Managing Ethiopia's ethnic divisions through constitutional design

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Ethiopia's political landscape has long been torn between groups with divergent policy recommendations. However the debates have not engaged the entire range of options available to divided countries for managing ethnic divisions. This report outlines constitutional designs for divided countries and their relevance to Ethiopia before providing practical options for reconciling contradictory demands. It is argued that the least harmful design mixes consociational, centripetal and integrationist policies.

Key findings

▶ Contending nationalist mobilisations have remained the core of Ethiopian politics for the last couple of decades and they are not subsiding.

▶ While most Ethiopian political forces agree on the importance and relevance of a federal system for Ethiopia, they have diverse perspectives on the nature and goal of such an arrangement.

▶ Consociational democracy can address the quest for inclusion by ethno-nationalist groups but would not be acceptable to those who stress national unity.

▶ Aspects of centripetalism such as the re-carving of the federal units would be welcomed by many Ethiopian nationalist forces but those very aspects would be rejected by those calling for multinational federalism.

▶ Integration approaches form the core of Ethiopian nationalists' call for national cohesion, but the approaches would collide with the self-determination demands of other political groupings.

▶ Reconciling the country's divergent interests requires the blending of schemes for accommodation and integration, in line with the latest research findings in the comparative politics of divided societies.

Recommendations

Consociational and centripetal arrangements should be reconciled in many different ways including:

▶ Liberal power-sharing at the executive level, combined with vote pooling as a national electoral system, and inclusive multinational federalism as a mode of governance at the regional level. Self-administration will co-exist with strong guarantees to protect minority rights.

▶ Parliamentary majority executive formation through a Single Transferable Vote electoral system at the national level, alongside the preservation of the current multinational federalism with modifications to accommodate minority rights.

▶ Parliamentary majority executive formed through a vote pooling electoral system, alongside a modified (as above) multinational federalism.

▶ Corporate and Liberal power-sharing at the executive level with proportional representation as an electoral system combined with national federalism with non-territorial autonomy for ethnic groups.

▶ Presidentialism with distribution rules and a vote pooling electoral system, with inclusive multinational federalism.

Integration approaches should also be combined with any of the above designs to ensure national cohesion and the protection of individual rights in the country:

▶ Social cohesion can be inculcated through the making of iconic public institutions; visually and verbally inclusive representative national symbols; and vibrant, inclusive, integrative and widely dispersed civil society organisations.

▶ Individual rights can be protected through the establishment of: strong legal frameworks to uphold rights; law enforcement agencies with democratic vision and a practical commitment to that vision, and independent monitoring institutions.

Introduction

One major challenge to a smooth democratic transition in Ethiopia is ethnic division. Competing ethnically-based interests and interpretations of the past and present have complicated political processes in the country for much of the last five decades. The contending nationalist forces have produced alternative knowledge bases that extend to policy recommendations.

Generally speaking, forces who see themselves as Ethiopian nationalist[1] have long advocated what they believe are pan-Ethiopian policies to unify its peoples and establish a more cohesive nation. In contrast, most ethno-nationalist parties have propounded ethnic-friendly solutions to address what has been seen as a core popular demand in the country's politics for over half a century: the question of nationalities.

A recent Institute for Security Studies monograph dissected the competing demands of these blocs and possible ways of reconciling their aspirations through constitutional design.[2] The monograph analysed the values and relevance of consociationalism, centripetalism and integration schemes to manage ethnic division in the country. It demonstrated that not a single design can do justice to addressing these competing demands and that the way forward should be to usefully combine them into a coherent mode of federal and regional governance.

This report presents a summary of the major points in the monograph including the debates around federalism and a discussion of constitutional designs for divided societies and their relevance to Ethiopia. Most importantly, alternative proposals for managing diversity in the country are described in some detail.

Divergent views on federalism

Most Ethiopian political parties and activists agree on the importance of federalism and the country's need for that system. That agreement, however, doesn't have much implication for national consensus. The extent of division on the type and purpose of federalism dwarfs the significance of convergence on general concepts.

Several positions exist on the idea of federalism and its practice over the last three decades in the country. One group of political parties is largely content with the substance of the federal arrangement as laid out in the constitution and requires its genuine implementation with few modifications. The national oppression (i.e., the oppression of nations and nationalities by the state) of the past, in their view, can only be undone through a system that guarantees the right of self-determination to communal groups in the country.

Another group agrees with the historical interpretation of the first group but believes that the practice of federalism in Ethiopia has to embrace the right to self-determination for groups that have not yet acquired a killil (federal unit) status. Thus this group advocates the driving of the federal system to its logical conclusion.

Most Ethiopian political parties and activists agree on the importance of federalism

A third group accepts the overall idea of a multinational federation but rejects the national oppression thesis of the first two groups as factually incorrect and targeted against some ethnic groups considered as 'oppressors' in the past. The current federation, according to this view, also requires some major modifications, such as laying strong foundations for individual autonomy and national unity.

In sharp contrast to most multinational federalists, some parties de-emphasise or reject the national oppression thesis and the institutional design that usually comes along with it, i.e., multinational federalism. Accusing such a system of promoting division, they propose a national federation based not only on identity but also administrative feasibility, economic viability, historical and geographic affinity, topographic features and population size.

However, these political forces do not agree on the feasibility of their proposals. While some of them believe they can and should live with the existing federation for some years to come, given that it is currently embedded in society, others see a way to urgently alter the system.

The above differing expositions on the federal arrangement reveal the complexity of perspectives on Ethiopian politics in general, and on managing diversity in the country in particular. The perspectives project

diverse and at times contradictory recommendations for Ethiopia, but all are heavily anchored in the federal project, either supporting it, or rejecting it, or blending elements from both positions.

There have been limitations to this 'federal fixation' among many groups for the past few decades. First, it ignores several other successful designs that states elsewhere in the world have used to manage diversity. Second, over-fixation on the federal arrangement has stalled the debate on unity and diversity and deprived it of dynamism and negotiability. By considering other general designs and specific mechanisms, we can extend the domain of the discussions and hopefully facilitate a more fruitful outcome based on reciprocity.

Federal fixation has stalled the debate on unity and diversity, and deprived it of negotiability

Hence it is high time that Ethiopian political parties, activists, policymakers and academics consider the full range of options the country can have in tackling its problem of contending nationalisms. It is still imperative – and inevitable – to seriously think about the nature, future and pros and cons of the current federal arrangement. There is no shying away from this topic as the arrangement has had a major impact on contemporary Ethiopian politics.

Moreover, the discussion on federalism in Ethiopia is not divorced from the themes of the other institutional packages proposed in the literature. This means that even when we debate the other designs, we will surely end up dealing with some elements of the federal debate as well, and vice versa.

However, federalism should be relegated to one among, or a part of, other more comprehensive institutional designs suggested for countries with ethnic division.

Three constitutional designs

Scholars have proposed several constitutional designs for managing political affairs in ethnically divided countries. Consociationalism, centripetalism, and integrationist designs are outlined below.

Consociationalism

Consociational democracy ideally involves four elements.[3] First comes a grand coalition, which refers to the 'coalition of the political leaders of all significant segments of the plural society.'[4] This is meant to ensure the inclusion of all, major or otherwise important elites or groups – whatever the case might be – from each segment of society. Second is proportional representation (PR), which takes proportionality as 'the principal standard of political representation, civil service appointments, and allocation of public funds.'[5] In terms of an electoral system, scholars advocate PR which again helps incorporate inclusion and fairness into the system.

The third component is segmental autonomy, which refers to an extended form of autonomy for communal groups to manage their internal affairs. This could take the form of territorialised autonomy (which could often mean a multinational federation) or non-territorialised autonomy (such as cultural autonomy short of the right to political self-determination).

Finally there's the mutual veto – a mechanism meant to protect the interests of groups (especially minorities) from being violated by others under all circumstances. This mostly works in the form of establishing the rule of concurrent majority to amend critical existing legal frameworks.

While some scholars still consider all four components equally important and stress their mutually reinforcing quality, others regard only a few as the core elements of consociationalism.[6]

Consociational democracy

Countries cited as classic examples of the practice of consociationalism were: Austria, Belgium, the Netherlands and Switzerland. Frequently mentioned contemporary cases include Bosnia and Herzegovina, Burundi, Lebanon and Northern Ireland.

Centripetalism

Consociationalism is often accused of accommodating extremist elites and inflaming division. Centripetalism, in contrast, promotes mechanisms that are meant to lead

towards ethnic moderation. The first is vote pooling, mainly – but not necessarily – represented by the alternative vote (AV) electoral system. In this system, 'voters rank in order of preference. If no candidate is successful after first preferences have been counted, the bottom candidate is dropped from the ballot, and votes cast for that candidate distributed according to the second preferences.'[7]

The process continues until a majority is achieved. The aim is to encourage parties to seek support from ethnic groups outside their own to secure enough votes through second preferences. The effort to appeal to other ethnic groups inadvertently facilitates ethnic moderation. In particular, the vote pooling scheme is expected to lead towards moderate inter-ethnic coalitions.

The second mechanism is a presidential system with distribution requirements for electing the president. Centripetalists recommend that the office of the president is occupied by a person who is required to get their votes not only from their ethnic group, but also from certain others. The percentage of required votes from other regions or ethnicities would be determined by law. The net effect of the candidate's attempt to appeal to different ethnic groups would have a moderating effect on the president's agenda.

Finally, while centripetalists also advocate federalism, they believe in the value of national federations based on non-ethnic criteria (such as geography and population size) rather than multinational ones. They prefer the carving out of federal unit boundaries in ways that divide populous ethnic groups into several units, thereby tempering ethnic appeals and facilitating national unity.

Centripetalism

The literature on centripetalism has discussed Australia, Estonia, Fiji, Northern Ireland, Papua New Guinea and Sri Lanka for adopting the AV and single transferable vote (STV) electoral systems. Indonesia, Kenya and Nigeria are examined for experimenting with presidential elections with distribution requirements.

Integrationist designs

Some scholars emphasise the need to create coherent nation-states and hence consider the prior designs as inappropriate for achieving that purpose. They accuse the designs of accommodating ethnic politics in one way or another.

One strand of integrationists, republicans, oppose any public manifestation of identity that appears to undercut the publicly promoted common identity. They are fierce defenders of the nation and national identity, which they believe is important for achieving other good outcomes such as civic virtue.[8] They are against federalism and any politics that they assume would splinter the 'indivisible nation'. They support a strong unifying figure – a president or prime minister – chosen through majoritarian elections. Parties should be national, not ethnic or regional, to promote unity.

The vote pooling scheme is expected to lead towards moderate inter-ethnic coalitions

Liberal integrationists, the other variant in this section, share the anti-ethnonationalism stance of republicanism with some important modifications. Liberals believe in the importance of national unity against division, and develop strategies for the strengthening of collective identity.

Liberals, in contrast to republicans, however, support federations, but they oppose multinational federations that empower ethnic groups politically. They believe federations should empower individuals and make administration effective, but they shouldn't divide the nation or lead to local tyranny or secession. Hence they advocate national federations. They also emphasise individual rights rather than the community that republicans stress.[9]

Integration

Republican integration is best represented by Turkey (i.e., along the tradition of Ataturk) and France, while the US serves as a good example of liberal integration.

What is their relevance to Ethiopia?

Each one of the constitutional design options could gain supporters as well as detractors in Ethiopia. Several ethno-nationalist groups would hail consociational democracy's accent on power-sharing, PR and segmental autonomy. First, a grand coalition of sorts[10] could reasonably address the appetite among politically influential contending elites for wielding power at the centre. It could also be construed by many in the ethnically mobilised section of the population as a mechanism for empowering marginalised ethnic groups through genuine representation.

Proportional representation can also serve other core demands of specific ethnic groups or their elites such as the protection of minority rights in different regions or killils. Finally, segmental autonomy in the form of a multinational federation and other forms of ensuring self-determination are strongly advocated by diverse groups. They see it as the single most important manifestation of the success of their liberation struggle.

In contrast, Ethiopian nationalists reject any form of politics that perpetuates politicised ethnicity, and that includes most of the consociationalist recommendations. They are especially against the existing ethnic-based federal arrangement that they believe has trumped individual and minority rights within killils that empower certain ethnic groups against others. Instead, they have much to praise in centripetalism's preference for national federalism. They note that it could come about either by the creation of different federal units out of single ethnic groups or by the amalgamation of these groups into single federal units. They believe these modifications could temper the ethnic appeal.

Many Ethiopian nationalists go beyond centripetal assumptions and strongly advocate nation-building schemes for Ethiopia. Most of them advocate some form of federalism. So, in that sense, they tend to side with liberal integrationism. They also promote the importance of individual rights, believing this is the fundamental right that should be protected before anything else.

However, they also share a strong commitment to the 'nation' as put forward by republicans. They believe in the existence – however 'threatened' by ethnic nationalism today – of Ethiopian identity. They strongly support devising strategies to solidify it and make it the umbrella form of identification that brings together all citizens.

Their ethno-nationalist detractors don't accept their paradigms and recommendations. To the multinational federalists, the question of group rights has been at the very heart of Ethiopia's politics for a long time. Demands for the protection of group rights have been at the forefront of oppositional politics for over five decades. The insistence on these rights stems from the perception that the theory and practice of 'Ethiopian' nationalism itself reflects the ethos of one ethnic group masquerading as pan-Ethiopian and dismissing other politico-cultural manifestations.

Ethiopian nationalists reject any form of politics that perpetuates politicised ethnicity

Since the inception of the national question, ethno-nationalist elites from Ethiopia's marginalised communities have demanded not just democracy but the full realisation of group-differentiated rights – self-rule, language and cultural rights, and so on.

Only the fulfilment of those rights in the form of a multinational federation would be considered just and acceptable in their eyes. They also argue, as we have seen, that responding to the autonomy and representation demands of ethnic groups can be the single most reliable guarantor of peace and stability in the country, and, by implication, its territorial integrity.

Given the opposed perspectives on managing diversity in Ethiopia, one can safely say that a single constitutional design may not satisfy diverse sets of groups in the country. The challenge, therefore, is to usefully reconcile the various designs outlined above.

Alternative designs for Ethiopia

The literature has long presented the different constitutional design options as mutually exclusive. Republican/liberal designs have been counterposed with, say, consociational ones, both philosophically and practically. On the other hand, centripetalism and consociationalism have been referred to as

'radically different solutions'[11] or 'dramatically different prescriptions' to manage ethnic division.[12]

Recent studies have started to move beyond these dichotomies. For instance, latest findings have revealed 'that many consociational regimes around the world today have centripetal elements.'[13] While in some of these cases the two designs have been in conflict with one another, in others they have aided each other's political objectives.

Ethiopia, this research argues, requires a set of mixed constitutional design options. The major reason is that, as could be deduced from the discussion so far, not one single constitutional design can fulfil the multiple, and at times contradictory, demands and interests of the major political forces in the country.

The full operation of centripetalism could, at its best, help mend the fragmented politics to an extent but would probably disappoint the multinational federalists' demand for inclusion and self-determination.

On the other hand, the implementation of the entire package of the consociational arrangement can answer, in principle, the major demands of most ethno-nationalist forces, but could probably accelerate the fragmentation of already divided politics in the country. Likewise, republican or liberal integrationist analyses capture the multiple problems associated with ethnicised politics well, but many of their policy recommendations would fly in the face of the hardened group-differentiated demands replete in all corners of the country today.

A workable democratic constitutional option should be sought not in a single design, but in blending parts of these designs

Hence a workable democratic constitutional option for Ethiopia should be sought not in a single design, but in blending parts of these designs. The task should be to carefully extract relevant designs that can complement one another's positive effects and at the same time mitigate their ill effects. It must be remembered though that a perfect system can never be achieved in such a divided country. And so the discussion should be geared towards striking the least harmful combination of public policies.

Following are some general options, along with their pros and cons, for further deliberation by stakeholders in the country. The options are partly inspired by compound designs some countries followed in different parts of the world. This section draws lessons from the more successful ones and tries to adapt their experiences to the Ethiopian case.

The models are anchored in the central/federal government composition, the electoral system for national elections, and a federal unit type, composition and administration. It should be strongly emphasised that these are only examples of possible systems Ethiopians could consider. First come diverse mixes of centripetal and consociational designs, followed by integration proposals to be incorporated into any mix of the first set of designs Ethiopians choose to adopt.

Consociational and Centripetal Designs combined

Liberal power-sharing with vote pooling and inclusive multinational federalism

This model grants inclusion at the executive level and exercises vote pooling in its electoral system. The inclusion follows the liberal consociational model proposed by Arend Lijphart and propounded further by John McGarry and Brendan O'Leary.[14] In this design, the sharing of power is not based on pre-determined ethnic quotas. Instead, it depends on the level of support any party has from the grassroots.

In this way, the system avoids the ethnically fixated alternative of corporate consociationalism. By avoiding that alternative, it creates inbuilt dynamism and adjustability in the system following the change in that society of political consciousness and patterns of political organisation. It grants non-ethnic and multi-ethnic parties and movements opportunities to gain fair representation in the system without artificially undermining the popularity of ethnic parties.

According to this model, power at the centre is shared following the 'sequential and proportional allocation rules' (SPA).[15] According to this rule, parties share power at the executive level based on the share of seats they get in the legislature.

So the party with the most seats wins two advantages: it gets both its choice of and largest number of ministries. More seats mean more chances to pick more important ministerial portfolios. The next largest party in the legislature gets the ministry or ministries of its choice from those left. The process goes on until all ministries are taken up.

This rule has advantages over its alternatives such as 'agreements reached in inter-party negotiations; the assignment of portfolios by the party leader with most legislative support; or proposals by an executive president, a symbolic head of state, a formateur, or a third party.'[16] Most importantly, SPA helps avoid the possible endless conflicts and deadlocks usually seen with other rules in the process of forming a coalition government. Importantly, it can help resolve the dilemma of which and how many groups to include in a grand coalition. SPA is clear, automatic, fair and easy to understand and implement.

Each model has its own pros and cons, and should be considered by stakeholders in the country

The benefits of this rule could be maximised and complemented in Ethiopia by using a centripetalist electoral system. This could take the form of AV or constituency pooling[17] or, with reduced impact, first past the post (FPTP).[18]

Parties would try their best to reap as many votes as possible to gain several seats in the legislature, with the rational intent of standing to benefit the most from SPA . Hence the SPA, a consociational rule, could be productively dovetailed with vote pooling. The process could help ensure fair representation of groups (inclusion), as well as cross-ethnic appeal (possibly leading to moderation) by parties.

At the regional level, the multinational federal structure largely remains intact with some significant guarantees for minority inclusion. Mechanisms of inclusion include securing a guaranteed fixed proportional number of seats in regional councils, or the application of the same SPA rule to establish regional executive bodies as employed at the federal level.

Alternatively (or in addition to one of the above mechanisms), autonomy rights for minority groups should be upheld. Autonomy could be granted in two ways. It could take the form of territorial self-administration for identity groups or non-territorial autonomy in using their preferred language for any level of education, practising collective religious and cultural activities and so on.

Whatever form they take, inclusion mechanisms should undergo thorough negotiations among diverse stakeholders with a direct stake in the institutions before adoption. These rights should be protected by veto powers of some sort. Such mechanisms should be employed to respond to the demands of minorities in different killils.

The electoral system at the regional level is assumed to follow the national line, but that need not necessarily be the case. As long as the above principles are maintained or incurred in the process, killils may choose their electoral systems.

In general, this model has some major advantages: first, it promotes the inclusion of all popular parties (ethnic or otherwise) at the centre without ignoring the need for a cross-ethnic appeal, and hence moderation. It could therefore resonate to a degree with the major interests of the most influential actors in the country.

It promotes both self-administration and power-sharing, on the one hand, and opens up a space for non-ethnic and multi-ethnic party politics to flourish. Besides, it could to some extent tone down the appeal of an ethnically charged political environment by encouraging cross-ethnic voter mobilisation.
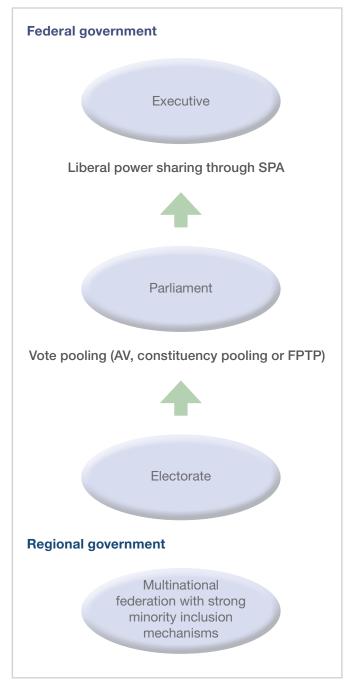
There could be some disadvantages though. First, by focusing on power-sharing, it reduces the power of, for example, AV to promote maximum vote pooling. When parties know they can get cabinet seats with a certain level of votes, they may not be strongly motivated to exert themselves to the maximum to moderate their positions.

Conversely, it reduces the degree of inclusion of groups – compared to what pure consociationalism can offer – in its quest to moderate political positions. Parties that could have lower electoral popularity nationally (for example, by representing small ethnic groups) may be thrown out of the system, although not to the extent found in pure centripetalism.

Secondly, it could at times lead to political deadlock at the centre, but that is easier to handle among the fewer party blocs that AV can offer (compared to what the proportional electoral system – PR – could produce).

Finally, the design may not bridge the gap between Ethiopianist and ethno-nationalist forces, which could be an enduring political fault line in Ethiopia. Could the inclusion of diverse voices at the centre as in this model be the most viable way to manage them?

Model 1

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│  Federal government                          │
│                                              │
│            ┌──────────────────┐              │
│            │    Executive     │              │
│            └──────────────────┘              │
│                                              │
│     Liberal power sharing through SPA        │
│                                              │
│                    ▲                         │
│                    │                         │
│                                              │
│            ┌──────────────────┐              │
│            │    Parliament    │              │
│            └──────────────────┘              │
│                                              │
│  Vote pooling (AV, constituency pooling      │
│                     or FPTP)                 │
│                                              │
│                    ▲                         │
│                    │                         │
│                                              │
│            ┌──────────────────┐              │
│            │    Electorate    │              │
│            └──────────────────┘              │
│                                              │
│  Regional government                         │
│                                              │
│            ┌──────────────────┐              │
│            │   Multinational  │              │
│            │ federation with  │              │
│            │ strong minority  │              │
│            │    inclusion     │              │
│            │   mechanisms     │              │
│            └──────────────────┘              │
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STV with inclusive multinational federalism

In this model, there is no formal predetermined power-sharing at the centre. Government is technically established based on a parliamentary majority. However, through the electoral system, proportional representation is expected to be achieved.

The preferred electoral system here is standard transferable vote (STV), which is basically: 'A multimember district proportional representation method of election in which a voter ranks candidates in order of preference. As candidates pass a specified electoral quota, they are elected and their surplus votes apportioned to the remaining candidates, until all the open seats are filled.'[19]
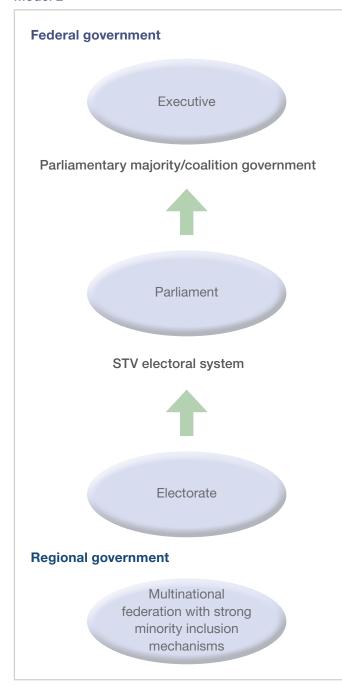
STV combines elements of both PR (the quota system) and vote pooling (preferential voting). It could help include in the legislature all parties with a certain degree of support (passing threshold). But it also pushes the parties to seek support from other ethnic groups since their degree of prominence (and the possibility of forming a government) in the legislature depends not just on the number of votes they get from their own ethnic group, but from others too.

Since no ethnic group in the country consists of a plural majority, some level of vote pooling would be necessary to form a government. If a pre-election coalition cannot form a majority, then a post-election coalition government could be a reality. The form that the resultant coalition government takes would be negotiated by the winning party and the party it wants to work with, if any.

Regional governance would follow similar patterns to the first model: an inclusive multinational federation that includes, among others, PR or autonomy or both. The major advantage here again is that the package combines both elements of inclusion and power-sharing, but not by combining two different designs (like the previous one did), but through a single electoral system with both elements at the same time.

It shares some of the advantages of the previous system but to a more limited extent, given the less dramatic forms of inclusion or vote pooling in this design. The less dramatic outcomes could be an advantage, though, possibly calling for less resistance from political parties or groups promoting contradictory agendas.

The disadvantages are worth noting. First, it further diminishes the motive for vote pooling (since it is a proportional electoral system) on the one hand, and undermines 'true' PR (since it involves preferential voting as well) on the other. The proportionality can be enhanced to an extent by decreasing the quota threshold, but with negative implications for moderation. Another notable criticism of STV is similar to that of AV: it is a relatively sophisticated system for voters, a challenge in Ethiopia with massive scales of illiteracy.

Model 2

Federal government

Executive

Parliamentary majority/coalition government

Parliament

STV electoral system

Electorate

Regional government

Multinational federation with strong minority inclusion mechanisms

Vote pooling with inclusive multinational federalism

In this model, instead of STV, stronger vote pooling is adopted.[20] While the former has consociational elements in it, the latter will essentially be centripetal. Coupled with a similar regional administrative formula as the two models above suggest – with the consociationalism-inspired PR, ethnically carved out regions, and autonomy for dispersed or small minorities – vote pooling could form a balanced system of inclusion and moderation. It would, of course, be slightly tilted to centripetalism, compared to the first option.

The AV electoral system or constituency pooling, as mentioned elsewhere, could encourage cross-ethnic vote pooling among parties that otherwise operate within a consociationally engineered regional administration.

One advantage of this model compared to the first and second is tied to vote pooling. Without the pre-determined power-sharing at the centre that diminishes its power, centripetalist electoral systems could help vote pooling reach its maximum potential. As such it could be the best model to see the effects of the 'incentives approach'. It does this without ignoring the foremost question of many ethno-nationalists about preserving the multinational federation.
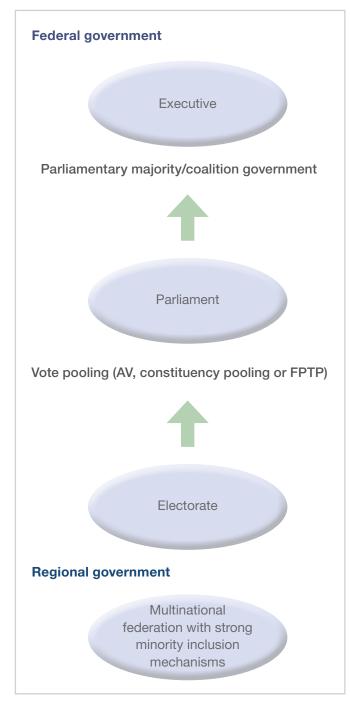
STV and AV are sophisticated voting systems – a challenge in Ethiopia with massive illiteracy

The disadvantage is obvious. The model trades direct power-sharing for an indirect one. Instead of directly including groups in the executive, the design leaves the assignment of making the system inclusive to parties, who are expected to bring forth cross-cutting agendas that could gain support from different ethnic groups.

The extent to which this scheme can bring about desired outcomes, however, isn't guaranteed. As previously discussed, there is a limit to the moderation this system can trigger in Ethiopian politics. It may not bring some influential and opposite blocs together. The reaction, then, of those whose voices are not included in the executive is crucial in making the system stable.

Both could have reasons for calming down under this model. Would the excluded ethno-nationalists (if and when they are excluded) be content with guaranteed self-administration and the possibility of winning next time? Or would the excluded Ethiopianists (again in the event they are excluded) be satisfied with the strong convergent mechanisms put in place, and again, with the possibility of outvoting their contenders in the future?

Model 3

Federal government

Executive

Parliamentary majority/coalition government

↑

Parliament

Vote pooling (AV, constituency pooling or FPTP)

↑

Electorate

Regional government

Multinational federation with strong minority inclusion mechanisms

Corporate and liberal power-sharing with PR and national federalism

This model combines ethnic quotas with liberal consociationalism in the executive. Parties could be ethnic-based or multiethnic and they get representation at the centre on the basis of their share in the legislature, using SPA, as mentioned above.

Additionally, the electoral system here is PR to maximise fair representation in the legislative body. Quite distinct in this design is that whatever party wins any type and number of cabinet seats, it is supposed to put in place the 'right' ethnic representative, according to the quota set for each ethnic group. Failing to do so results in disqualification from the position. Such an emphatic focus on ethnic power-sharing at the centre and PR is to balance the other part of the design at the regional level which follows centripetalist lines.

Contending nationalists should consider the trade-offs of particular constitutional designs

Accordingly, federal units would be recarved to divide ethnic groups into several regions, and tone down the appeal of ethnic nationalism from below. This works especially for ethnic groups with large populations such as the Oromo and the Amhara.
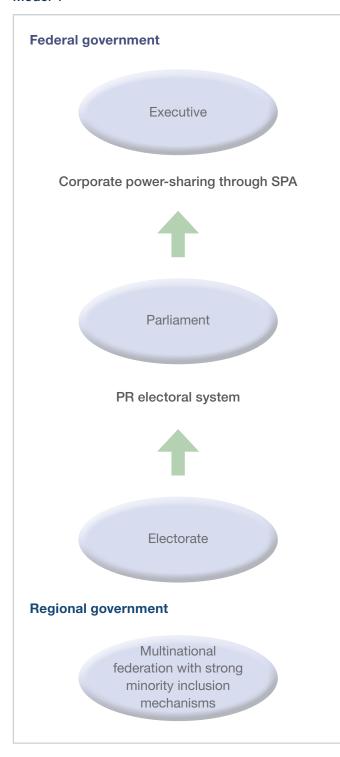
Newly established federal units would decide their working languages, regional symbols, constitutions etc., through negotiations and discussions internally as well as with national stakeholders. In each region, non-territorial cultural autonomy for ethnic groups would be constitutionally upheld backed by veto rights for the relevant ethnic groups.

The major advantage of this model lies in the attempt it makes to radically shift the governing system by combining the most explicit form of ethnic inclusion at the centre with the maximum effort at toning down ethnic appeal at the regional level. It therefore meets some critical demands of many ethnic nationalists and of Ethiopian nationalists at the same time.

However, it is sure to meet a feasibility challenge. Both radical measures could be resisted from opposite

sides: direct ethnic representation could be resisted by Ethiopian nationalists, while the reordering of federal units could be unacceptable to ethnic nationalists. However, both should seriously consider whether what they'd lose in the design could be compensated by what they would gain from it.

Model 4

Federal government

Executive

Corporate power-sharing through SPA

↑

Parliament

PR electoral system

↑

Electorate

Regional government

Multinational federation with strong minority inclusion mechanisms

Presidentialism with distribution rules and vote pooling, with inclusive multinational federalism

In all the previous models, a parliamentary form of government is assumed. The major difference in this particular model is that it adopts presidentialism as the preferred form of government. The president would be elected by direct votes from the population.

An important corollary to this, under the centripetalist recommendation, would be regional distribution requirements. For example, the president should get a 50-plus majority and a certain percentage of those votes should come from a certain number of killils.

The aim is to force the presidential candidate to come up with agendas that have cross-ethnic appeal. The legislative body would be filled by AV, constituency pooling or simple FPTP to encourage vote pooling.

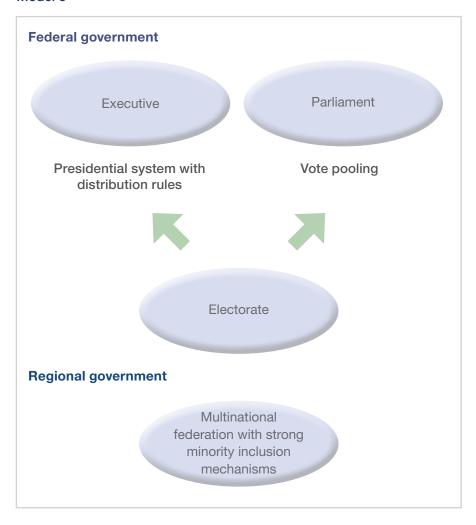### A possible drawback of Presidentialism is that it could be seen as lacking ethnic representation

However the consociational regional administration would be kept intact. As mentioned earlier, the multinational federation would be maintained with PR and territorialised and non-territorialised autonomy for minorities in each region.

The presidential and centripetalist electoral designs could balance the consociationalist regional administration here as well.

The distinctive benefits of this mechanism could be those associated with presidentialism in various (especially less divided) societies: political stability and more cohesion. Its major critics would again point out that very system as a source of some problems, particularly in ethnically divided societies.

These include a perceived lack of representation in the eyes of many ethno-nationalist/ethnic groups other than that of the president, and susceptibility to autocratic rule. If the sense of exclusion is a real threat in a president-led Ethiopia, could guaranteed rights to self-administration, as in this model, backed by mutual veto, act as pacifiers?

Model 5

Federal government

Executive

Parliament

Presidential system with distribution rules

Vote pooling

Electorate

Regional government

Multinational federation with strong minority inclusion mechanisms

Incorporating Integration into the designs

In all the above options, or any other options, special attention should be given to two elements emphasised by many integrationists: the protection of individual rights and the enhancement of national cohesion.

The liberal consociational recommendations in some of the models proposed can lay the foundation for the realisation of both demands. So, in some circumstances, can the centripetalist recommendations. For example, designs meant to promote moderation, as well as those suggesting an ethnic-blind formula for power-sharing, can facilitate the gradual cultivation of a cohesive imagination among Ethiopians and the further opening up of the political space for individual autonomy.

But these are not enough. In the area of strengthening social/national cohesion, for instance, some mechanisms are also indispensable. Examples include the installation of certain formidable, trustworthy, fairly representative and iconic public institutions; the participatory and joint crafting of visual and verbal national symbols; and the consolidation of vibrant, inclusive, integrative and widely dispersed civil society organisations.

INDIVIDUAL RIGHTS AND NATIONAL COHESION NEED SPECIAL ATTENTION

Decisions on the degree of centralisation within the federal system also directly speak to levels of integration in the country. Whereas in theory, a more centralised system may enhance unity, in deeply divided states a higher degree of centralisation can lead to deeper social fragmentation as well.

Ethiopia should consider a relatively centralised federal system only to the extent that, and in areas where, it doesn't clash with necessary modes of inclusion and self-administration. Discussions on federal language policy should also be informed by the need to create, at the same time, both an inclusive state and cohesive/integrative imagination.

In combining the various approaches to accommodation and integration, the least controversial constitutional design can be found for a future Ethiopia

The protection of individual rights requires the establishment of strong, or the reinvigoration of existing, legal frameworks that uphold those rights, and the reinvention of law enforcement agencies in line with a new democratic internalised vision, commitment and decisiveness to enforce the law. It also requires the formation or strengthening of independent institutions to monitor the full realisation of those rights and to report on any infringements thereof.

Conclusion

This research has argued that in combining the various approaches to accommodation and integration, the least controversial constitutional design can be found for a future Ethiopia. This is based on the notion that each design can best serve the interests of some groups at the expense of others. Incorporating the interests of diverse groups requires a creative blending of insights from different schools of thought.

It should be emphasised that the models presented here are just examples of how one can arrive at such blended systems; many more could be devised along the framework provided in this report. The models also need to be subjected to negotiations among all political and societal stakeholders in a national dialogue format before adoption. Achieving a satisfactory design is a function of getting the process right as much as it is of producing solutions that could be deemed as reasonable.

MODELS MUST BE
NEGOTIATED AMONG
ALL STAKEHOLDERS

Notes

1   It is important to note that terms like this are controversial in Ethiopia. For instance, some ethno-nationalists do believe that Ethiopian/ist nationalism is not inclusive enough of all forms of diversity in Ethiopia to deserve the name. Moreover, there are controversies about the power balance among diverse nationalist schemes in the country. I will not go into such debates in this report. I will simply use the terms (Ethiopian and ethnic nationalisms) to indicate certain assumptions and positions of groups on diversity management – my foremost concern.

2   S Yusuf, *Constitutional design options for Ethiopia: managing ethnic divisions*, ISS Monograph, 2020. Readers are encouraged to read the monograph to gain a full understanding of some of the points outlined in this report.

3   A Lijphart, *Democracy in Plural Societies: A Comparative Exploration*, Yale University Press, 1977; A Lijphart, The Evolution of Consociational Theory and Consociational Practices, 1965-2000, *Acta Politica*, 37, 2002; A Lijphart, Consociation: The Model and its Applications in Divided Societies, in D Rea (ed.), *Political Co-operation in Divided Societies*, Dublin: Gill and Macmillan, 1983.

4   A Lijphart, *Democracy in Plural Societies: A Comparative Exploration*, Yale University Press, 25, 1977.

5   Ibid.

6   A Lijphart, Constitutional Design for Divided Societies, *Journal of Democracy*, 15:2, 2004.

7   S Choudhry, Bridging Comparative Politics and Comparative Constitutional Law: Constitutional Design for Divided Societies, in S Choudhry (ed.), *Constitutional Design for Divided Societies: Integration or Accommodation?*, Oxford: Oxford University Press, 23, 2008.

8   J McGarry et al, Integration or Accommodation? The Enduring Debate in Conflict Regulation, in S Choudhry (ed.), *Constitutional Design for Divided Societies: Integration or Accommodation?*, Oxford: Oxford University Press, 46, 2008.

9   Ibid. Non-experts may be confused as to the major difference between integration in general and centripetalism which is categorised under accommodation. The two have some similar assumptions and policies such as the need to foster unity through national federation. However, centripetalism, unlike integration, is not particularly against the existence of ethnic politics or ethnic elites. It just wants them to become moderate by appealing to other ethnic groups too, sometimes necessitating pre-election coalitions. The leading centripetalist scholar Donald Horowitz does not share the ethnic-blind politics of the integration camp and rejects the assumption that majoritarian elections without any ethnic considerations can produce a stable political order in divided societies. See J McGarry et al, Integration or Accommodation? The Enduring Debate in Conflict Regulation, in S Choudhry (ed.), *Constitutional Design for Divided Societies: Integration or Accommodation?*, Oxford: Oxford University Press, 41-88, 2008.

10   The 'grand' coalition in Ethiopia could be formal (codified into a formal rule) or informal; it could be liberal or corporate. Scholars distinguish between corporate and liberal consociations. Corporate consociationalism prescribes allocation of power shares on the basis of pre-determined (ethnic) groups, whereas liberal consociationalism avoids any predetermination and allots power shares based on vote shares by 'self-determined' groups. 'Self-determination' is expected to provide dynamism to the system (in contrast to ethnic fixation) in that it enhances systemic possibilities to reward non-ethnic groups and their agendas to the extent of their mobilising capacity at grassroots level.

11   S Choudhry, Bridging Comparative Politics and Comparative Constitutional Law: Constitutional Design for Divided Societies, in S Choudhry (ed.), *Constitutional Design for Divided Societies: Integration or Accommodation?*, Oxford: Oxford University Press, 18, 2008.

12   A McCulloch, *Power-Sharing and Political Stability in Deeply Divided Societies*, London: Routledge, 10, 2014.

13   M Bogaards, *Consociationalism and Centripetalism: Friends or Foes?, Swiss Political Science Review* 25:4, 2019, 519. Contrary to widely held assumptions, countries such as Bosnia and Herzegovina, Burundi, Fiji, Lebanon, Malaysia, and Northern Ireland have followed – both successfully and unsuccessfully – a mix of centripetalism and consociationalism to regulate diversity. All these cases are re-analysed anew in M Bogaards, *Consociationalism and Centripetalism: Friends or Foes?* As Bogaards compellingly demonstrates, none of these countries can be considered as exclusively consociational or centripetal in their political arrangements.

14   See endnote 10 above.

15   J McGarry and B O'Leary, Power-Sharing Executives: Consociational and Centripetal Formulae and the Case of Northern Ireland, *Ethnopolitics*, 15:5, 2016.

16   Ibid, 499.

17   Constituency pooling is different from AV in the following ways. 'First, the pooling of votes takes place across constituencies, not within them. Votes are pooled not among voters but among electoral units that correspond to societal cleavages. Second, the constituencies are homogeneous, not heterogeneous … (AV) only works in heterogeneous districts without a majority group. Constituency pooling, on the other hand, works on the premise that the districts that are pooled are more homogeneous than the nation as a whole. In order to win, a candidate needs to collect a certain rate of approval from a variety of constituent groups, groups which are geographically concentrated in clearly delineated electoral districts.' M Bogaards, Electoral choices for divided societies: Multi-ethnic parties and constituency pooling in Africa, *Commonwealth and Comparative Politics*, 41:3, 2003.

18   In Ethiopia, where no single ethnic group forms a majority and where the difference in the population size of the two most populous and usually contending ethnic groups is not huge (Oromo 34% and Amhara 27%), a plurality of votes at the national level may not easily be achieved by groups from any single ethnicity without help from other smaller ethnic communities. This could push politicians from any ethnic group to form alliances with others if they wanted to win federal elections. Thus, although in the ethnically concentrated regions FPTP discourages vote pooling in Ethiopia, that same electoral mechanism encourages it to win a federal majority.

19   *Encyclopædia Britannica*, Single transferable vote, 25 March 2020.

20   This could again take the form of AV or constituency pooling or, with reduced impact, FPTP. If FPTP is used, the model would structurally be similar to the current system put in place in Ethiopia, the difference being the greater emphasis given in the model to minority representation at the regional level.

About the author

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