is the lack of clarity between the three terminologies: nation, nationality and people. In the Marxist-Leninist discourse, some kind of distinction has been drawn. Thus, a "nation" was described as "large", "historical", "great" and peoples of "undoubted vitality" such as poles, Germans, Italians and Hungarians. The discourse thus holds that there is no doubt about the right to an independent statehood of such peoples.[26] Whereas a "nationality" was described as "people in pre-nation stage of development; people who for whatever reason have not yet achieved (and may never achieve) the more august station of nationhood. It might also refer to a segment of the nation living in another state severed from its kin-nation.[27] Nationalities therefore cannot be entitled to independent statehood.

The TPLF that drove home the idea of the right to self-determination of nations, nationalities and peoples (NNP) in Ethiopia chose rather to use these terms interchangeably (defining them identically), bestowing all the elements of the right to self-determination, that it constitutionally recognised, on each one of them. It is therefore difficult to pin down the notion as adopted by Ethiopian ethno-nationalists because, for sure, it is not articulated in the same way as done in Marxism-Leninism as the latter maintained distinction between the notions. Nor have the Ethiopian ethno-nationalists adopted their own definitions of the terms. The constitutional dispensation that inherited the TPLF's notion of the question of nationalities at present is that all NNPs are sovereign and each NNP has the right to self-determination up to and including secession.[28]

In fact, the TPLF did not seem to bother about the theoretical or intellectual clarity of the notions. It was singularly interested in the instrumentality of the question of nationalities. As alluded to earlier in the context of the Marxist-Leninist theory of nationalism, what most interested the TPLF was the organizing power of the question of nationalities. As Young, observes, although the number of the Amhara in Tigray had always been negligible, the atmosphere of Amhara cultural dominance was felt in the province by the use of the Amharic language by state functionaries –the police, governors, court

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[25] Connor, *ibid*, at 49.
[26] *Ibid.*, at 12.
[27] *Ibid.*
[28] Arts 8, 39, Constitution of Ethiopia (1995).

personnel, tax collectors.[29] The TPLF carefully theorised about the perceived existence of discriminatory treatment against the Tigreyans carried out by the 'Shewan Amhara' elite. Again, Young correctly observes that the ideology of the TPLF was not formed on the basis of the ethnic nationalism prevalent among the Tigreans; it was rather culled from the Leninist-Stalinist theory of nationalism embraced by the student movement in which the TPLF's founders were active participants.[30]

It is necessary to note here the position on the question of nationalities of the other political organizations that emanated from student revolutionaries. The Major ones were the Ethiopian People's Revolutionary Party (EPRP) and All Ethiopian Socialist Movement (AESM, better known by its Amharic acronym መኢሶን (Me'ison)). During the early 1970s, both the EPRP and AESM were inclined to endorse the right to self-determination of nations/nationalities including secession. For example, in its program of March 1975 AESM stated bluntly that "the right of nationalities to self-determination up to and including secession is recognised".[31] These parties however made some reflections in the subsequent years. In this regard the EPRP was seen to have focused more on the issue of class struggle in the spirit of Marxism Leninism as the solution to Ethiopia's problems while AESM engaged in the consideration of federal/regional issues as central to Ethiopia's political problems.[32]

3. Analysis of the Socio-historical and Governance Conditions (to-date) of Ethiopia

On the backdrop of the above explanations offered by student revolutionaries, scholars and political practitioners, I will now attempt to offer an assessment of the socio-historical and governance realities of the country to advance my argument that bad governance is primarily responsible for the continuing suffering of the Ethiopian public and the multi-faceted crises being experienced; and this includes: governments not representing the diverse socio-cultural and political viewpoints; governments of unlimited power; governments fostering exploitative economic relations; governments lacking accountability and transparency; governments trampling on rights and freedoms of citizens without any accountability for their violation of rights;

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[29] John Young (1997), *Peasant Revolution in Ethiopia: The Tigray People's Liberation Front, 1975–1991*, Cambridge University Press, Cambridge, at 31.

[30] *Ibid.*, at 32.

[31] Clapham, *supra*, note 16, at 198.

[32] Andargachew, *supra*, note 20, at 139.

and unelected governments or governments elected without meeting the standards of free and fair elections.

Two sets of arguments can be advanced as to why the explanation of the Ethiopian political crises of the 20th century as emanating chiefly or solely from national oppression cannot be sustained. The first one can be termed socio-historical and cultural while the second has to do with the nature of the governance system that was established and sustained by the governments in question.

It is an established fact that there has been social discrimination against certain groups in the society on different grounds. This discriminatory treatment is widespread throughout the country regardless of cultural or religious differences. A ready example is the discriminatory treatment of the artisans in the north (including the *felasha*). These people were not allowed to mix with the so called Abyssinians by intermarriage or in other social forms. Nor were they allowed to own land in any form.[33] The northern peasantry included both tenants ('chisegna' in Amharic) and landowning peasants.

Tenant-landlord relationship was not unique to the southern part of the country placed under the central administration in the early 20th century, although there were some important differences between the north and the south. One such difference being that in the north not all peasants were tenants while the bulk of the southern peasants were tenants. Whether land-owners or not, peasants in both north and south were *gebars* (tribute-paying units) to the overlords, such as the nobility.

Areas that resisted Menelik II's expansion to the south, such as Arusi, Wolayta, Gurage, Keffa, Harer, and partly Bene Shangul, were treated differently from those that submitted without military confrontation, such as Jimma and Wollega. In the former case, state-sponsored soldiers were implanted in the areas as part of the effort to sustain state authority. These soldiers had to be garrisoned after the conquest in order to maintain state authority. The 'implanted' soldier-settlers (known commonly as *neftegna*) were transformed into a privileged and hereditary class.[34] This gave rise to a new social relationship between the local people and the new privileged class. They and the local *balabat* (local nobility) were assigned *gebbars* (local farmers) who provided them with determined amounts of services and

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[33] Gebru Tareke (1996), *Ethiopia: Power and Protest, Peasant Revolts in the Twentieth Century*, Red Sea Press, Asmara, at 65.

[34] Harold G. Marcus (1975), *The Life and Times of Menelik II: Ethiopia 1844–1913*, Clarendon Press, Oxford, at 192.

produce. Lands that were not cultivated until the conquest became in principle, 'Emperor's lands' and were sold to buyers principally from the north. Settlers on these latter lands were not owners of the lands as in the previous case, but tenants who worked on the lords' lands.[35]

Another social fact to note relates to negative stereotypes. Such stereotyping was mutual. Regional and cultural symbolism and stereotypical depictions were common but there seems to be an agreement that the northern aristocrats in charge of the southern conquest were characterised as considering themselves more dignified than all other groups, north and south. By looking at them from the northern cultural perspective, they considered the people of the new south as uncivilised and hawkish.[36] However, as time went by, social assimilation continued with increased interaction.

Although most aristocrats and landowners were those that came with the incorporating state machinery, the view that there was a coincidence between class and ethnic origin in the south would be misleading. For one, the ruling aristocracy was made up of different groups of Amhara, Oromo, Gurage, Tigre and others who displayed the culture and religion of the imperial state. One should also note that there were many wealthy and powerful locals, and poor and helpless settlers at the same time.

As earlier noted, in the parts of the south (Nekemt, Kelem, Bene Shangul, Jimma, Gubba and Aussa) that recognized the imperial state willingly, power decentralisation akin to older times was allowed to continue. They were made tributaries with their autonomy and local rulers kept intact. In these provinces, there were no imperial settler-soldiers (*neftegna*) or imperial governors. The hereditary chiefs or governors in place were allowed to continue, in return for their tribute payments, with their power to impose taxes and all other administrative and judicial decisions.[37] This arrangement continued until it was ended by Emperor Haile Sellassie in 1932 foreshadowing his zeal for centralisation of power that was to follow.

The third relationship concerns what can rather be termed as a 'weak-relationship' between the state and the lowland inhabited by the pastoralists and hunters-gatherers. These are made up of the mostly Muslim population of

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[35] Donald Donham, 'Old Abyssinia and The New Ethiopian Empire: Themes in Social History', in Donald Donham and Wendy James (eds.) (1986), *The Southern Marches of Imperial Ethiopia: Essays in History and Social Anthropology*, Cambridge University Press, Cambridge, at 41.

[36] Marcus, *supra*, 34, at 193.

[37] Allesandro Triulzi (1986), 'Nekemte and Addis Abeba: Dilemmas of Provincial Rule', in Donham and James (eds.), *supra*, note 35, at 58.

Somali, Afar, parts of the Oromo people, and those inhabiting the south-western and western lowlands bordering the Sudan and the present South Sudan. The failures of the imperial state were most starkly shown in its relation to these people, as it generally remained much less engaged with them. The lack of the state's presence in these areas had kept the interaction between the state (and its bureaucratic apparatus) and the lowland population at a minimum level until some symbolic changes came after 1974. Although most of the time these people generally accepted their positions as tributaries, they reacted dramatically when they were able to do so as they did under Ahmed Gragn in the 16th century.

Writing about the situation of peasants in the northern and central Ethiopia during the middle ages, Richard Pankhurst observes that the peasants are so grievously exploited by the lords so much so that they had no incentives to produce.[38] Furthermore, they received added misery from soldiers' exactions that plundered the homes and fields of the peasantry as well as from the responsibility to provide food and shelter to soldiers and other passers-by. The abusive treatment the peasants received at the hands of the soldiers and the travelling lords who would come with many entourage would leave the peasants demoralized and dishonoured. Credible historiographical sources document that throughout the Middle Ages, even before the Christian kingdom's major confrontation with emirs of Adal and the expansionist movement of the Oromo clans, there had been constant conflicts in the different parts of the country.[39] This phenomena, its destructive effects aside, no doubt have contributed to the intermixture of the various communities of Ethiopia. This situation of war and conflict continued and, with it, the misery of the peasants and the exactions well into the second half of the 19th century.

In this connection, Levine says that at least for the last two millennia the various linguistic communities inhabiting Ethiopia today have been in more or less constant interaction through trade, warfare, religious activities, migration, intermarriage, and exchange of special services.[40] People of diverse origins and backgrounds crisscrossed "Greater Ethiopia" and met, interacted and traded for centuries not only in numerous sub-regional markets but also in the larger regional markets such as Aksum (in the North), Harar (in the

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[38] Richard Pankhurst (1992), *A Social History of Ethiopia: The Northern and Central Highlands from Early Medieval Times to the Rise of Emperor Tewodros II*, The Red Sea Press, at 9.

[39] *Ibid*, at 12.

[40] Donald N. Levine (1974), *Greater Ethiopia: The Evolution of a Multi-ethnic Society*, University of Chicago Press, Chicago, at 29-32.

Southeast), Gonder in the Northwest, and Bonga (in the Southwest).[41] Drawing on historical evidence, Levine aptly characterises the act of the late 19th century by which the modern Ethiopia was formed as "an ingathering of peoples with deep historical affinities".[42]

It is well documented that Emperor Haile Selassie came with progressive ideas, to open up the country to modern education, to modernize the economy and improve its international relations.[43] This started off with the enactment of the 1931 Constitution on the first anniversary of his coronation. But at the same time, he was predisposed to centralizing power in his hands. He was not happy with the semi-autonomous nature of the regional governors who were in charge of their mini-armies. He abolished hereditary noblemanship and centralized security and armed forces.[44] After the restoration of his administration in 1941, after the defeat of Italy, he continued the centralization drive more vigorously.

The 1942 Decree on provincial governments brought a fundamental paradigm shift that put an end to centuries-old system of power relations in which regional rulers were masters of their own territories, with only tribute-paying relations to the king of kings at the centre.[45] Regional rulers were deprived of the control on provincial finance and taxes. The Decree made the administrative regions it created directly accountable to the centre. It gave the Emperor the power to appoint all governors-general of provinces (Teklay Guizats), governors/directors for the sub-provinces (Awraja Guizats), as well as for the districts (Woreda Guizats) throughout the Empire.

Bit by bit, Emperor Haile Selassie concentrated power in his hands, giving it a more solid constitutional expression in the 1955 Revised Constitution which gave the Emperor undisputed and indisputable executive, legislative and judicial powers, leading him to single-handedly make, among others, such ill-advised measures like the dissolution of the Eritrean federation (with Ethiopia) in 1962. The constitutional declaration of the Ethiopian Orthodox Church as "the Established Church of the Empire … supported by the state"[46]

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[41] *Ibid*, at 41.

[42] *Ibid*, at 28.

[43] See, Bahru Zewde (2002), *Pioneers of Change in Ethiopia*, *James Currey*; Tekle-Hawariat Tekel-Mariam (2006), *Auto Biography* (in Amharic), Addis Ababa University Press.

[44] Gebru, *supra*, note 33, at 18.

[45] James C.N. Paul and Christopher Clapham (1972), *Ethiopian Constitutional Development: A Sourcebook*, Haile Selassie I University, Addis Ababa, at 552.

[46] Art 126, 1955 Revised Constitution of Ethiopia.

also no doubt alienated the Muslim community and followers of other Christian variants all around the country.

Furthermore, with the conviction to mould "one nation" out of the multitudes of ethno-linguistic communities in the country, the imperial regime had taken successive measures that undermined the cultural and linguistic autonomy of the groups. For example, the official or public use of the Tigrigna language for communication as well as for schools even in Tigray and Eritrea were proscribed.[47] Markakis notes that other indigenous languages (than Amharic) were not allowed "to be printed, broadcast, or spoken in public functions, and attempts to study the culture and history of other groups were decidedly discouraged". One could say that the history of autonomous self-rule by the Tigray province had been on the decline from Emperor Menelik's time. Added to that was the clear lack of development in the Tigray province during the entire reign of Emperor Haile Selassie, thereby lending credence to the idea of ethnic-based nationalism in that province.

Added to the above measures and decisions by Haile Selassie's government that undermined the traditional governance system as well as cultural and linguistic self-expressions of the various groups were the increasing bureaucratization, nepotism and corruption in the imperial government. The ruling oligarchy became massively engaged in amassing private gains through businesses like import–export trade and other private investments with expatriate business persons while holding office.[48] As a result, in the first half of the 1970s, in Kafa, Arsi, Illubabur, Gamo Gofa and other places in the south, the people demonstrated and demanded the removal of the governors-general citing incompetence, eviction of tenants and embezzlement of public money.[49] Undoubtedly also, there was unbalanced and inequitable distribution of schools and other social services, disproportionately concentrated in Addis Ababa and Eritrea.[50]

Haile Selassie's government was debased because of the concerted opposition to it by student revolutionaries and other sections of the society. There was unity in portraying what was believed to be the main failures of the imperial administration, chief among which include, the authoritarian political culture, the exploitative social relations, lack of democratic representation,

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[47] Markakis, *supra*, note 10, at 230.
[48] Harold Marcus (2002), *A History of Ethiopia*, University of California Press, Oakland, at 167-69.
[49] Andargachew, *supra*, note 20, at 46.
[50] Marcus, *supra*, note 48, at 165.

and the miserable economic conditions of the peasantry[51], most starkly demonstrated by the devastating famine in Wollo province in early 1970s. "'Education for children of the poor," "bread for the hungry," "land to the tiller," and "down with monarchical rule'" were the popular slogans of the student revolutionaries.[52] The quest for representative government (*hizbawi mengist yimesret)* was loud and clear. Restrictions on the ethnic and cultural self-expressions made by the imperial regime were also highlighted during the opposition to the regime.

Soon after its assumption of power, although it took such welcome measures as the redistribution of land to the farmers by nationalizing rural and urban land in 1975, the Derg started to implement sweeping measures that were against freedom and political pluralism. Already by 1976, it declared, through what it called "program of national democratic revolution", its commitment to vanguard proletariat party. It stamped out all kinds of dissent and opposition starting with the "red terror" campaign it waged against generations of students and other educated sections of the country. It made any alternative voice, association or party illegal. It ruled the country with a litany of proclamations, regulations, circulars, edicts and orders for 13 years till 1987 when it enacted the PDRE (People's Democratic Republic of Ethiopia) constitution which unequivocally instituted the Workers' Party of Ethiopia (WPE) –"guided by Marxism-Leninism"– as the vanguard party of the working people.

It has also declared the notion of "democratic centralism" and command political structure as its modus operandi. Power was tightly centralized in the hands of Mengistu Haile-Mariam. Only lip-service was paid to the demand for cultural and linguistic rights of the ethno-linguistic communities feeling excluded by the Ethiopian state. The last desperate attempt at decentralization was far from genuine and was hollow, as all other decisions of the regime were. Decided by the WPE without grass-roots participation, the autonomous regions created by law (Proclamation No. 14/1987) which divided up the country into twenty-four administrative and five autonomous regions were not given any meaningful powers.

In the final analysis, through its socialist principle of economic and political centralism the military government ended up becoming more

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[51] Gebru Tareke (2009)*, The Ethiopian Revolution: War in the Horn of Africa*, Yale University Press, at 27; Assefa Meheretu (2017), 'Delegitimization of the Collective Identity of Ethiopianism' 11 (1&2) *International Journal of Ethiopian Studies* 45, at 47.

[52] Bahru, *supra*, note 18, at 153-54; Gebru, *ibid.*

absolutist than the imperial regime had been. It ruled out political pluralism in favour of a one-party system; it sought to deal with all demands for autonomy and self-rule militarily. Its single important achievement of land redistribution was rendered nugatory by its forced sale of products to the parastatals. Finally, its northern war for which young men were forcefully conscripted into the army eroded the support of farmers, speeding up its downfall. The joint military operations of TPLF and EPLF, coupled with Derg's loss of popularity internally and financial support externally, brought about its ultimate demise in 1991.

The Ethiopian state, although it speaks the Amharic Language and (till Emperor Haile Selassie I) professed Orthodox Christianity, it does not represent any one ethno-linguistic group. Again, with Emperor Haile Selassie I as its last monarch, all the preceding ruling class came to power with military power and the claim to hereditary rulership, such as the Solomonic line (and of course with some tactical smartness outplaying rivals and convincing followership). The Derg, as it is well known, was comprised of junior army officers that have come from different ethno-linguistic backgrounds brought together by sheer happenstance and thereafter stuck together by common purpose, establishing itself as a new ruling group without any pedigree such as the Solomonic line[53] nor the representation of any one ethno-linguistic group. It is my argument therefore that the past Ethiopian governments (representing the Ethiopian state in its political sense) should be distinguished from any one Ethno-linguistic group and be judged on its own. They were oppressive and authoritarian. They cannot be taken to be "x" or "y" ethno-linguistic group's government. Because they were not.

As a further testimonial to this, the popular discontent to the imperial as well as Derg's governments were happening in most places of the country without fallowing any ethnic lines. For example, in 1968, the people of Gojjam, (a province in the present day Amhara region) staged protest against the imperial regime angered by the imposition of agricultural tax and because of the bad administration of a Shewan governor (an Amhara from Shewa). The rumour that the government was planning on the dissolution of the communal *rist* ownership of land in the area was also one of the catalysts of the rebellion.[54]

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[53] Even if we take this as credible story, King Solomon was an Israelite (who never set foot in Ethiopia), and Queen Sheba or Saba was a certain 10th century BC Queen. Who would she represent ethnically?

[54] Gebru, *supra*, note 33, at 84.

Likewise, the peasants of Bale (in the present-day Oromia region) rebelled in the 1940s and 1960s. The causes were a combination of resentments resulting from the unfair distribution of political and economic resources, land alienation, unfair taxation, and ethnic and religious discrimination.[55] Similar uprisings occurred in the present day Southern and Sidama regional states in the 1960s protesting the serfdom and land alienation by the capitalists associated with the imperial ruling class.[56] In Tigray there were already rebellion in 1943 because of resentment against the appointment of a non-Tigrean governor and the introduction of Amharic as a medium of communication in all state institutions.[57] There were also other rebellions in 1958 Wollo (in present-day Amhara region); and in 1947 and 1958 in Hararghe (in present-day Oromia and part of Somali regions).[58] These rebellions that took place in different parts of the country underscore the overwhelming similarity of the situations of the peasants, semi-pastoralists and the pastoralists in the Ethiopian society and the targets being the state not a particular ethnic group.

It is my view that the above discussion demonstrates that the oppressive mode of governance of the pre-1991 governments and their inability to deliver economically and socially were the main sources of the political crises contemporaneously experienced. If this view is correct, it equally means that the national oppression thesis, by the TPLF and its likes, for explaining the 20th century governance crises of the Ethiopian state was erroneous.

4. The Political Solutions Prescribed by the EPRDF and its Problems

We have noted earlier in this article that the TPLF was the most ardent proponent of the question of nationalities. Waging a rural-based armed struggle starting from the mid-1970s, the Coalition it formed and led –the EPRDF– assumed state power under its leadership in May 1991. At the end of the 1980s, the goal of the TPLF was set to be the restructuring of the

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[55] *Ibid*, at 125.

[56] Charles W. McClellan, 'Coffee in Centre-periphery Relations: Gedeo in the early twentieth century', in Donham and James (eds.) (1986), *The Southern Marches of Imperial Ethiopia: Essays in History and Social Anthropology*, Cambridge University Press, Cambridge, at 5.

[57] Gebru, *supra*, note 33, at 77.

[58] *Ibid*, at 35.

Ethiopian state, although earlier it concentrated on liberating the Tigray people from the oppression of what it calls "Shewan Amhara ruling class".[59]

When it assumed power in May 1991, it, with the alliance of some other organizations that purported to represent various ethno-linguistic communities of the country, quickly moved to putting into effect the legal and institutional structures to realize its political program of the right to self-determination, including secession, to every NNP in the country. This right was recognized in the 1991 Transitional Period Charter. As noted earlier in the article, the 1995 Constitution also entrenched the various elements of this right more strongly. The Constitution created nine states as members of the federation but left the door open for any NNP to request for its own federating state unit.[60] In fact, over the last two years, three additional regional states – the Sidama regional state, the South-western Ethiopia Peoples' regional state and South Ethiopia Peoples' regional state– broke away from the multi-ethnic Southern NNPs regional state thereby making the number of states 12.[61]

Now, the key question is 'have the social and political problems of the Ethiopian NNPs been resolved by the constitutionally entrenched self-determination rights and the institutional structures created by the TPLF-EPRDF?' The state of reality of the country at the present time would definitely answer this question in the negative. The federal government is at war with the TPLF for close to two years now. It has also been waging low intensity military campaign against the OLA-Shene (Oromo Liberation Army) since late 2018. Thousands have been displaced from Oromia region because of the latter conflict. Massive ethnic-based displacements have taken place between Oromia and Somali regions in 2017, and between Oromia and the Southern region in 2018. They have been happening in the Beneshangul-Gumuz region almost regularly.

People who have been rendered "not persons of the soil" because of the ethnic territorialisation of the country have been relegated to second-rate citizenship in the regions or sub-regional units, in which they reside, for decades now. Political organizations, other than those in the ruling coalitions

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[59] See, Aregawi Berhe (2008), *A political history of the Tigray People's Liberation Front (1975-1991): Revolt, ideology and mobilisation in Ethiopia*, PhD thesis, University of Amsterdam.

[60] Art 47, the 1995 Constitution of Ethiopia.

[61] At the time of the writing of this article, discussions on these matters have been underway, and the final agreement has not been conclusively reached on the fate of the truncated Southern NNP regional state.

–EPRDF and allied parties previously and the PP since 2019– who purport to represent titular groups, including the major ones like the Oromo, the Amhara, Somali, Tigre, Sidama, Afar, Wolayta, Gedio and others have never stopped pointing out that all is not well with the rights of their respective peoples and the overall democratic governance of the country.

Seven elections took place during the tenure of the EPRDF: 1992 (regional council election during the transitional period); 1994 (for the constituent assembly to ratify the Constitution); 1995 (first general elections under the Constitution); and the four subsequent general elections of 2000, 2005, 2010 and 2015. One (delayed) general elections took place in 2021 under the tenure of the PP. Objective assessments of all the EPRDF's elections documented that none of the elections came close to meeting the minimum international standards of free and fair elections. Although the 2021 general elections depict major departure from the previous ones, holistic-election cycles-based assessment will no doubt give it a fail mark from democratic electoral standards' point of view.

Three decades after the right to self-determination and ethno-linguistic based federal arrangement have been rolled out as a panacea for, among others, the political ills that plagued the Ethiopian body politic, most of the political problems of the mid-20th century remain unaddressed, while, as noted shortly above, more problems have been added on top. My contention is that the political and legal solutions designed by the TPLF-EPRDF were results of wrong diagnosis of the real political problems of the country. The legal-institutional structures, including the 1995 Constitution, that have been put in place by the TPLF-EPRDF were not properly designed. Principles and rules of the constitution have not been carefully and objectively designed to serve as bulwarks against manipulation by big or small ethno-linguistic groups, unilaterally or in a cliquish manoeuvre. Similarly institutions that serve as enablers of inclusive democratic governance for ethno-linguistically divided societies, like Ethiopian, were not comprehensively put in place. At the same time, the Constitution contains near-utopian declarations like the right of every NNP to found its own state within the federation which, owing to its impracticality, have become sources of conflict.

Major issues such as executive power-sharing at national and sub-national levels and the effective participation of the NNPs in other national and sub-national bureaucratic and governmental economic institutions have been ignored. "In reality, what [the] constitutional design has done (and continues to do) is to put the fate of the bulk of the [ethno-linguistic communities] in charge of one or two or a few [NNPs] who control the balance of power at a

given time".[62] This seems to lend credence to comments to the effect that the whole ethnic federal self-determination scheme of the post-1991 period were put in place by the TPLF as mere 'divide and rule' tactic. Now, this seems inherited by the Oromo political elites that control the reins of power since April 2018 under the banner of the PP.

5. Conclusion and Implications

I believe the facts and arguments presented above can show that the legal, political and institutional solutions put in place by the TPLF-EPRDF –on the backdrop of its diagnosis of Ethiopia's political problems as emanating from national oppression– have not fixed most of the problems while they have generated new types of problems. Hence my argument that inappropriate institutional design and the democracy deficit have been the real problems. The unfounded "national oppression" thesis that guided TPLF-EPRDF's institutional design has taken our attention away from the real problem: the inability to install a representative democratic government answerable to the people. This therefore calls for an honest assessment of the problems and taking of appropriate measures which include renegotiating the relevant parts of the constitutional design.

The first important step that needs to be taken is to ensure the existence of genuine democratic dispensation whereby citizens and political organizations can freely take part in the political life of their country, advancing their preferences and viewpoints. This in my view is the key to fixing all other problems. As part of the democratic exercise, all political actors should engage in a genuine dialogue to identify the problems and come to consensus on how to resolve them.

As noted earlier, some of the outstanding problems cannot be fixed without the redesign of the relevant parts of the Ethiopian Constitution. Constitutional provisions and institutions that ensure equal citizenship of all Ethiopians at every corner of the country need to be defined in the Constitution. Furthermore, I believe that there is the need for putting in place appropriate ways by which the democratically mandated representatives of the Ethno-linguistic communities and other ideologically based political parties equitably share in the executive power at the national and sub-national levels. The same holds true for equitable representation of the ethno-linguistic communities in other national and sub-national bureaucratic and

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[62] Getachew A. Woldemariam (2014), *Constitutional Protection of Human and Minority Rights in Ethiopia: Myth v. Reality*, PhD Thesis, The University of Melbourne, at 82.

governmental economic institutions. The army and the security apparatus cannot be left out as well.

For doing this, instructive examples from well-functioning federal systems, such as Belgium, Switzerland, India and Nigeria could be assessed. In particular, I find the Nigerian "Federal Character Commission" very relevant for dealing with the equitable representation deficit of the current Ethiopian arrangement.

As it is well known, there are more than 300 ethno-linguistic groups in Nigeria, including the Hausa Fulani, Ibo and Yoruba, the three major groups.[63] The Nigerian Constitution provides for state and local balance in the appointment of government officials by proscribing predominance of persons from any few states or any few ethnic or other sectional groups in the society.[64] The Nigerian Federal Character Commission is an institution established by the Nigerian Constitution to realize this constitutional policy. Rutimi Suberu observes that the federal character principle is '[t]he most innovative and remarkable feature' of Nigerian federalism.[65] Suberu further notes:

> Indeed, the federal character principle has spawned a vast repertoire of more or less informal consociational practices that are designed to distribute, balance and rotate key political offices among the country's states, ethnicities, religious groups, regions and other cultural or geographical constituencies, including the six quasi-official geo-political zones (northwest, northeast, and middle-belt in the north, and southwest, southeast, and Niger delta or south-south in the south).[66]

The Federal Character Commission is empowered to implement the federal character principle through, among others, working out an equitable formula, subject to the approval of the national assembly, for the distribution of all cadres of posts in the public service of the federation and of the states; the armed forces of the federation; the Nigerian police force; and other government security agencies, government owned companies and parastatals of the states. It is also charged with the responsibility to promote, monitor and

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[63] See, Allswell Osini Muzan, 'The Nigerian Constitution and Minority Rights Guarantees ' in D A Guobadia and A O Adekunle (eds), Ethnicity and National Integration in Nigeria: Recurrent Themes (NIALS Press, 2004) 213.

[64] Arts 14(3)-(4), Nigerian Constitution (1999).

[65] Rutimi Suberu, 'The Nigerian federal system: performance, problems and prospects' 28(4) *Journal of Contemporary African Studies* (2010) 459, at 465.

[66] *Ibid*, at 466.

enforce compliance with the principles of proportional sharing of all bureaucratic, economic, media and political posts at all levels of government.

Moreover, it has the power to take legal measures, including the prosecution of the head or staff of any ministry or government body or agency which fails to comply with any federal character principle or formula prescribed or adopted by it. The Commission is empowered to ensure that every public company or corporation reflects the federal character in the appointments of its directors and senior management staff, regardless of any contrary stipulation in other laws. A design of an institution along this line can go a long way in curbing the prevalent arbitrariness in Ethiopia regarding equitable representation.

Electoral system redesign is another matter that needs attention. True, the plurality variant of the majoritarian electoral system in place for parliamentary elections in Ethiopia has not been genuinely practiced. In that regard, the problems with past elections have not been linked to the electoral formula. But, given the ethno-linguistic and other political diversity extant in the country, an appropriate variant of proportional representation electoral system or a hybrid one is believed to suit Ethiopia better.[67] Deliberation and agreement by the major political actors on a more suitable electoral formula have to be made.

Strengthening the institutional structure for the protection of human and minority rights has to also be prioritized. I believe several gaps exist in the current constitutional dispensation in this regard. But I point out just two here. The first one is the need for the incorporation of the notion of "federal paramountcy" in the Constitution which is now missing. Constitutions of the US, Switzerland, Russia and Germany do specifically incorporate the principle of the paramountcy of federal laws over state laws either in relation specifically to rights or in all cases.[68] This principle is necessary to, among others, make sure that all Ethiopian citizens and people enjoy comparable rights and quality of life. The second important principle that need to be included in the federal Constitution is an explicit provision that prohibits states from making any discriminatory treatment or preference between any

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[67] See, eg., Arend Lijphart (2004), 'Constitutional Design for Divided Societies' 15(2) *Journal of Democracy*, 96; Andrew Reynolds et al. (2005), *Electoral System design: The New International IDEA Handbook* <ESD_del1 (anfrel.org)> (accessed on 18 June 2022).

[68] See, eg, United States Constitution, art 6; Swiss Constitution, art 49; German Constitution, art 31; Russian Constitution.

of their citizens on any grounds, such as ethnic or place of origin or any other status, nor to restrict or abridge their rights or privileges on such grounds.

The need to revisit the constitutional review system of the country put in place in the current constitutional arrangement has been hammered by many commentators. It is also my view that there is a need to put in place a judicial body that will be guided by judicial independence principles and become an impartial and competent arbiter of constitutional disputes. It can be fashioned along the constitutional court proto-types or even along the French *Council Constitutionel* with the adaptations and nuancing that will be needed.

The final implication I want to draw from the main claim made in this article is the need to redesign the parliament of the federal government. As it is one of the basic rules of federal arrangements, the parliament has to have two (bicameral) legislative chambers. This should be done by redefining the mechanisms of constituting the House of Federation which will not anymore have a constitutional review power as per the suggestion made earlier. As in other federations that are well functioning, the upper house could be designed in such a way that it protects the interests of the federating units of the federation at the federal level and takes part in other shared-rule responsibilities.   ∎

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