

Ethnic Federalism in Ethiopia: A Means to an End

Daniel Abebe

The University of Chicago Law School

Draft Prepared for Conference

From Parchment to Practice: Implementing New Constitutions

October 13-14, 2017

Draft - Please Do Not Cite or Distribute

I. Introduction

Much has been written about Ethiopia's twenty-three year experiment with ethnic federalism and scholars are seemingly asking the same questions: Is ethnic federalism good or bad for Ethiopia? What can be done to address its weaknesses today or was it a flawed model from the beginning? Will it lead to Ethiopia's collapse? In answering this set of important questions, the literature can be crudely described as evaluating ethnic federalism in Ethiopia from consequentialist or constitutionalist perspectives. From the consequentialist view, ethnic federalism reinforces and deepens ethnic differences, dilutes a shared national identity or membership in a broader political community, and leads to separatism, which will eventually result in the dissolution of Ethiopia. Ethnic federalism is thus undesirable. At the same time, ethnic federalism is preferred to the forced integration of different ethnic groups, the attendant suppression of group rights, and the absence of ethno-cultural justice, all of which will lead to ethnic conflict and, of course, the dissolution of Ethiopia. On this type of consequentialist account, ethnic federalism is desirable.

Similarly, from the constitutionalist perspective, greater fidelity to the terms of the Ethiopian Constitution, combined with some adjustments to the relationship between the Federal government and the ethnic provinces, will address some of the key issues of the ethnic federalist model. Others respond that the Constitution is fundamentally inapt for successful ethnic federalism, as the Federal government has the formal authority and capacity to influence policy within the ethnic provinces. On this telling, the Constitution is either part of the solution or the primary problem. In short, whatever the frame one uses to ask the key questions about ethnic federalism in Ethiopia, there doesn't seem to be a consensus in the literature on how to answer them.

In this short Essay, I approach the question of ethnic federalism in Ethiopia from yet another perspective. Rather than asking whether ethnic federalism is right for Ethiopia, I consider the self-interest of the architects of the policy, the circumstances of its creation, and their immediate and long-term goals. For this analysis, the relevant question is whether ethnic federalism has been an effective tool to achieve those ends. I suggest that from the perspective of its creators, ethnic federalism was likely the most attractive option under the circumstances to maintain power, placate much larger ethnic groups, and buy time to establish a functioning government. To be clear, I am not evaluating ethnic federalism generally – or its strategic use as a tool to maintain power –

as a normative matter and I don't take a position on its merits. Rather, I examine ethnic federalism as a tool to achieve certain ends in Ethiopia.

The Essay begins with an extremely brief background section on Ethiopia's history and demographics; describes the features of the Ethiopian Constitution focusing on the ethnic federalism model; summarizes some of the literature on ethnic federalism in Ethiopia; and concludes with my argument.

II. Ethiopia and its Constitution

Background. The Federal Democratic Republic of Ethiopia (“Ethiopia”) is a landlocked¹ east African country with a population of 105 million people, 80% of which live in rural areas and work in agriculture.² Ethiopia has approximately 13 major ethnic groups³ – of which 9 are formally recognized in the Ethiopian Constitution of 1994 (“the Constitution”)⁴ – and at least 80 ethnic groups overall, and 88 different languages are spoken in the country.⁵ The Constitution designates Amharic as the working language of the Federal government. Amharic is also one of the two most widely spoken languages in Ethiopia, along with Oromo, and at least 60% of Ethiopians speak one of the two languages.⁶

For over a millennium, Ethiopia had a long and relatively continuous history of dynastic rule, ending with the reign of Haile Selassie in 1974. Ethiopia was then governed by a Communist regime led Mengistu Hailemariam until 1991, when a coalition of rebel forces toppled the government and installed a new dictatorship under the leadership of Meles Zenawi. Meles died in office in 2012 and was succeeded by Hailemariam Desalegn, the current Prime Minister of Ethiopia.

Constitutional History and Structure. Over the last 80 years, Ethiopia has had four constitutions known by their respective dates of ratification: 1931, 1955, 1987, and, most relevant for this Essay, 1994.⁷ Before discussing the Constitution of 1994⁸, it is important to situate its creation in the broader politics of that era.

¹ Ethiopia shares a border with Eritrea, Sudan, South Sudan, Djibouti, Somalia and Kenya.

² <https://www.cia.gov/library/publications/the-world-factbook/geos/et.html>

³ Id.

⁴ Constitution of the Federal Democratic Republic of Ethiopia 1994, art. 47(1).

⁵ <https://www.ethnologue.com/country/ET>

⁶ <https://www.cia.gov/library/publications/the-world-factbook/geos/et.html>

⁷ Tsegaye Regassa, Comment, *Comparative Relevance of the Ethiopian Federal System to other African Politics of the Horn: First Thoughts on the Possibility of “Exporting” Multi-ethnic Federalism*, 1 Bahir Dar. U. J. L. 5, 14 (2010).

Very briefly, the Constitution was drafted and ratified after two major events in modern Ethiopian history: the 1991 collapse of the “Derg,” the Communist regime led by Mengistu Hailemariam; and the 1993 independence of Eritrea, which had been internationally-recognized as a province of Ethiopia after World War II.⁹ The drafters of the Constitution were members of the Ethiopian People’s Democratic Revolutionary Front (“EPDRF”), which at the time was a coalition or umbrella party led by the Tigrayan People’s Liberation Front (“TPLF”), the group that coordinated with the Eritrean Liberation Front (“ELF”) to overthrow the Mengistu regime.¹⁰ The EPDRF also included now defunct parties that, at that time, represented the two largest ethnic groups in Ethiopia by population, the Oromo (34%) and Amhara (27%) peoples, but the EPDRF was effectively controlled by a smaller ethnic group, the Tigrayan people (6%).¹¹ As I discuss in part IV, the interests and incentives of the political forces during the drafting of the Constitution (and over time) are key to assessing the efficacy and impact of the Constitution today.

During the Meles regime, Ethiopia ratified a Constitution based on a model of ethnic federalism, with nine ethnic-based autonomous administrative units or “States,” each exercising substantial authority within their respective regions. By way of structure, the Constitution consists of twelve Chapters and 106 Articles, of which 39 describe the organization and structure of the Ethiopian state; 28 enshrine the fundamental rights of all Ethiopians, and 7 enumerate Ethiopia’s national policy objectives for purposes of national defense, foreign affairs, economics, and other areas.¹² The remaining Articles are described as “General” or “Miscellaneous” provisions, describing the national flag, the national anthem, basic tax policy, and other items. Most relevant for this Essay, Article 8 allocates all sovereign powers to the “nations, nationalities and peoples” of Ethiopia, defined in Article 39(1) as:

People who have or share large measure of a common culture or similar customs, mutual intelligibility of language, belief in a common or related identities, a common psychological make-up and who inhabit an identifiable, predominantly contiguous territory.¹³

⁸ For a broader discussion, see John M. Cohen, *Ethnic Federalism in Ethiopia*, 2 Ne. Afr. Stud. 157, 158 (1995).

⁹ The history of Ethiopia’s relationship with Eritrea is long and contested. For an introduction, see

¹⁰ Footnotes necessary for all of these parties.

¹¹ Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 Int’l J. on Minority & Grp. Rts. 243, 245 (2006); John M. Cohen, *Ethnic Federalism in Ethiopia*, 2 Ne. Afr. Stud. 157, 158 (1995). <https://www.cia.gov/library/publications/the-world-factbook/geos/et.html>

¹² Constitution of the Federal Democratic Republic of Ethiopia 1994.

¹³ Constitution of the Federal Democratic Republic of Ethiopia 1994, art. 8(1) and art. 39(5); Jon Abbink, *Ethnicity and Constitutionalism in Contemporary Ethiopia*, 41 J. of Afr. L. 159, 166 (1997).

The Constitution formally recognizes nine ethnic States within Ethiopia but also provides that the “nations, nationalities, and peoples” within each State have the right to create their own States through a specified process.¹⁴ In addition to the fundamental rights outlined in the Constitution, the “nations, nationalities, and peoples” of Ethiopia have “an unconditional right to self determination, including a right to secession... a full measure of self-government [and a right] to equitable representation in state and Federal governments.”¹⁵ Such powers necessary to self-government include the power to create a state, collect taxes, enforce the law, administer land, and supervise the police force; and residual power not allocated to the Federal government or jointly to the Federal government and the States is reserved to the States.¹⁶ Finally, the “nations, nationalities, and peoples” in States have the right to their to speak their own language, preserve their culture, and teach their history.¹⁷

The Constitution is unique because “nations, nationalities and peoples” are granted the right to self-determination and secession.¹⁸ It is noteworthy that the right is specifically granted to “nations, nationalities and peoples” instead of States, which may complicate the exercise of this right as “nations, nationalities and peoples” are harder to define and less clearly delineated than States.¹⁹ Article 39(4) describes the procedures for secession:

(a) When a demand for secession has been approved by a two-thirds majority of the members of the Legislative Council of the Nation, Nationality or People Concerned;

¹⁴ Constitution of the Federal Democratic Republic of Ethiopia 1994, art. 47(1-3).

¹⁵ Constitution of the Federal Democratic Republic of Ethiopia 1994, art. 39(2); Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 Int'l J. on Minority & Grp. Rts. 243, 243 (2006).

¹⁶ Constitution of the Federal Democratic Republic of Ethiopia 1994, art. 39(3), 46, 47(3), 52(1), 52(2); Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 Int'l J. on Minority & Grp. Rts. 243, 243 (2006); Tsegaye Regassa, Comment, *Learning to Live with Conflicts: Federalism as a Tool of Conflict Management in Ethiopia--An Overview*, 4 Mizan L. Rev. 52, 92 (2010).

¹⁷ Constitution of the Federal Democratic Republic of Ethiopia 1994, art. 39(3); Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 Int'l J. on Minority Grp. Rts. 243 (2006)(citing Constitution of the Federal Democratic Republic of Ethiopia 1994, art. 5(1)). All languages are given equal status and each “national group has the right to develop and promote its own culture and preserve its own history.

¹⁸ Modern federalist democracies including those with formally recognized ethnolinguistic units like Switzerland, Belgium and Canada do not recognize unilateral secession, and Ethiopia is virtually unique in this regard. Alem Habtu, *Multiethnic Federalism in Ethiopia: A Study of the Secession Clause in the Constitution*, 35 Publius 313, 317 (2005). Tsegaye Regassa, Comment, *Learning to Live with Conflicts: Federalism as a Tool of Conflict Management in Ethiopia--An Overview*, 4 Mizan L. Rev. 52, 93 (2010).

¹⁹ Constitution of the Federal Democratic Republic of Ethiopia 1994, art. 39(1); Jon Abbink, *Ethnicity and Constitutionalism in Contemporary Ethiopia*, 41 J. of Afr. L. 159, 167 (1997).

- (b) When the Federal Government has organized a referendum which must take place within three years from the time it received the concerned council's decision for secession;
- (c) When the demand for secession is supported by majority vote in the referendum;
- (d) When the Federal Government will have transferred its powers to the council of the Nation, Nationality or People who has voted to secede; and
- (e) When the division of assets is effected in a manner prescribed by law.²⁰

The right to secession is unilateral and unconditional, and does not require approval by other States or the Federal government, or a specific justification for its exercise.²¹ By way of process, the Federal government's only recourse is to attempt a negotiated resolution with the relevant "nations, nationalities and peoples" during the three-year "cooling off" period after secession has been demanded but prior to the required referendum.²²

III. Views on Ethnic Federalism in Ethiopia

A. Ethnic Federalism and the Dissolution of Ethiopia

The Perils of Ethnic Federalism. For many scholars, Ethiopia's constitutionalized version of ethnic federalism, with its focus on nations, nationalities, and peoples; its creation of States along purely ethnic lines; and its use of ethnicity as the key component for political participation;²³ will led to greater instability, more ethnic conflict, and the proliferation of secessionist movements. Ethnic federalism intentionally entrenches difference and simultaneously creates and reinforces "primordial" ethnic divisions that

²⁰ Constitution of the Federal Democratic Republic of Ethiopia 1994, art. 39(4).

²¹ Alem Habtu, *Multiethnic Federalism in Ethiopia: A Study of the Secession Clause in the Constitution*, 35 *Publius* 313, 327-28 (2005); Legesse Tigabu Mengie, *Federalism as an Instrument for Unity and the Protection of Minorities: A Comparative Overview: Ethiopia, India and the US*, 10 *Mizan L. Rev.* 265, 284-85 (2016).

²² Alem Habtu, *Multiethnic Federalism in Ethiopia: A Study of the Secession Clause in the Constitution*, 35 *Publius* 313, 329 (2005).

²³ Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 *Int'l J. on Minority & Grp. Rts.* 243, 261 (2006) (describing how the current constitution does not allow "citizens to register with mixed or pan Ethiopian identity"); Legesse Tigabu Mengie, *Federalism as an Instrument for Unity and the Protection of Minorities: A Comparative Overview: Ethiopia, India and the US*, 10 *Mizan L. Rev.* 265, 272 (2016) ("Thus, mere citizenship does not enable citizens to actively participate in politics if they are not members of the ethnic group of a region") *Id.* at 287; Legesse Tigabu Mengie, *Ethnic Federalism and Conflict in Ethiopia: What Lessons Can Other Jurisdictions Draw?*, 23 *Afr. J. Int'l & Comp. L.* 462, 468 (2015); Alemante G. Selassie, *Ethnic Federalism: Its Promise and Pitfalls for Africa*, 28 *Yale J. Int'l L.* 51, 95 (2003). Selassie notes that strengthening these group rights may lead to a "loss of self-identity and individual rights." *Id.* at 73.

may not be stable or even pre-exist the labeling.²⁴ As a consequence, the concretization of ethnic identities will likely hinder the ability of different groups to integrate or develop national identities, and may lead to ethnic conflict and the eventual dissolution the nation.²⁵ From this perspective, Ethiopia's Constitution does not solve, but actually exacerbates the problem of tribalism.²⁶

While other scholars contend that Ethiopia still has a strong national identity,²⁷ they still worry that this identity may erode, as individuals are encouraged to think of

²⁴ “The conventional view on ethnicity in social science research today is that it is a constructed phenomenon based on the selection of cultural markers and mobilized as a political force in the struggle for political power and resources” alternatively it has been seen as naturally inborn fixed, and stable” under the primordialist view. Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 Int'l J. on Minority & Grp. Rts. 243, 246-47 (2006); Jon Abbink, *Ethnicity and Constitutionalism in Contemporary Ethiopia*, 41 J. of Afr. L. 159, 160-61, 172 (1997) (describing failure to deal with intermarriage as an additional issue); Charles E. Ehrlich, *Ethnicity and Constitutional Reform: The Case of Ethiopia*, 6 ILSA J. Int'l & Comp. L. 51, 61 (1999); Minasse Haile, *The New Ethiopian Constitution: Its Impact upon Unity, Human Rights and Development*, 20 Suffolk Transnat'l L. Rev. 1, 4 (1996); Legesse Tigabu Mengie, *Ethnic Federalism and Conflict in Ethiopia: What Lessons Can Other Jurisdictions Draw?*, 23 Afr. J. Int'l & Comp. L. 462, 469 (2015)(describing how the creation of ethnic states has lead to the breakup of historic ties, trade routes and migration flows between different groups).

²⁵ Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 Int'l J. on Minority & Grp. Rts. 243, 256 (2006); Legesse Tigabu Mengie, *Federalism as an Instrument for Unity and the Protection of Minorities: A Comparative Overview: Ethiopia, India and the US*, 10 Mizan L. Rev. 265, 266, 268, 274 (2016); Alemante G. Selassie, *Ethnic Federalism: Its Promise and Pitfalls for Africa*, 28 Yale J. Int'l L. 51, 86 (2003). Selassie says that once this happens it becomes hard to foster “cooperation, sharing and mutual solidarity among groups” for example getting substates to cooperate for national unity or sacrifice for other groups as occurred in Yugoslavia's failure. *Id.*

²⁶ Jon Abbink, *Ethnicity and Constitutionalism in Contemporary Ethiopia*, 41 J. of Afr. L. 159, 174 (1997)(suggesting that ethnocentrism may result as the ethnic focus is combined with the reproduction of inequalities and economic problems at the state level); Minasse Haile, *The New Ethiopian Constitution: Its Impact upon Unity, Human Rights and Development*, 20 Suffolk Transnat'l L. Rev. 1, 4 (1996). See T.S. Twibell, *Ethiopian Constitutional Law: The Future of the Ethiopian Government and the New Constitution's Ability to Overcome Ethiopia's Problems*, 21 Loy. L.A. Int'l & Comp. L. J. 399, 463-66 (1999) (defending the Ethiopian Constitution and finding many of Ethiopia's problems are not based in the Constitution but how the young Constitution has been implemented and finding it necessary to work through cultural struggles over time through the Constitution).

²⁷ Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 Int'l J. on Minority & Grp. Rts. 243, 255-56 (2006); Jon Abbink, *Ethnicity and Constitutionalism in Contemporary Ethiopia*, 41 J. of Afr. L. 159, 173(1997)(describing how Ethiopia never went through a modern phase with a nation state project, solid industrialism and mass consumption, though Ethiopians do have shared fears of past exploitation and “violent inclusion.”) This identity includes common historical, religious and social ties, including fighting off foreign invasions, the early adoption of Christianity, plough agriculture, imperial rule and written language, and potentially existing as a state for millennia. Though much of this identity is strongly linked to the dominant Amhara ethnic group. Minasse Haile, *The New Ethiopian Constitution: Its Impact upon Unity, Human Rights and Development*, 20 Suffolk Transnat'l L. Rev. 1, 22 (1996); Legesse Tigabu Mengie, *Federalism as an Instrument for Unity and the Protection of Minorities: A Comparative Overview: Ethiopia, India and the US*, 10 Mizan L. Rev. 265, 287

themselves as a member of a specific ethnic group or State, rather than as an Ethiopian citizen.²⁸ Highlighting ethnic differences through the Constitution and the political process – instead of letting them fade – “encourages aggressive ethnic identification and separatism... and exacerbates ethnic distrust and social discord.”²⁹ It also incentivizes each State to pursue its own parochial interests strictly defined on ethnic lines. To this point, there is some evidence of land disputes between pastoralists and farmers being labeled as “ethnic disputes,” along with land grabs, land evictions, and suggestions of ethnic cleansing which some scholars fear could worsen.³⁰

Right to Secession. The EPDRF likely included the right to self-determination and secession in the Constitution to ensure peace and stability, and gain the support of Ethiopia’s main ethnic groups, though there may be ideological reasons for its inclusion as well.³¹ Many scholars, however, view the inclusion of the right as a dangerous feature

(2016); Alemante G. Selassie, *Ethnic Federalism: Its Promise and Pitfalls for Africa*, 28 Yale J. Int’l L. 51, 61 (2003).

²⁸ Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 Int’l J. on Minority & Grp. Rts. 243, 247 (2006); Legesse Tigabu Mengie, *Ethnic Federalism and Conflict in Ethiopia: What Lessons Can Other Jurisdictions Draw?*, 23 Afr. J. Int’l & Comp. L. 462, 464 (2015); Legesse Tigabu Mengie, *Federalism as an Instrument for Unity and the Protection of Minorities: A Comparative Overview: Ethiopia, India and the US*, 10 Mizan L. Rev. 265, 273, 287 (2016).

²⁹ Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 Int’l J. on Minority & Grp. Rts. 243, 261 (2006); Minasse Haile, *The New Ethiopian Constitution: Its Impact upon Unity, Human Rights and Development*, 20 Suffolk Transnat’l L. Rev. 1, 14-16 (1996)(citing the struggles rooted in Nigeria’s 1960 Constitution which divided the country into tribal regions and was ran by tribal political parties); Alemante G. Selassie, *Ethnic Federalism: Its Promise and Pitfalls for Africa*, 28 Yale J. Int’l L. 51, 95-96 (2003). Selassie notes it may also become increasingly difficult to convince a state that it should adopt a policy that may negatively affect it, but is good for another state or the common interest. *Id.* at 93. Bereket Habte Selassie, *Self-Determination in Principle and Practice: The Ethiopian-Eritrean Experience*, 29 Colum. Hum. Rts. L. Rev. 91, 139 (1997).

³⁰ Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 Int’l J. on Minority & Grp. Rts. 243, 259 (2006); Legesse Tigabu Mengie, *Ethnic Federalism and Conflict in Ethiopia: What Lessons Can Other Jurisdictions Draw?*, 23 Afr. J. Int’l & Comp. L. 462, 473 (2015).

³¹ Jon Abbink, *Ethnicity and Constitutionalism in Contemporary Ethiopia*, 41 J. of Afr. L. 159, 167 (1997) (describing the secession right as a holdover from socialist-communist thinking as extreme self-determination); Paul H. Brietzke, *Ethiopia’s “Leap in the Dark”: Federalism and Self-Determination in the New Constitution*, 39 J. Afr. L. 19, 35 (1995) (describing secession as attractive to ethnic groups not granted satisfactory self-determination and autonomy); Alem Habtu, *Multiethnic Federalism in Ethiopia: A Study of the Secession Clause in the Constitution*, 35 Publius 313, 324, 326-27, 334 (2005). Those not in favor included The Worker’s Party of Ethiopia, elite Amharas and other pan-Ethiopianists. *Id.* at 325. The right to secession was given to every union republic in the Soviet Constitution of 1936, though this right was not as complete as the Ethiopian right to secession since the Soviet Constitution of 1977 requires lower bodies to observe the decisions of higher bodies. Minasse Haile, *The New Ethiopian Constitution: Its Impact upon Unity, Human Rights and Development*, 20 Suffolk Transnat’l L. Rev. 1, 32-33 (1996); Tsegaye Regassa, Comment, *Comparative Relevance of the Ethiopian Federal System to other African Politics of the Horn: First Thoughts on the Possibility of “Exporting” Multi-ethnic Federalism*, 1 Bahir Dar. U. J. L. 5, 31 (2010).

of Ethiopian constitutionalism that further incentivizes the dissolution of the country, though perhaps a less violent one.³² Since the Constitution formally recognizes separate ethnic identities; devolves power to States created along ethnic lines; and grants nations, nationalities, and peoples broad authority within their States; Ethiopia's ethno-federalist model seems to lead naturally to secession.³³ A model that strengthens ethnic identities while simultaneously weakening a national identity naturally invites groups to seek their own statehood rather than committing to the broader Ethiopian project.³⁴ The former Soviet Union, Yugoslavia, and Czechoslovakia are examples of the claim that "rival citizenships cannot exist – at least not for a long time – in the same political space" and that the emotional force of ethnic citizenship will likely carry the day.³⁵ Scholars with this view argue that a stable and long-lasting federalism cannot be built on ethnicity, but requires building loyalty to the broader state.³⁶

In theory, the inclusion of a right to self-determination and secession may lead to strategic behavior among nations, nationalities, and peoples, who can leverage the potential exercise of the right as a threat to extract benefits from the Federal

³² Charles E. Ehrlich, *Ethnicity and Constitutional Reform: The Case of Ethiopia*, 6 ILSA J. Int'l & Comp. L. 51, 62 (1999).

³³ John McGarry & Brendan O'Leary, *Must Pluri-national Federations Fail?* 8 *Ethnopolitics*, 6 (2009) (describing how pluri-national federations make it easier to secede, as ethnic groups already have a distinct territory and a bureaucratic system, and are more likely to be recognized under international law). McGarry & O'Leary also review the American popularity of the view that ethno-national federalism heightens group consciousness and leads to state breakup. *Id.* at 8. Alemante G. Selassie, *Ethnic Federalism: Its Promise and Pitfalls for Africa*, 28 *Yale J. Int'l L.* 51, 87 (2003); Charles E. Ehrlich, *Ethnicity and Constitutional Reform: The Case of Ethiopia*, 6 ILSA J. Int'l & Comp. L. 51, 61-62 (1999); Stefan Wolff, *Conflict Management in Divided Societies: The Many Uses of Territorial Self-Governance*, 20 *Int'l J. on Minority & Grp. Rts.* 27, 28 (2013).

³⁴ John M. Cohen, *Ethnic Federalism in Ethiopia*, 2 *Ne. Afr. Stud.* 157, 168 (1995); Charles E. Ehrlich, *Ethnicity and Constitutional Reform: The Case of Ethiopia*, 6 ILSA J. Int'l & Comp. L. 51, 53, 71 (1999). (describing the Constitution as creating divisions and eliminating a stable unifying force). See Minasse Haile, *The New Ethiopian Constitution: Its Impact upon Unity, Human Rights and Development*, 20 *Suffolk Transnat'l L. Rev.* 1, 16-19 (1996) (describing the breakup of the Soviet Union after the fall of the communist dictatorship, and the success of India's federal constitution supported by strong unifying forces and judicial review); Legesse Tigabu Mengie, *Federalism as an Instrument for Unity and the Protection of Minorities: A Comparative Overview: Ethiopia, India and the US*, 10 *Mizan L. Rev.* 265, 273 (2016); Tsegaye Regassa, Comment, *Learning to Live with Conflicts: Federalism as a Tool of Conflict Management in Ethiopia--An Overview*, 4 *Mizan L. Rev.* 52, 57, 63 (2010).

³⁵ Alemante G. Selassie, *Ethnic Federalism: Its Promise and Pitfalls for Africa*, 28 *Yale J. Int'l L.* 51, 88 (2003).

³⁶ Jon Abbink, *Ethnicity and Constitutionalism in Contemporary Ethiopia*, 41 *J. of Afr. L.* 159, 173 (1997) (suggesting integration and compromise at the national level would have been better); Charles E. Ehrlich, *Ethnicity and Constitutional Reform: The Case of Ethiopia*, 6 ILSA J. Int'l & Comp. L. 51, 60 (1999); Tsegaye Regassa, Comment, *Learning to Live with Conflicts: Federalism as a Tool of Conflict Management in Ethiopia--An Overview*, 4 *Mizan L. Rev.* 52, 71 (2010).

government.³⁷ In practice, however, scholars contend that successfully completing the constitutional procedures required to exercise the right to secession will be difficult for any nation, nationality, or people.³⁸ Ethiopia has banned several nationalistic liberation groups and organizations, and deployed the federal army to prevent groups like the Oromo Liberation Front (“OLF”) from trying to secede.³⁹ Although the Ethiopian government has characterized these groups as seeking secession through violence, it is still unlikely the Federal government would permit secession even through the constitutional process. And, in many cases, secession is infeasible for very small ethnic groups.⁴⁰

Conflicts within States. Ethiopia’s ethnonational federalist model has also led to local ethnic conflicts within States.⁴¹ This is perhaps unsurprising as ethnic States do not perfectly correspond with fluid ethnic identities, many Ethiopians have multiple ethnicities, and Ethiopia has many more ethnic groups and tribal affiliations than States.⁴² When ethnic minorities within States attempt to vindicate their rights to self-determination, conflict may continue,⁴³ presenting an intractable problem for the least

³⁷ Paul H. Brietzke, *Ethiopia’s “Leap in the Dark”: Federalism and Self-Determination in the New Constitution*, 39 J. Afr. L. 19, 32 (1995); Minasse Haile, *The New Ethiopian Constitution: Its Impact upon Unity, Human Rights and Development*, 20 Suffolk Transnat’l L. Rev. 1, 34 (1996) (citing Cass R. Sunstein, *Constitutionalism and Secession*, 58 U. Chi. L. Rev. 633, 634 (1991)).

³⁸ John M. Cohen, *Ethnic Federalism in Ethiopia*, 2 Ne. Afr. Stud. 157, 166 (1995).

³⁹ Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 Int’l J. on Minority & Grp. Rts. 243, 258 n.42 (2006); Alem Habtu, *Multiethnic Federalism in Ethiopia: A Study of the Secession Clause in the Constitution*, 35 Publius 313, 329 (2005).

⁴⁰ Paul H. Brietzke, *Ethiopia’s “Leap in the Dark”: Federalism and Self-Determination in the New Constitution*, 39 J. Afr. L. 19, 32 (1995); Alem Habtu, *Multiethnic Federalism in Ethiopia: A Study of the Secession Clause in the Constitution*, 35 Publius 313, 328 (2005).

⁴¹ Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 Int’l J. on Minority & Grp. Rts. 243, 257 (2006) (believing it is also likely minority concerns will be dealt with at the local level by being granted special zones or districts within states).

⁴² Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 Int’l J. on Minority & Grp. Rts. 243, 247 (2006); Jon Abbink, *Ethnicity and Constitutionalism in Contemporary Ethiopia*, 41 J. of Afr. L. 159, 171 (1997); Legesse Tigabu Mengie, *Federalism as an Instrument for Unity and the Protection of Minorities: A Comparative Overview: Ethiopia, India and the US*, 10 Mizan L. Rev. 265, 276 (2016); Margaret Moore, *Sub-State Nationalism and International Law*, 25 Mich. J. Int’l L. 1319, 1326 (2004).

⁴³ Margaret Moore, *Sub-State Nationalism and International Law*, 25 Mich. J. Int’l L. 1319, 1328-9 (2004). Moore discusses non-territorial autonomy which may be safer and more peaceable, though less satisfying to minority groups, and likely a way of easing assimilation. This may include power-sharing models, which may be more effective. *Id.* at 1330-36; Minasse Haile, *The New Ethiopian Constitution: Its Impact upon Unity, Human Rights and Development*, 20 Suffolk Transnat’l L. Rev. 1, 11 (1996); Legesse Tigabu Mengie, *Federalism as an Instrument for Unity and the Protection of Minorities: A Comparative Overview: Ethiopia, India and the US*, 10 Mizan L. Rev. 265, 289 (2016) (describing that frustrated minorities may seek to splinter off into their own states); Bereket Habte Selassie, *Self-Determination in Principle and*

populous ethnic groups. As some have noted, if it is infeasible to provide a contiguous State for all ethnic groups, Ethiopia's constitutional recognition of group rights based on ethnic territorial autonomy is inherently flawed.⁴⁴ The right to a State or (a district within a State) is not usually honored by the relevant governmental unit and may not be possible for the smallest ethnic groups.⁴⁵ Here, the States are the administrative units that refuse to recognize the rights of minorities – not the Federal government – and fail to provide any recourse.⁴⁶ Even if the States create districts for smaller groups,⁴⁷ conflict will likely

Practice: The Ethiopian-Eritrean Experience, 29 Colum. Hum. Rts. L. Rev. 91, 94-96 (1997).

Recent Disputes within Ethiopia include:

- a) an intensified quest for self-definition and distinct identity intent on securing local self-rule to get more resources, power, and opportunities; b) border disputes between and within states; c) competition for federal grant and subsidy; d) quest for having one's language given a co-equal status as a federal working language; e) competition for access to and authority over federal, state, and local capital cities; f) conflict over mistrust about one's lot with/in a state or in the country; g) the quest for a more robust minority rights regime, especially right to representation; etc.

Tsegaye Regassa, Comment, *Learning to Live with Conflicts: Federalism as a Tool of Conflict Management in Ethiopia--An Overview*, 4 Mizan L. Rev. 52, 98 (2010).

⁴⁴ Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 Int'l J. on Minority & Grp. Rts. 243, 257 (2006); Legesse Tigabu Mengie, *Federalism as an Instrument for Unity and the Protection of Minorities: A Comparative Overview: Ethiopia, India and the US*, 10 Mizan L. Rev. 265, 273, 277, 288 (2016).

⁴⁵ Constitution of the Federal Democratic Republic of Ethiopia 1994, art. 47(2); Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 Int'l J. on Minority & Grp. Rts. 243, 258 (2006); Alem Habtu, *Multiethnic Federalism in Ethiopia: A Study of the Secession Clause in the Constitution*, 35 Publius 313, 328 (2005) (describing how under the constitution groups can seek out its own district, zone, or regional state); Alemante G. Selassie, *Ethnic Federalism: Its Promise and Pitfalls for Africa*, 28 Yale J. Int'l L. 51, 65 (2003); Christopher Van der Beken, *Federalism, Local Government and Minority Protection in Ethiopia: Opportunities and Challenges*, 59 J. of Afr. L. 150, 162-65 (2015). However it is worth noting that all but the Harar regional state in Ethiopia have allowed local ethnic governments to be established within the state with self-governance like a regional state. *Id.* at 166-9.

⁴⁶ Minasse Haile, *The New Ethiopian Constitution: Its Impact upon Unity, Human Rights and Development*, 20 Suffolk Transnat'l L. Rev. 1, 11-12, 52 (1996); Alemante G. Selassie has even suggested that ethnonational federalism is at odds with the international right of nondiscrimination as inevitably an ethnic group is given sovereign powers and thus can exclude minority groups or shape a regional government such that it is discriminatory to other groups. Alemante G. Selassie, *Ethnic Federalism: Its Promise and Pitfalls for Africa*, 28 Yale J. Int'l L. 51, 93-94 (2003). Selassie also feels it infringes international norms of free movement and choice of residence by pressuring citizens to live in the appropriate region. *Id.* at 95. Christopher Van der Beken, *Federalism, Local Government and Minority Protection in Ethiopia: Opportunities and Challenges*, 59 J. of Afr. L. 150 (2015).

⁴⁷ Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 Int'l J. on Minority & Grp. Rts. 243, 260 (2006) (noting that this model may make the government at the national level more stable); Christopher Van der Beken, *Federalism, Local Government and Minority Protection in Ethiopia: Opportunities and Challenges*, 59 J. of Afr. L. 150, 171 (2015). Van der Beken suggests one solution is making sure minorities have representation and a voice within regional state governments. *Id.* at 173-76. This solution may also require customizing representation

continue because fixed administrative boundaries and fluid ethnic identities will not always match. In light of these difficulties, ethnic disputes regarding recognition, self-rule, autonomy, and minority rights, for example, and are often assigned by States to other States or districts.⁴⁸ A final complication is the status of the capital Addis Ababa and Dire Dawa, two self-governed, non-ethnic administrative units with a multi-ethnic population.⁴⁹ Despite their unique status, these two cities are located within ethnic States leading to an ongoing conflict over jurisdiction and governmental authority.⁵⁰ Overall, from this perspective ethnic federalism generates ethnic conflict; undermines the development of a strong Ethiopian national identity and a broad Ethiopian cultural and political community; and weakens the foundation of the country.

B. Ethnic Federalism and Stability in Ethiopia

The Benefits of Ethnic Federalism. John McGarry and Brendan O’Leary argue that most pluri-national state failures occur because of the forced integration of different ethnic groups and associated restrictions on group autonomy.⁵¹ On this account, ethnic conflicts derive from attempts to eliminate ethnic differences, normalize group identities, and suppress the rights of ethnic groups.⁵² Instead of trying to forge a single national

so that the group to whom the state belongs has a majority say even if they are not a majority, but also requiring some form of representation for minority groups. *Id.*

⁴⁸ Tsegaye Regassa, Comment, *Learning to Live with Conflicts: Federalism as a Tool of Conflict Management in Ethiopia--An Overview*, 4 Mizan L. Rev. 52, 100 (2010).

⁴⁹ Constitution of the Federal Democratic Republic of Ethiopia 1994, art. 49; Jon Abbink, *Ethnicity and Constitutionalism in Contemporary Ethiopia*, 41 J. of Afr. L. 159, 171-72 (1997).

⁵⁰ There were protests around August 2016 in part inspired by the Oromos complaining that they have been excluded in the country’s political process and from the economic development of the capital Addis Ababa which exists in their state. <http://www.bbc.com/news/world-africa-36940906>, other disputes have happened as the government has recognized and de-ethnicized certain cities without approval of local ethnic groups. Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 Int’l J. on Minority & Grp. Rts. 243, 260 (2006); Jon Abbink, *Ethnicity and Constitutionalism in Contemporary Ethiopia*, 41 J. of Afr. L. 159, 171-72 (1997) (stating that this conflict includes the cities having no political voice within the broader region); Legesse Tigabu Mengie, *Federalism as an Instrument for Unity and the Protection of Minorities: A Comparative Overview: Ethiopia, India and the US*, 10 Mizan L. Rev. 265, 276 (2016).

⁵¹ John McGarry & Brendan O’Leary, *Must Pluri-national Federations Fail?* 8 Ethnopolitics, 1, 9, 11 (2009) (suggesting most state breakups occurred in federations created and held together by nondemocratic centralist states without judicial review and in a time of restriction of autonomy). Some of these factors may apply to Ethiopia to some degree. The authors review many other factors that may help or hurt the continuing existence of a pluri-national federation including consociational practices granting minority groups autonomy, and providing proportional and meaningful representation for groups in the national government. *Id.* at 15. Others have suggested that the idea that multi-ethnic nations breeds conflict is a base-rate fallacy. James Habyarimana, Macartan Humphreys, Daniel Posner, & Jeremy Weinstein, *Is Ethnic Conflict Inevitable- Parting Ways over Nationalism and Separatism*, 87 Foreign Aff. 138, 138-39 (2008).

⁵² Adeno Addis, *Cultural Integrity and Political Unity: The Politics of Language in Multilingual States*, 33 Ariz. St. L. J. 719, 725, 769 (2001).

identity, states should formally recognize ethnic diversity by granting ethnic groups autonomy (with the aim of reducing ethnic conflict).⁵³ Ethiopia's Constitution reflects this approach by accommodating ethnic diversity and "ethno-cultural justice" through group rights, ethnic-based self-government, and the right to self-determination and secession.⁵⁴

In practice, the Constitution and Federal government have granted the States and various ethnic groups the autonomy to speak their own languages; maintain their own cultures; develop their own educational systems; teach their own historical narratives; and choose their own local leaders.⁵⁵ To focus on one factor, the right to use one's

⁵³ John McGarry & Brendan O'Leary, *Must Pluri-National Federations Fail?* 8 *Ethnopolitics*, 5 (2009); Margaret Moore, *Sub-State Nationalism and International Law*, 25 *Mich. J. Int'l L.* 1319, 1337 (2004) (citing John McGarry, *Federal Political Systems and National Minorities*, in *Handbook of Federal Countries* 437 (Ann L. Griffiths ed., 2002); Alemante G. Selassie, *Ethnic Federalism: Its Promise and Pitfalls for Africa*, 28 *Yale J. Int'l L.* 51, 61 (2003); T.S. Twibell, *Ethiopian Constitutional Law: The Future of the Ethiopian Government and the New Constitution's Ability to Overcome Ethiopia's Problems*, 21 *Loy. L.A. Int'l & Comp. L. J.* 399, 457-58 (1999); Some have suggested that blaming ethnonational-federalism is incorrect and that the problems Ethiopia has faced are rooted in "a history of highly centralized authority, great poverty, [] civil conflict, and unfamiliarity with democratic culture." *Id.* at 457 (citing U.S. Dep't of State, *Ethiopia Country Report on Human Rights Practices* (1997); Stefan Wolff, *Conflict Management in Divided Societies: The Many Uses of Territorial Self-Governance*, 20 *Int'l J. on Minority & Grp. Rts.* 27, 29 (2013).

⁵⁴ Tsegaye Regassa, Comment, *Comparative Relevance of the Ethiopian Federal System to other African Politics of the Horn: First Thoughts on the Possibility of "Exporting" Multi-ethnic Federalism*, 1 *Bahir Dar. U. J. L.* 5, 7, 31, 33 (2010); "Ethno-cultural justice includes equality, non-discrimination on ethnic and religious basis, the right to one's identity, language, culture, way of life, the right to one's history (and one's narrative of history), the right to self-administration within one's territory, the right to self-determination including and up to (conditional) secession." *Id.* at 97. Multi-ethnic federalism is suited to handle conflicts over "ethno-cultural justice minority rights, border disputes, identity-related disputes, disputes over local self-rule." *Id.* at 99; Alemante G. Selassie, *Ethnic Federalism: Its Promise and Pitfalls for Africa*, 28 *Yale J. Int'l L.* 51, 57, 64 (2003); Bereket Habte Selassie, *Self-Determination in Principle and Practice: The Ethiopian-Eritrean Experience*, 29 *Colum. Hum. Rts. L. Rev.* 91, 139-40 (1997) (describing how many communities may be appeased through community recognition and feel this government is an improvement); T.S. Twibell, *Ethiopian Constitutional Law: The Future of the Ethiopian Government and the New Constitution's Ability to Overcome Ethiopia's Problems*, 21 *Loy. L.A. Int'l & Comp. L. J.* 399, 451, 453 (1999).

⁵⁵ Alem Habtu, *Multiethnic Federalism in Ethiopia: A Study of the Secession Clause in the Constitution*, 35 *Publius* 313, 334-5 (2005) (stating that the system has led to greater equality and acknowledgement in language and culture); Margaret Moore, *Sub-State Nationalism and International Law*, 25 *Mich. J. Int'l L.* 1319, 1337-38 (2004) (noting constitutional federalist states are more secure than autonomous regions which may be revoked by the majority government); Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 *Int'l J. on Minority & Grp. Rts.* 243, 256 (2006); Alemante G. Selassie, *Ethnic Federalism: Its Promise and Pitfalls for Africa*, 28 *Yale J. Int'l L.* 51, 70 (2003) (suggesting that building ethnic communities is beneficial because it gives people a sense of belonging); T.S. Twibell, *Ethiopian Constitutional Law: The Future of the Ethiopian Government and the New Constitution's Ability to Overcome Ethiopia's Problems*, 21 *Loy. L.A. Int'l & Comp. L. J.* 399, 456 (1999). Alemante G. Selassie, *Ethnic Federalism: Its Promise and Pitfalls for Africa*, 28 *Yale J. Int'l L.* 51, 66-67, n. 97 (2003) (arguing that that fostering ethnic equality was a Leninist tactic to "dissipate ethnic antagonisms and encourage ethnic groups to come together.").

language in education and administration is perhaps most important.⁵⁶ The ability of different nations, nationalities, and peoples in Ethiopia to use their own language within their States deepens their group identity and allows them to participate in political and cultural life.⁵⁷

Over the last few years, the devolution of authority to States and districts appears to have led to an increase in education spending and enrollment, partially closing the gap between rural and urban areas.⁵⁸ Some speculate that the opportunity to attend school in one's local language increases the acceptance of education and enrollment,⁵⁹ though concerns about education quality and drop out rates persist.⁶⁰ Overall, Ethiopia has seen dropping mortality rates for infants and children under 5, along with increased per capita expenditures and access to basic healthcare facilities.⁶¹

Challenges of Ethiopian Ethnic Federalism. Whatever the constitutional guarantees, ethnic groups in the States must feel that they can actually exercise power, work productively with the Federal government, and resolve peacefully ethnic conflicts.⁶² The Constitution's grant of autonomy to the States has been undermined by their reliance on funding from the Federal government, and by requirements to meet national standards

⁵⁶ Adeno Addis, *Cultural Integrity and Political Unity: The Politics of Language in Multilingual States*, 33 Ariz. St. L. J. 719, 723, 723-4 n.10, 780, 783 (2001). See generally Adeno Addis, *Cultural Integrity and Political Unity: The Politics of Language in Multilingual States*, 33 Ariz. St. L. J. 719, (2001) (discussing in detail issues of the importance of language and culture and also situates these issues in liberal cosmopolitanism). Addis also discusses how important a language is to cultural identity, meaning and communicating experience. *Id.* at 727.

⁵⁷ Adeno Addis, *Cultural Integrity and Political Unity: The Politics of Language in Multilingual States*, 33 Ariz. St. L. J. 719, 724, 723-23 (2001).

⁵⁸ Petra Zimmerman-Steinhart & Yakob Bekele, *The Implications of Federalism and Decentralization on Socioeconomic Conditions in Ethiopia*, 15 Potchesfstroom Elec. L. J. 89, 101-02 (2012).

⁵⁹ Petra Zimmerman-Steinhart & Yakob Bekele, *The Implications of Federalism and Decentralization on Socioeconomic Conditions in Ethiopia*, 15 Potchesfstroom Elec. L. J. 89, 103 (2012).

⁶⁰ Petra Zimmerman-Steinhart & Yakob Bekele, *The Implications of Federalism and Decentralization on Socioeconomic Conditions in Ethiopia*, 15 Potchesfstroom Elec. L. J. 89, 103 (2012).

⁶¹ Petra Zimmerman-Steinhart & Yakob Bekele, *The Implications of Federalism and Decentralization on Socioeconomic Conditions in Ethiopia*, 15 Potchesfstroom Elec. L. J. 89, 104-05, 108-09 (2012).

⁶² *Contra* Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 Int'l J. on Minority & Grp. Rts. 243, 260 (2006) (voicing concerns that in actuality groups are not being appeased by democracy but are being oppressed by the ruling group); Tsegaye Regassa, Comment, *Learning to Live with Conflicts: Federalism as a Tool of Conflict Management in Ethiopia--An Overview*, 4 Mizan L. Rev. 52, 54, 70, 76 (2010) (suggesting conflicts may be inevitable but ethnonational federalism will maintain pluralism and manage conflicts). Stefan Wolff, *Conflict Management in Divided Societies: The Many Uses of Territorial Self-Governance*, 20 Int'l J. on Minority & Grp. Rts. 27, 41-42, 49 (2013).

in health, education, and development.⁶³ The Federal government also controls much of Ethiopia's financial resources and determines the country's development initiatives, which can be used to favor certain ethnic groups and States.⁶⁴ Similarly, some have argued that the Constitution's right to culture and history is basically nothing more than permission to use local languages in education, and so they question whether ethnicity is a foil to maintain a certain social and political organization.⁶⁵ In fact, one significant consequence of prioritizing the use of local languages in each State is that Amharic, the working language of the Federal government, is not taught in all States.⁶⁶ The relative absence of a common language weakens ties between Ethiopians in different States and creates obstacles to the formation of a shared national identity and political community.⁶⁷ It especially disadvantages smaller minority groups – whose languages are not spoken widely – as they are sometimes forced to learn Amharic outside of the State's school system (if at all).⁶⁸

The upshot is that Ethiopia appears to have both a powerful but unrepresentative Federal government and a Constitution that seemingly delegates immense powers to the States, creating two branches of government with virtually unlimited and unchecked

⁶³ Constitution of the Federal Democratic Republic of Ethiopia 1994, art. 51(3); Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 Int'l J. on Minority & Grp. Rts. 243, 248 (2006); John M. Cohen, *Ethnic Federalism in Ethiopia*, 2 Ne. Afr. Stud. 157, 171-72(1995) (describing how if the central government dominates revenue collection and budgeting this will hinder states from performing the tasks assigned to them and that this appears likely to happen with perhaps 85-90% of revenue going to the federal government).

⁶⁴ Paul H. Brietzke, *Ethiopia's "Leap in the Dark": Federalism and Self-Determination in the New Constitution*, 39 J. Afr. L. 19, 29 (1995); Alemante G. Selassie, *Ethnic Federalism: Its Promise and Pitfalls for Africa*, 28 Yale J. Int'l L. 51, 80 (2003).

⁶⁵ Jon Abbink, *Ethnicity and Constitutionalism in Contemporary Ethiopia*, 41 J. of Afr. L. 159, 161 (1997) (discussing traditional political structures of some ethnic groups).

⁶⁶ Charles E. Ehrlich, *Ethnicity and Constitutional Reform: The Case of Ethiopia*, 6 ILSA J. Int'l & Comp. L. 51, 63 (1999).

⁶⁷ Adeno Addis, *Cultural Integrity and Political Unity: The Politics of Language in Multilingual States*, 33 Ariz. St. L. J. 719, 768 (2001).

⁶⁸ Jon Abbink, *Ethnicity and Constitutionalism in Contemporary Ethiopia*, 41 J. of Afr. L. 159, 172 (1997) (noting that city dwellers' children within a minority state will also be disadvantaged by not learning Amharic in school); Adeno Addis, *Cultural Integrity and Political Unity: The Politics of Language in Multilingual States*, 33 Ariz. St. L. J. 719, 725, 775 (2001). Addis also cites South Africa as an example, which has recognized eleven official languages, though he states this will likely remain symbolic. *Id.* at 776. Another example is Spain, which "requires all Spaniards to know the Castilian language but it allows the seventeen autonomous regions within it to have another official language. *Id.* at 784; Charles E. Ehrlich, *Ethnicity and Constitutional Reform: The Case of Ethiopia*, 6 ILSA J. Int'l & Comp. L. 51, 63 (1999) (citing the experience of Catalan in Spain as similar); Minasse Haile, *The New Ethiopian Constitution: Its Impact upon Unity, Human Rights and Development*, 20 Suffolk Transnat'l L. Rev. 1, 36 (1996); Margaret Moore, *Sub-State Nationalism and International Law*, 25 Mich. J. Int'l L. 1319, 1327 (2004); Alemante G. Selassie, *Ethnic Federalism: Its Promise and Pitfalls for Africa*, 28 Yale J. Int'l L. 51, 75 (2003).

authority.⁶⁹ The Federal government and the States have overlapping authority in some areas without a formal mechanism to resolve competing claims in the event of a conflict.⁷⁰ For some, the Constitution reads more like an international treaty between nations or a confederation, or alternatively, it is simply not federal enough because the States are largely unconstrained to determine their own powers and political organization.⁷¹ Paradoxically, some claim the only thing keeping the “unconstrained” States in check is the immense power of the central government.⁷²

Making Ethiopian Ethnic Federalism Work. In light of these challenges, scholars have offered a several correctives to improve Ethiopia’s ethno-federalist model. Alemante Selassie proposes the use of a single language for official activities at the Federal and the State level to create unity and efficient governance, while still allowing States to teach and use minority languages without discrimination.⁷³ More ambitiously, Alem Habtu suggests that Ethiopia should expand democratic representation by permitting real political competition and opening the ruling EPDRF to other ethnic groups.⁷⁴ In summarizing different approaches, Legesse Mengie suggests that Ethiopia should minimize ethnic federalism and restore the historic provincial system; organize states equally by population or economic resources; or even subdivide ethnic groups

⁶⁹ John M. Cohen, *Ethnic Federalism in Ethiopia*, 2 Ne. Afr. Stud. 157, 165 (1995)(describing the initial constitutional split of powers between the federal government and substates); Minasse Haile, *The New Ethiopian Constitution: Its Impact upon Unity, Human Rights and Development*, 20 Suffolk Transnat’l L. Rev. 1, 20, 46, 55 (1996) Haile suggests the failure to provide for judicial or other constitutional control was likely rooted by the former Soviet Union’s rejection of the idea because it believed that the legislature which was elected by the people “should not be controlled by extra-parliamentary bodies. *Id.* at 59; Legesse Tigabu Mengie, *Federalism as an Instrument for Unity and the Protection of Minorities: A Comparative Overview: Ethiopia, India and the US*, 10 Mizan L. Rev. 265, 287 (2016).

⁷⁰ Legesse Tigabu Mengie, *Federalism as an Instrument for Unity and the Protection of Minorities: A Comparative Overview: Ethiopia, India and the US*, 10 Mizan L. Rev. 265, 268-69 (2016)(noting there appears to be a slight supremacy of the federal government in the Constitution).

⁷¹ Jon Abbink, *Ethnicity and Constitutionalism in Contemporary Ethiopia*, 41 J. of Afr. L. 159, 167 (1997); Paul H. Brietzke, *Ethiopia’s “Leap in the Dark”: Federalism and Self-Determination in the New Constitution*, 39 J. Afr. L. 19, 33 (1995); John M. Cohen, *Ethnic Federalism in Ethiopia*, 2 Ne. Afr. Stud. 157, 158 (1995); Charles E. Ehrlich, *Ethnicity and Constitutional Reform: The Case of Ethiopia*, 6 ILSA J. Int’l & Comp. L. 51, 62 (1999).

⁷² Charles E. Ehrlich, *Ethnicity and Constitutional Reform: The Case of Ethiopia*, 6 ILSA J. Int’l & Comp. L. 51, 62 (1999).

⁷³ Alemante G. Selassie, *Ethnic Federalism: Its Promise and Pitfalls for Africa*, 28 Yale J. Int’l L. 51, 101 (2003). *But Cf.* Adeno Addis, *Cultural Integrity and Political Unity: The Politics of Language in Multilingual States*, 33 Ariz. St. L. J. 719, 737-45 (2001) (noting that the liberalist market based cultural system based on negative rights may lead to and is not concerned with the potential disappearance of languages).

⁷⁴ Alem Habtu, *Multiethnic Federalism in Ethiopia: A Study of the Secession Clause in the Constitution*, 35 Publius 313, 334 (2005).

within the existing federal structure.⁷⁵ Others have suggested some version of “non-territorial” autonomy to address challenges for underrepresented ethnic groups within administrative regions, or for ethnic groups outside of a particular region but impacted by the region’s policy decisions.⁷⁶

In conclusion, the literature suggests that ethnic federalism may or may not be the appropriate governance structure for Ethiopia depending on one’s assumptions about its impact on ethnic conflict, identity formation, and the viability of the country. Similarly, the Constitution may or may not require modifications or wholesale change, ranging adjustments to language policy and membership rules for political parties, to some form of non-territorial ethnic autonomy or non-ethnic federalism. The States are too weak and too powerful, while the Federal government is dominant yet lacks meaningful authority. All of this may be true (or not) but it doesn’t tell us much about ethnic federalism as an instrument to govern under particular circumstances.

IV. Ethnic Federalism: A Means to an End?

Consider the following. You are the head of an ethnic party that accounts for 6% of your country’s population, you have been closely aligned with another ethnic party that has been engaged in armed independence struggle for some 50 years against your country’s leadership. Your country’s leadership has driven the country’s economy into the ground, engaged in gross human rights violations, and presided over multiple famines, among other catastrophes. Suddenly, the regime collapses and the armed struggle succeeds, and you are in *de facto* control of the state.

Soon after, your brothers in arms secede from your country, leaving it landlocked, poor, and economically mismanaged after years of war. You and your party have been control of the levers of the state for less than 2 years and, since your party represents only 6% of the population, you lack the legitimacy and the economic and political capacity to govern. If your primary goals were to maintain control of the state, appease the remaining 94% of the population, enrich your people, and build a long-term structure for governance, what would you do? As a democracy, you surely lose and there is no history of democracy in your country. As a centralized dictatorship with no devolution of power

⁷⁵ Legesse Tigabu Mengie, *Federalism as an Instrument for Unity and the Protection of Minorities: A Comparative Overview: Ethiopia, India and the US*, 10 Mizan L. Rev. 265, 289 (2016); Alemante G. Selassie, *Ethnic Federalism: Its Promise and Pitfalls for Africa*, 28 Yale J. Int’l L. 51, 97-100, 103 (2003). Dividing states by economic resources is attractive for avoiding contentious transfers of wealth between subunits, and creating small poor minority states. *Id.* at 103-04.

⁷⁶ John Coakley, *Approaches to the Resolution of Ethnic Conflict: The Strategy of Non-Territorial Autonomy*, 15 Int’l Pol. Sci. Rev. 297 (1994). Coakley notes that this arrangement may not be satisfactory as groups may prefer territoriality, police, military, and true autonomy, whereas with nonterritorial autonomy groups are at least partially assimilated into the nation, but are granted a political voice at the national level and some degree of control over their affairs. *Id.* at 311; Christopher Van der Beken, *Federalism, Local Government and Minority Protection in Ethiopia: Opportunities and Challenges*, 59 J. of Afr. L. 150, 172 (2015).

to the 94%, you might govern for a short time but the majority would coalesce to remove you. Given your country's history, it might not be peaceful. What options are left?

This grossly overly simplified and highly stylized example is intended to describe the set of goals, incentives, and options under which ethnic federalism became the model for the Ethiopian Constitution of 1994. Assuming the narrative is generally accurate, ethnic federalism, at least over the short to medium term, satisfies many of the objectives. It allows a small ethnic group to remain in power; it satiates the demand of many ethnic groups to be free from ethnic oppression, speak their languages, and celebrate their cultures; it ensures that the financial resources of the Federal government are available to support favored groups, and it allows the small group in power to establish an infrastructure for long-term rule. This is, of course, a theory but there is evidence to support it.

Entrenching TPLF Power. The Constitution was created primarily by the TPLF and represents a very small minority of the population, leading some to doubt the Constitution's legitimacy.⁷⁷ Many scholars argue the TPLF and the broader EPRDF specifically adopted the ethnonational federalist model to maintain power according to Stalinist ideology, which view ethnic groups as an advantageous way to organize people if led by a strong vanguard party.⁷⁸ Unsurprisingly, Ethiopians still feel the Tigrayans are monopolizing political power for their own benefit as they continue to dominate the political process.⁷⁹

⁷⁷ Minasse Haile, *The New Ethiopian Constitution: Its Impact upon Unity, Human Rights and Development*, 20 Suffolk Transnat'l L. Rev. 1, 44 (1996)(noting that the TPLF had been recognized as a third world communist insurgency that opportunistically claimed it was converting to democracy to gain acceptance by the west); Legesse Tigabu Mengie, *Federalism as an Instrument for Unity and the Protection of Minorities: A Comparative Overview: Ethiopia, India and the US*, 10 Mizan L. Rev. 265, 292 (2016)(citing Lovise Aalen, *Ethnic Federalism in a Dominant Party State: The Ethiopian Experience 1991-2000*, Report R.2 Chr. Michelsen Institute Development Studies and Human Rights 114 (2002).

⁷⁸ Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 Int'l J. on Minority & Grp. Rts. 243, 245-46 (2006). See *Id.* at 250 for further discussion on methods of EPRDF governmental dominance; *Id.* at 259(describing the EPRDF's goal of liberation shifting to administrative efficiency over time); Paul H. Brietzke, *Ethiopia's "Leap in the Dark": Federalism and Self-Determination in the New Constitution*, 39 J. Afr. L. 19, 27 (1995)(describing how many Ethiopians see the federalist model as a divide-and-rule tactic and that the states do not have the capability to serve as genuine federal units); Charles E. Ehrlich, *Ethnicity and Constitutional Reform: The Case of Ethiopia*, 6 ILSA J. Int'l & Comp. L. 51, 53 (1999)(claiming the constitutional model has primarily served to uphold Tigrayan power); Alem Habtu, *Multiethnic Federalism in Ethiopia: A Study of the Secession Clause in the Constitution*, 35 Publius 313, 314 (2005)(describing concerns that self-determination is not truly a commitment of the government and see the one party state leading the country); Minasse Haile, *The New Ethiopian Constitution: Its Impact upon Unity, Human Rights and Development*, 20 Suffolk Transnat'l L. Rev. 1, 44 (1996)(describing the TPLF's desire to maintain power as a minority of only 9.7% of the population by using divide and rule methods).

⁷⁹ Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 Int'l J. on Minority & Grp. Rts. 243, 250 (2006). Also during Constitutional development the TPLF had military control so no real opposition could be mounted against the 'federal bargain.' Charles E. Ehrlich, *Ethnicity and Constitutional Reform: The Case of Ethiopia*, 6 ILSA J. Int'l & Comp. L. 51, 62 (1999).

For example, the Constitution has no federal system of checks and balances to prevent the Federal government or the States from violating the rights of Ethiopian citizens within their respective jurisdictions.⁸⁰ The Constitution grants the power of review to the House of Federation – sometimes referred to as the Federal Council – a small body made up of representatives from different “nations, nationalities and peoples.”⁸¹ Although it might appear to allow the many “nations, nationalities and peoples” to interpret the Constitution and account for political and cultural factors, it is a small body of indirectly elected, non-experts, who lack accountability and are often tied to the Federal executive branch.⁸²

Beyond the power review, the House of Federation is the primary form of representation at the federal level for Ethiopia’s ethnic groups, and has at least one representative from each group, along with an additional representative for each one million people.⁸³ As of 2005, twelve ethnic groups remained unrepresented in this body,⁸⁴

⁸⁰ Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 Int’l J. on Minority & Grp. Rts. 243, 249 (2006); Jon Abbink, *Ethnicity and Constitutionalism in Contemporary Ethiopia*, 41 J. of Afr. L. 159, 167, 170 (1997); Minasse Haile, *The New Ethiopian Constitution: Its Impact upon Unity, Human Rights and Development*, 20 Suffolk Transnat’l L. Rev. 1, 28-29 (1996).

⁸¹ Legesse Tigabu Mengie, *Federalism as an Instrument for Unity and the Protection of Minorities: A Comparative Overview: Ethiopia, India and the US*, 10 Mizan L. Rev. 265, 292 (2016).

⁸² Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 Int’l J. on Minority & Grp. Rts. 243, 249 (2006); Yonatan Tesfaye Fessha, *Judicial Review and Democracy: A Normative Discourse on the (Novel) Ethiopian Approach to Constitutional Review*, 14 Afr. J. Int’l & Comp. L. 53, 70-72, 75, 78 (2006) (noting that members of the House of Federation members in practice are often appointed by state councils, not by a vote by the people, and most members of the House are not independent but members of the executive branch, state government, or state council and are without the necessary expertise to decide constitutional issues). In practice as of 2006, 23 cases had been brought mostly by individuals and not referred through the court system. The vast majority have been dismissed and only five have been decided. The decisions of the House are not published. *Id.* at 80, 80 n. 96, 97; Alem Habtu, *Multiethnic Federalism in Ethiopia: A Study of the Secession Clause in the Constitution*, 35 Publius 313, 330 (2005); Minasse Haile, *The New Ethiopian Constitution: Its Impact upon Unity, Human Rights and Development*, 20 Suffolk Transnat’l L. Rev. 1, 29 (1996). Legesse Tigabu Mengie, *Federalism as an Instrument for Unity and the Protection of Minorities: A Comparative Overview: Ethiopia, India and the US*, 10 Mizan L. Rev. 265, 293-94 (2016) (noting that the United States Supreme Court may fail to rule on what it considers a political issue, while still reviewing constitutional violations); T.S. Twibell, *Ethiopian Constitutional Law: The Future of the Ethiopian Government and the New Constitution’s Ability to Overcome Ethiopia’s Problems*, 21 Loy. L.A. Int’l & Comp. L. J. 399, 448-49 (1999) (stating that this indirectly elected body which can deny certiorari for constitutional review has political influence, and weakens the constitution).

⁸³ Legesse Tigabu Mengie, *Federalism as an Instrument for Unity and the Protection of Minorities: A Comparative Overview: Ethiopia, India and the US*, 10 Mizan L. Rev. 265, 278 (2016) (explaining that some even find proportional representation inequitable since it leads to the domination of large ethnic groups rather than equal representation for each group).

⁸⁴ Alem Habtu, *Multiethnic Federalism in Ethiopia: A Study of the Secession Clause in the Constitution*, 35 Publius 313, 330-31 (2005).

though there have been changes more recently. Some States act send only representatives of one preferred ethnic group even if there are populations of other ethnic groups with populations greater than one million within their state.⁸⁵ When it does act, the “representative” body has no legislative authority; and it can only “settle disputes” between member states,” and interpret and “contribute to amending the Constitution.”⁸⁶

Ethiopia has a unicameral legislature, the House of People’s Representatives, which is absolutely dominated by the EPRDF, making Ethiopia an unrepresentative “de facto single party system.”⁸⁷ The EPRDF controls the military, executive, and legislative power and has been unwilling to share power democratically.⁸⁸ The best know example is the 2005 elections. At the beginning, they were actually relatively free and opposition parties were given TV airtime.⁸⁹ However, once the EPRDF felt that the opposition parties were gaining popularity, Prime Minister Meles “declared a month long ban on demonstrations and out-door meetings” prior to Election Day.⁹⁰ During this period, “over a hundred protesters killed” and “tens of thousands of opposition members and supporters detained” and charged with treason.⁹¹ The 2005 election is illustrative of the EPRDF’s willingness to undermine democratic processes.⁹² Since 2005, elections have been a non-

⁸⁵ Alem Habtu, *Multiethnic Federalism in Ethiopia: A Study of the Secession Clause in the Constitution*, 35 *Publius* 313, 330-31 (2005).

⁸⁶ Jon Abbink, *Ethnicity and Constitutionalism in Contemporary Ethiopia*, 41 *J. of Afr. L.* 159, 168 (1997); Minasse Haile, *The New Ethiopian Constitution: Its Impact upon Unity, Human Rights and Development*, 20 *Suffolk Transnat’l L. Rev.* 1, 26-27 (1996)(describing how the House of Federation referred to as the FC has mere fact-finding authority for constitutional disputes).

⁸⁷ Legesse Tigabu Mengie, *Federalism as an Instrument for Unity and the Protection of Minorities: A Comparative Overview: Ethiopia, India and the US*, 10 *Mizan L. Rev.* 265, 276-77 (2016).

⁸⁸ Legesse Tigabu Mengie, *Federalism as an Instrument for Unity and the Protection of Minorities: A Comparative Overview: Ethiopia, India and the US*, 10 *Mizan L. Rev.* 265, 276, 283 (2016).

⁸⁹ Legesse Tigabu Mengie, *Ethnic Federalism and Conflict in Ethiopia: What Lessons Can Other Jurisdictions Draw?*, 23 *Afr. J. Int’l & Comp. L.* 462, 470 (2015).

⁹⁰ Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 *Int’l J. on Minority & Grp. Rts.* 243, 252 (2006).

⁹¹ Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 *Int’l J. on Minority & Grp. Rts.* 243, 252 (2006). After this the government detained CUD leaders, journalists, and civil society leaders charging them with “treason, inciting violence and planning to commit genocide.” *Id.*

⁹² Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 *Int’l J. on Minority & Grp. Rts.* 243, 255 (2006). *But Cf.* Paul H. Brietzke, *Ethiopia’s “Leap in the Dark”: Federalism and Self-Determination in the New Constitution*, 39 *J. Afr. L.* 19, 21 (1995)(describing early electoral dominance by the EPRDF in part because of their perceived power, but also because opposition groups fail to challenge them, voter apathy, and poorly designed and implemented electoral laws). Brietzke does suggest advocating for more competition within the government, transparency, a free press, and free voting etc., to create civil society and legitimacy for the government. *Id.* at 36. John M. Cohen, *Ethnic Federalism in Ethiopia*, 2 *Ne. Afr. Stud.* 157, 162 (1995)(describing how opposition parties boycotted initial elections do to disputes about the new government, while other non EPDRF candidates were harassed).

event, with low voter turnout and occasional protests that generated a strong response from the Federal government).⁹³ Ethnic federalism in Ethiopia, on this view, is “continuing dictatorial rule by another name.”⁹⁴

The EPRDF also created and designed the ethnic States to ensure that the Federal government could maintain control over various resources, or prevent any one State from controlling any vital commodity. States were drawn purely on an imperfect ethnic basis, without regard for the size, governance capacity, or economic resources and many scholars are skeptical that this structure can facilitate development across the country.⁹⁵ Moreover, the failure to consider a range of factors might exacerbate natural resource and human capital disparities since no State is required to share resources – or has the incentive to share – with those who are less endowed.⁹⁶ Resources and human capital will likely stay in one State, and competition among States is minimized.⁹⁷ As a consequence, poorer and more conflict prone states have fallen behind on development metrics.⁹⁸

Finally, the Constitution vests ownership of land and natural resources in “the state and the peoples of Ethiopia” as “a common property” that “shall not be subject to sale or to other means of exchange.”⁹⁹ In theory, this might prevent the growth of a landless class and greater inequality,¹⁰⁰ but it could allow lead to the Federal government

⁹³ Legesse Tigabu Mengie, *Ethnic Federalism and Conflict in Ethiopia: What Lessons Can Other Jurisdictions Draw?*, 23 Afr. J. Int’l & Comp. L. 462, 470 (2015).

⁹⁴ Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, 13 Int’l J. on Minority & Grp. Rts. 243-44 (2006); Minasse Haile, *The New Ethiopian Constitution: Its Impact upon Unity, Human Rights and Development*, 20 Suffolk Transnat’l L. Rev. 1, 5 (1996).

⁹⁵ Jon Abbink, *Ethnicity and Constitutionalism in Contemporary Ethiopia*, 41 J. of Afr. L. 159, 168 (1997).

⁹⁶ John M. Cohen, *Ethnic Federalism in Ethiopia*, 2 Ne. Afr. Stud. 157, 169 (1995); Alemante G. Selassie, *Ethnic Federalism: Its Promise and Pitfalls for Africa*, 28 Yale J. Int’l L. 51, 91-92 (2003). Selassie also says this was a problem in Yugoslavia where relatively wealthy ethnic states resented having to help relatively poor ethnic states.

⁹⁷ John M. Cohen, *Ethnic Federalism in Ethiopia*, 2 Ne. Afr. Stud. 157, 168 (1995); Alemante G. Selassie, *Ethnic Federalism: Its Promise and Pitfalls for Africa*, 28 Yale J. Int’l L. 51, 89-90 (2003). Selassie gives examples in Nigeria and India where certain ethnic groups were barred from economic activity. *Id.* at 90-91.

⁹⁸ Jon Abbink, *Ethnicity and Constitutionalism in Contemporary Ethiopia*, 41 J. of Afr. L. 159, 173 (1997); Petra Zimmerman-Steinhart & Yakob Bekele, *The Implications of Federalism and Decentralization on Socioeconomic Conditions in Ethiopia*, 15 Potchesfstroom Elec. L. J. 89, 111, 113 (2012) (describing how some regions are falling behind on education and healthcare metrics due to capacity deficits and political instability).

⁹⁹ Constitution of the Federal Democratic Republic of Ethiopia 1994, art 40(3).

¹⁰⁰ Jon Abbink, *Ethnicity and Constitutionalism in Contemporary Ethiopia*, 41 J. of Afr. L. 159, 169 (1997).

confiscating or appropriating private land for projects or in resource rich areas, which may stunt investment and development in economically beneficial projects.¹⁰¹

Means to an End? How should we assess ethnic federalism as a means to an end for its creators? Since 1994, the EPRDF (and TPLF) has maintained power and facilitated a peaceful intra-party leadership transition in 2012. According to the World Bank, Ethiopia has enjoyed a 10.8% growth rate between 2003 and 2015,¹⁰² providing the Federal government with revenue to assuage certain ethnic States and supporters. Ethiopia continues to improve on various health, education, and mortality metrics, and the country has not been at war since the cessation of hostilities with Eritrea in 2000. While the EPRDF engages in human rights violations, refuses to tolerate free elections and, still severely restricts the press, its human rights record is, unbelievably, still better than the record of gross human rights violations and war crimes committed by the Mengistu regime that preceded it. And despite the protests against EPRDF rule and the various secessionist movements in Ethiopia, few suggest that the collapse of the regime is likely anytime soon. Given their goals, incentives, and constraints of the TPLF and its allies, constitutionalized ethnic federalism has likely been an effective means to an end, even if it has generated costs for those subject to their rule. The question going forward is whether any regime in Ethiopia can devolve sufficient authority to keep the States happy, while still maintaining enough power to remain in control. Whatever its short term benefits, ethnic federalism might very well sow the seeds of its own demise.

¹⁰¹ Jon Abbink, *Ethnicity and Constitutionalism in Contemporary Ethiopia*, 41 J. of Afr. L. 159, 169-70 (1997); Minasse Haile, *The New Ethiopian Constitution: Its Impact upon Unity, Human Rights and Development*, 20 Suffolk Transnat'l L. Rev. 1, 6, 66-69 (1996) (discussing the failures of the Ethiopian constitution in the realm of property rights); Alemante G. Selassie, *Ethnic Federalism: Its Promise and Pitfalls for Africa*, 28 Yale J. Int'l L. 51, 81 (2003)(mentioning that this may be problematic for state-level development since states don't own the land, and local governments likely know local needs and conditions better than the national government).

¹⁰² <http://www.worldbank.org/en/country/ethiopia/overview>