

# Challenges arising from ethnic internal boundary determination in Ethiopia since 1991

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## ***Abstract***

Like any other African country, Ethiopia has different ethnic groups with different languages. The Federal Constitution of Ethiopia guarantees all its ethnic groups including ethnic minority the right to self-determination. The constitution has also acknowledged the existence of different ethnic minorities at the regional level. The majority of these regions have also designed the institutions of local government as the primary mechanism of protecting sub-national ethnic minorities. In this article the deduction can be made that though ethnic minority status is guaranteed in the constitution there are still ethnic tensions in the country resulting from the use of ethnicity in determining internal boundaries in Ethiopia. Furthermore, it finds that Ethiopia is sitting on an ethnic time bomb and it must come up with a possible solution. This therefore left open the questions of whether ethnicity is a panacea for curbing ethnic tension and conflict when determining and demarcating municipal boundaries. In answering this question reference is made to Ethiopia where both regional and internal (local government) boundaries were demarcated using ethnicity as a factor. The discussion to follow analyse ethnicity in demarcating boundaries. It also highlights the challenges of demarcating boundaries using ethnicity.

**Keywords:** Ethiopia; Ethnicity; Boundaries; Minority; Local government; Regional integration.

## **Introduction**

Ethiopia was never colonised by a European power but was occupied for a few years by Italy in 1936-1941.<sup>2</sup> It has been governed by several sovereign rulers (emperors) until the overthrow of Emperor Haile Selassie in 1974 which was followed by the dictatorship of Mengistu Hailemariam, the leader of the communist military junta, called the *Derg*.<sup>3</sup> The composition of

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2 S Seyoum, "Review of the literature on Ethiopian resistance with particular emphasis on Gojjam: 1936-1941", *Journal of Ethiopian Studies*, 36(2), December 2003, p. 37.

3 M Frank, "Effects of ethnic federalism in Ethiopia: Holding together or splitting apart", *Ethnicity, Diversity and Democracy Journal*, December 2009, p.2.

Ethiopia before its unification was based on the federal Act in Ethiopia and the Eritrean Constitution which created the Ethiopian-Eritrean Federation. Such composition did not produce desirable outcomes and the Chief Justice of Eritrea was removed and the official Eritrean languages were also eliminated in favour of Ethiopia's national language, Amharic. So initial efforts to unify the state were made in the middle of the 19<sup>th</sup> century when the authoritarian regimes applied politics of nation-building in Ethiopia.<sup>4</sup> It was after the defeat of the military regime that had ruled the country between 1947 and 1991, that Ethiopia experienced a dramatic system change.

In 1991, an ethno-nationalist group, led by the Tigray People's Liberation Front (TPLF) and the Ethiopian People's Revolutionary Democratic Front (EPRDF) with other ethnic-based movements, ousted the *Derg* military-regime and introduced a federal political system. The defeat of the *Derg* military-regime was thus achieved through a coalition of ethnic-based armed groups. This saw the principle of ethnic self-determination and a democratic order becoming a precondition for the maintenance of a polity within Ethiopia's boundaries, thus allowing for diversity. After the military defeat of the *Derg* military-regime (hereafter referred to as *Derg*), a complete shift in paradigm was undertaken. However, "instead of seeking unity through assimilation, unity was going to be achieved through the accommodation of diversities of all kinds as well as the granting of equal rights and status to all of the groups in the country (Ethiopia)".<sup>5</sup> Zimmermann-Steinhart and Bekele point out that between 1991 and 1995, Ethiopia was ruled on the basis of the "Transitional Charter" which provided for decentralised government and upheld the self-determination principle.<sup>6</sup>

The Ethiopian federal arrangement is perceived to be unique in Africa because it is explicitly built on ethnicity.<sup>7</sup> This is due to the fact that Ethiopia hosts more than 80 different ethnic groups, most of them with their own unique culture, custom, belief and peculiar ways of doing things.<sup>8</sup>

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4 I Lukáš, "Language policy and process of nation-building in Ethiopia" May 2013 (available at <http://alppi.vedeckecasopisy.cz/publicFiles/00109.pdf>, as accessed 08 February 2017), pp.104-105.

5 P Zimmermann-Steinhart & Y Bekele, "The implications of federalism and decentralisation on socioeconomic conditions in Ethiopia", *PER / PELJ*, 15(2), May 2012, p. 91.

6 P Zimmermann-Steinhart & Y Bekele, "The implications of federalism...", *PER/PELJ*, 15(2), 2012, p. 90.

7 G Baraki, "The making of state and local government in the multi-ethnic federation in Ethiopia", July 2016, (available at [www.issirfa.cnr.it/download/08%20Ghebrehiwet%20Baraki%20\(paper\)](http://www.issirfa.cnr.it/download/08%20Ghebrehiwet%20Baraki%20(paper))), as accessed on 15 September 2016), p. 90.

8 N Belay, "The new federal experiment and accommodation of diversity in Ethiopia: Exploring a novel experience", November 2014 (available at [http://paperroom.ipsa.org/papers/paper\\_10643](http://paperroom.ipsa.org/papers/paper_10643), as accessed on 24 September 2016), p. 3.

So this status led to the adoption of the Federal Constitution of Ethiopia which established the nine regional states. None of the regional states in Ethiopia are ethnically pure, and only five regions are named after its numerically dominant ethnic group: Tigray, Afar, Amhara, Oromia and Somali. However, by using local government structures, further ethnic groups have been accommodated. This strategy has its own challenges as different ethnic groups are fighting over limited resources - the exclusion of ethnic minorities in employment - as well as boundary tensions and constant conflicts amongst ethnic groups at regional and local government level.<sup>9</sup> The historical transition and the creation of regions in Ethiopia will therefore be discussed. The legal framework and establishment of local government in Ethiopia, as well as the challenges faced at both the regional and local government levels, will be unpacked.

### **Historical transition of Ethiopia from 1974 to 1995**

The Ethiopian country experienced civil conflict between the Ethiopia's communist governments and anti-government rebels from September 1974 to June 1991. On 12 September 1974 the *Derg* overthrew the Ethiopian Empire and Emperor Haile Selassie in a *coup d'état* and established a Marxist-Leninist communist state.<sup>10</sup> It was unfortunate that after Emperor Haile Selassie was deposed, different anti-communist opposition and ethnic groups which were supported by the United States began armed struggle (resistance) against the Soviet-backed *Derg*. In 1987 *Derg* was forced to dissolve itself because its policies ravaged the country and increased popular support for the rebels. The other reason for *Derg* being dissolved was due to famine that hit the country in 1983 - 1985 and the decline in economy.<sup>11</sup> This saw the establishment of the People's Democratic Republic of Ethiopia (PDRE) which was established under the Workers' Party of Ethiopia (WPE) in an attempt to maintain *Derg's* rule. However, the Soviet Union ended its support for the PDRE in the late 1980s. This is because the government of the time was overwhelmed by the increasingly victorious rebel groups.<sup>12</sup>

From 1975-1991 the Tigray People's Liberation Front (TPLF), being the core rebel group in Ethiopia, fought an ethno-regional liberation war and

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9 A Zemelak, "Local government in Ethiopia: Still an apparatus of control?", *Law Democracy & Development*, 15, July 2011, p. 21.

10 T Broich, U.S. and Soviet Foreign Aid during the Cold War: A case study of Ethiopia, *United Nations University Working paper series*, 2017, pp. 2-3.

11 H Tusso, "Ethiopia: New political order. Ethnic conflict in the post-cold war era", *Africa: Rivista trimestrale di studi e documentazione dell'Istituto italiano per l'Africa e l'Oriente* Anno, 52(3), 1997, p. 343.

12 C Krauss, "Ethiopian rebels storm the capital and seize control", *The New York Times*, 12 May 1991, p. 2.

ended the long civil war in Ethiopia on 4 June 1991.<sup>13</sup> This saw the defeat of Eritrea and President Mengistu Haile Mariam fled the country. The TPLF then promised a solution to the national question of inequalities in power, resources and cultural prestige between the various ethno-linguistic groups as well as the diffusion of regional and ethnic tensions.<sup>14</sup> In 1990 the TPLF broadened and grew into the Ethiopian People's Revolutionary Democratic Front which was a coalition of parallel parties to represent other parts of Ethiopia. It later broadened its programme nationwide with the desire and eagerness of creating a renewed, "revolutionary-democratic" state, with more rights to be accorded to neglected ethnic minorities and language groups. The main aim was to establish a decentralised system and ethno-linguistically based federation instead of an enforced unitary state in Ethiopia.<sup>15</sup>

In July 1991 a provisional Charter was adopted in Ethiopia which gave way for the birth of the Transitional Government of Ethiopia (TGE) with the aim of accommodating different ethnic groups in the country.<sup>16</sup> The Charter accorded numerous nationalities in Ethiopia the right to self-determination which also included the right to secession. The Charter was purposed to serve until a permanent constitution was drafted and popularly approved.<sup>17</sup>

Due to the struggle of the past it was necessary to re-structure policies and ethnic determination in the country to avoid further rebels and ethnic conflicts. In 1995 the Ethiopian Federal Constitution was adopted and gave effect to the protection of all ethnic minority groups in Ethiopia.<sup>18</sup> The constitution provided for the right to self-determination of all ethnic groups and the creation of ethnic regions in Ethiopia to accommodate the country's large ethnic groups. Ethnicity was thus central to the creation of ethnic-based subnational governments which could provide education, etc. This saw the minority groups using their languages for education purposes.<sup>19</sup> The restructuring was meant to resolve problems that the country was faced during civil war/conflicts and to include ethnic minority groups in the federal

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13 A Berhe, "The origins of the Tigray people's liberation front", *African Affairs*, 103(413), 2004, pp. 569-570.

14 TI Mokgopo, "The use of ethnicity as a factor for demarcating municipalities: The case of Malamulele and Vuwani communities" (LLM, UWC, 2017), p. 43.

15 J Abbink, "Ethnicity and conflict generation in Ethiopia: Some problems and prospects of ethno-regional federalism", *Journal of Contemporary African Studies*, 24, 2006, p. 389.

16 W Engedayehu, "Ethiopia: Democracy and the politics of ethnicity", *Africa Today: JSTOR*, 40(2), July 1993, p. 30.

17 W Engedayehu, "Ethiopia: Democracy and the politics...", *Africa Today: JSTOR*, 40(2), July 1993, pp. 30-31.

18 L Aalen, "In 1995 the Ethiopian Federal constitution was adopted and gave effect to the protection of all ethnic minority groups in Ethiopia", *International Journal on Minority and Group Rights*, 13(2/3), 2006, p. 243.

19 J Abbink, "Ethnicity and conflict generation in Ethiopia...", *Journal of Contemporary African Studies*, 24, 2006, p. 395.

constitution and guarantee them the right to self-determination.

### *The creation of regions in Ethiopia*

One of the most consequential features of the Federal Constitution of Ethiopia in the creation of regions is that ethnicity has become the sole criterion for organising regional states in Ethiopia.<sup>20</sup> However, the constitution privileges dominant ethnic groups over ethnic minorities by making them dominant owners of sovereign powers in the areas that fall under their jurisdiction. According to Mancini:<sup>21</sup>

... this arrangement prevents non-native ethnic groups from any share in the political life of the regions and has *de facto* and *de jure* created native ethnic sovereigns in each region without recognising the existence and right of ethnic minorities.<sup>22</sup> In other words, the regional states have been instruments for the exercise of a sovereign right to self-government of native majority ethnic groups to the exclusion of other ethnic minorities living in those regions.

The constitution in doing so has, therefore, created a new system of domination of ethnic minority groups by the dominant and native ethnic communities in Ethiopia by affording them right to self-determination. In fact, the constitution has made minorities out of non-native or non-indigenous communities that have long inhabited the regions as their homelands.<sup>23</sup>

The Ethiopian People's Revolutionary Democratic Front (EPRDF) government used the nationalities map of the Study of Ethiopian Nationalities of 1983 to delineate preliminary boundaries between the ethnolinguistic areas in Ethiopia.<sup>24</sup> In 1995, the constitution provided for the establishment and creation of nine regions or regional states in Ethiopia, namely: Amhara, Afar, Oromia, Tigray, Somali, Harar, Benishangul-Gumuz, Gambella, and the

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20 TI Mokgopo, "The use of ethnicity as a factor for demarcating municipalities: The case of Malamulele and Vuwani communities" (LLM, UWC, 2017), p. 44.

21 Ethiopian Human Rights Council, "Parallel report submitted to the committee on racial discrimination", August 2009 (available at [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT\\_CERD\\_NGO\\_ETH\\_75\\_8761\\_E.doc](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT_CERD_NGO_ETH_75_8761_E.doc), as accessed on 17 August 2016), p. 9.

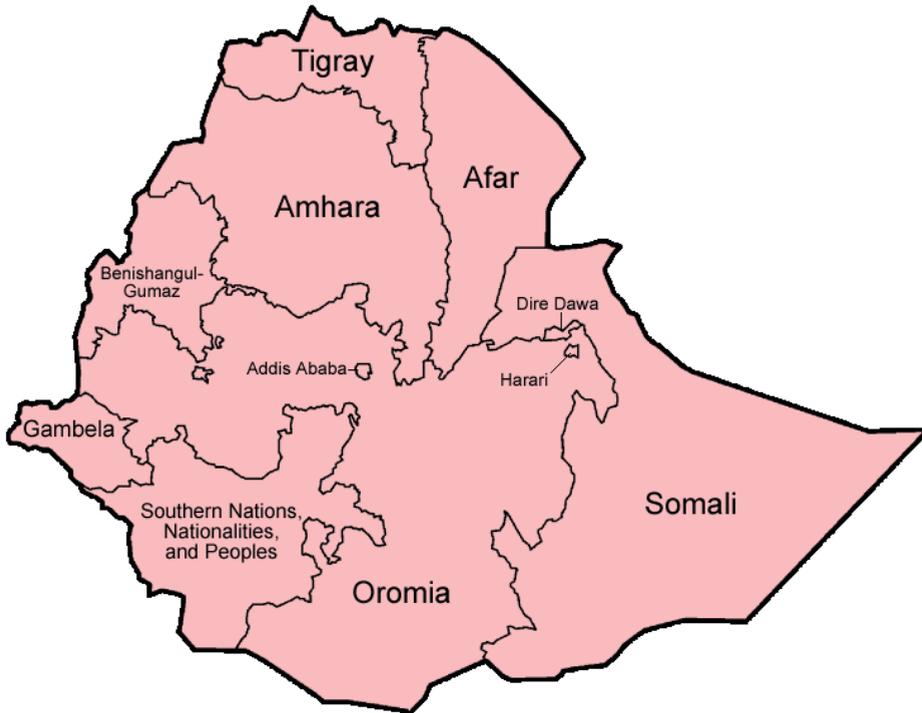
22 S Mancini, "Rethinking the boundaries of democratic secession: Liberalism, nationalism, and the right of minorities to self-determination", *International Journal of Constitutional Law*, 6(3-4), 2008, p. 554.

23 Ethiopian Human Rights Council, "Parallel report...", August 2009 (available at [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT\\_CERD\\_NGO\\_ETH\\_75\\_8761\\_E.doc](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT_CERD_NGO_ETH_75_8761_E.doc), as accessed on 17 August 2016), p. 10.

24 Nationalities map of the Study of Ethiopian Nationalities of 1983 was a political research bureau which did the research work under the Derg regime (which was the first government to officially recognise the Ethiopian nationalities).

State of the Southern Nations, Nationalities and Peoples (Southern Region of SNNPR) to ensure that all ethnic groups including ethnic minorities in the country are accommodated in as far as ethnic accommodation in the country is concerned.<sup>25</sup> Below is a map of ethnic accommodation in Ethiopia's regional states as provided by World-maps:

**Image 1: Ethiopia's regional states map with its ethnic accommodation**



Source: *World-maps (Ethiopia)*, 13 September 2016.

The regions that were created in Ethiopia are ethnic-based regions. However, the only differences are that some have a dominant ethnic community whose name they bear while others are multi-ethnic with no numerically dominant ethnic community. It is worth noting that because Ethiopia is a home to 80 ethnic groups not every ethnic group can get a state. This has resulted in regional states that are ethnically heterogeneous. For example, in regional states such as Gambela, Southern Nations, Nationalities, and Peoples and Benshagul-Gumz states, where multi-ethnic groups exist but no ethnic group is dominant,

<sup>25</sup> Constitution of the Federal Democratic Republic of Ethiopia, 1995. Thereafter referred to as FDRE Constitution, 1995.

a mix of factors such as economic, political, settlement pattern, similarity of language and culture have been taken into consideration to an extent that ethnic minorities are also protected both at regional and local government level.<sup>26</sup>

Ayele and Fessha write that with the constitution allowing for the establishment of an ethnically defined territorial unit “in which members of an ethnic group can govern their own affairs”, the intention is to give effect to the right of ethnic groups to a full measure of self-government.<sup>27</sup> It is therefore based on this principle that some of these regional states are designated as belonging to a particular ethnic group.

It is worth noting that none of the regions in Ethiopia are ethnically homogenous. This is because some have minorities in regions with a dominant ethnic community while on the other hand; others have even minorities within minorities.<sup>28</sup> This therefore created ethnic tensions between ethnic minorities and other dominant ethnic groups at regional level. There are many challenges and constant fights between different groups over limited resources at regional level. Some of these challenges that are experienced at regional level are somehow similar to those experienced at local government level. Some of the challenges experienced at both the regional and local government level will be discussed in detail below.

### ***Ethnic conflicts in Ethiopia***

Being a multi- ethnic state, Ethiopia experienced numerous incidents of ethnic conflicts and tensions both at the local government and at the regional level since the coalition government in 1991 and the passing different policies after the inauguration of the federal constitution in 1995. Because of the history of the country, the “current ethnic federal arrangement was in fact created to do away with suppression and the legacies of ethnic domination, while at the same time providing for a constitutional and legal framework for the resolution and mitigation of ethnic conflicts”.<sup>29</sup>

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26 G Baraki, “The making of state and local government in the multi-ethnic federation in Ethiopia”, 2016, (available at [www.issirfa.cnr.it/download/08\)%20Ghebrehiwet%20Baraki%20\(paper\)](http://www.issirfa.cnr.it/download/08)%20Ghebrehiwet%20Baraki%20(paper))), as accessed on 15 September 2016), p. 5.

27 ZA Ayele & YT Fessha, “The constitutional status of local government in federal systems: the case of Ethiopia”, *Africa Today*, 58(4), 2012, pp. 88-106, 92.

28 B Dessalegn, “The right of minorities to political participation under the Ethiopian electoral system”, *Mizani Law Review*, 7(1), 2013, p. 81-83.

29 Ethiopian Human Rights Council, “Parallel report...”, August 2009 (available at [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT\\_CERD\\_NGO\\_ETH\\_75\\_8761\\_E.doc](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT_CERD_NGO_ETH_75_8761_E.doc)), as accessed on 17 August 2016), p. 20.

The creation of the ethnic federal system in Ethiopia had its own limitations:<sup>30</sup>

Ethnic federalism brought new dimensions that often aggravated and complicated ethnic conflicts in the country. By making ethnic groups the building blocks of the country's federal system, the new arrangement elevated the importance of ethnic identity as a key instrument to claim social, economic and political resources. Accordingly, ethnicity and ethnic identities have been used as flagships for mass mobilization in group conflicts. Some of these are often waged by the local elite to secure political power based on ethnic distinctiveness. As a result, those conflicts manifest themselves in the form of disputes over geo-political (regional, zonal or special woreda) boundaries.

Although many government reports indicate that incitement and ethnic violence are prohibited by law, in practice, incidents of ethnic based violence have been on the increase in Ethiopia in the last two years.<sup>31</sup> Therefore, by looking at the history of ethnic conflicts in Ethiopia, recent conflicts can be classified into four or more categories such as boundary-related ethnic conflicts; competition over limited resources; power sharing conflict as well as conflicts between native and settler communities. However, in most cases, such categorization will depend largely on the identity of the parties involved in the conflicts and the cause of each conflict between the parties. Some of these conflicts include settler versus native conflicts and clashes over power-sharing as well as resource-based conflicts. Since resource-based conflicts are customarily being presented as boundary disputes. However, boundary disputes will not be discussed as part of this article.

### **Boundary-Related ethnic conflicts**

According to the Ethiopian Human Rights Council in 2009:<sup>32</sup>

... the establishment of other administrative units and regions in Ethiopia along ethnic lines required drawing boundaries between ethnic communities which in the past, had geographically been interspersed through diverse and long-standing patterns of settlement. As a result, the physical demarcation of geographical borders between the various ethnic groups in Ethiopia was difficult since there have been considerable population movements in many

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30 Ethiopian Human Rights Council, "Parallel report...", August 2009 (available at [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT\\_CERD\\_NGO\\_ETH\\_75\\_8761\\_E.doc](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT_CERD_NGO_ETH_75_8761_E.doc), as accessed on 17 August 2016), p. 20.

31 BA Taye, "Ethnic federalism and conflict in Ethiopia", *African Centre for the Constructive Resolution of Disputes (AJCR)*, 2, 2017, p. 12.

32 Ethiopian Human Rights Council, "Parallel report...", August 2009 (available at [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT\\_CERD\\_NGO\\_ETH\\_75\\_8761\\_E.doc](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT_CERD_NGO_ETH_75_8761_E.doc), as accessed on 17 August 2016), p. 21.

parts of the country. In redrawing the regional states, the concern of where the physical border between the national communities should be drawn has led to disputes and tensions in the country. Ethnic conflicts often resulted in civilians being attacked and robbed by virtue of their connection and membership to a certain ethnic group.

It is true that many of these ethnic minorities or communities had experienced small-scale resource-based conflicts in the past. However, the introduction of the ethnic federal system in the country (Ethiopia) changed the dynamics of these conflicts and tensions by reinforcing their ethnic dimension. Furthermore, “the fact that the disputed areas coincided with the boundaries of regional governments has transformed the conflict between local communities into conflicts between regional states”.<sup>33</sup> Some instances or illustrations of ethnic boundary related conflicts in Ethiopia include the claim of ownership over the Babile town (between the Oromiya and Somali regional states), as well as the conflict between the Somali and Oromia regional states, as well as the conflict between the Gedeo in SNNPR state and the Gujji Oromo in Oromia regional states; these also includes the conflict between the Ormoia and Benishagul Gumuz regional states, etc. over pastoralist pastures and border conflicts (boundary determination conflicts).<sup>34</sup>

The Ethiopian Human Rights Council further elucidates that:<sup>35</sup>

... the major hindrance to a lasting resolution of such conflicts in Ethiopia is the fact that the boundaries between these regions or ethno-national communities are not clearly demarcated. There has been no systematic effort by the Government to delineate the boundaries in a clear manner, often because the tension is very high in the disputed territories.

As a result:<sup>36</sup>

... the absence of a specialized government authority to assume the responsibility of attending to disputes between members of different ethnic groups living in adjacent regions has continued to give rise to frequent conflicts and tension in different parts of the country, often resulting in the death and

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33 Open document – ECOI.net (available at [https://www.ecoi.net/file\\_upload/470\\_1263141582\\_ehrc-ethiopia-cerd75](https://www.ecoi.net/file_upload/470_1263141582_ehrc-ethiopia-cerd75)), as accessed on 10 February 2017).

34 Ethiopian Human Rights Council, “Parallel report...”, August 2009 (available at [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT\\_CERD\\_NGO\\_ETH\\_75\\_8761\\_E.doc](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT_CERD_NGO_ETH_75_8761_E.doc), as accessed on 17 August 2016), p. 21.

35 Ethiopian Human Rights Council, “Parallel report...”, August 2009 (available at [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT\\_CERD\\_NGO\\_ETH\\_75\\_8761\\_E.doc](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT_CERD_NGO_ETH_75_8761_E.doc), as accessed on 17 August 2016), p. 22.

36 Ethiopian Human Rights Council, “Parallel report...”, August 2009 (available at [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT\\_CERD\\_NGO\\_ETH\\_75\\_8761\\_E.doc](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT_CERD_NGO_ETH_75_8761_E.doc), as accessed on 17 August 2016), pp. 21-23.

displacement of many citizens and destruction of public and private property.

Article 48(1) of the Constitution states that:<sup>37</sup>

... all border disputes shall be settled by agreement of the concerned states. Where the states fail to reach agreement, the House of Federation shall decide such disputes on the basis of settlement patterns and the wishes of the people concerned.

It was observed in the sources for discussion so far that in many cases the principles that are stipulated in the Constitution, including the provisions of Article 48 (1), are not implemented and some issues regarding border conflicts between ethnic communities are also not adequately addressed. In trying to find a suitable remedy to border conflicts, it is worth noting that the ad-hoc inter-regional border committees which are coordinated by the Ministry of Federal Affairs usually attempts to resolve boundary related issues in Ethiopia and this proves to be successful because the up to so far Ethiopia is becoming stable.<sup>38</sup> This is might also be because of the inauguration of Ethiopian Prime Minister Abiy Ahmed who brought peace and stability in the country.<sup>39</sup>

Even though there is an attempt to settle boundary related issues in Ethiopia, the unfortunate part is that members of the ad-hoc inter-regional border committees are from the ruling elite of some of the regions which are also having claims over territories and these results in them being biased and lacking neutrality.<sup>40</sup> This has complicated the matter further and has resulted in the settlement of boundary disputes being a lengthy and inexpedient process due to failure of the committee members to reach an agreement. For example, attempts to resolve boundary disputes between the Oromia and Benishangul Gumuz, Afar and Somali, Oromia and Somali and regions are wearisome and have been dragging for years.<sup>41</sup> These regions are constantly rocked up with dipsutes which threaten peace and stability in the country and they have a prospect of spreading all over the country.

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37 Art 48(1) FDRE Constitution, 1995.

38 Ethiopian Human Rights Council, "Parallel report...", August 2009 (available at [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT\\_CERD\\_NGO\\_ETH\\_75\\_8761\\_E.doc](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT_CERD_NGO_ETH_75_8761_E.doc), as accessed on 17 August 2016), p. 23.

39 Y Gedamu, "How Ethiopia's history of ethnic rivalry is destabilizing its reform gains", October 2018 (available at <https://qz.com/africa/1411519/ethiopias-ethnic-violence-history-with-romos-amharas-somalis-tigray/>, as accessed 15 May 2019), p. 2.

40 TI Mokgopo, "The use of ethnicity as a factor for demarcating municipalities: the case of Malamulele and Vuwani communities" (LLM, UWC, 2017), p. 48.

41 Ethiopian Human Rights Council, "Parallel report...", August 2009 (available at [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT\\_CERD\\_NGO\\_ETH\\_75\\_8761\\_E.doc](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT_CERD_NGO_ETH_75_8761_E.doc), as accessed on 17 August 2016), pp. 23-24.

Ethiopian Human Rights Council highlights that:<sup>42</sup>

... despite its constitutional mandate to resolve these disputes, the House of Federation was not able to give a decision on these and similar cases due to serious human and technical capacity constraints. There is also a lack of clarity regarding the role of the House of Federation and the Ministry of Federal Affairs in this regard, leading to confusion as to which federal institution has the lead role in managing and resolving ethnic conflicts.

### **Competition over limited resources**

Boundary disputes are linked to competition over limited resources by different ethnic groups (both at the local government and regional level). The reason for limited resources is population pressures at regional level between different ethnic groups, environmental degradation as well as climate change.<sup>43</sup> Improper agricultural practices and soil erosion have greatly damaged the land's productivity. The rate of food production is also declining at an alarming rate as compared to an increasing population growth rate in the country.<sup>44</sup>

The Somali and Oromo regions and the Ittu and Issa clans are some of the areas that have been adversely affected by conflict over limited resources such as pasture land and water.<sup>45</sup> The introduction as well as the implementation of ethnic-based boundaries in Ethiopia led to the issue of administrative boundaries between the Oromo and Somali regions, in general including the Ittu and Issa clans in particular, which became a source of conflict.<sup>46</sup> Major causes for conflict in these regions are cattle rustling, competition over declining basic resources like water and territorial expansionary moves.

Tenaw writes that the stock of natural resources, especially water points as well as grazing lands in pastoral and agro-pastoral areas, are shrinking from time to time due to several factors, including expansion of agriculture, human and animal population growth, environmental degradation and the occurrence of

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42 Ethiopian Human Rights Council, "Parallel report...", August 2009 (available at [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT\\_CERD\\_NGO\\_ETH\\_75\\_8761\\_E.doc](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT_CERD_NGO_ETH_75_8761_E.doc), as accessed on 17 August 2016), p. 22-25.

43 ZT Tenaw, "Indigenous institutions as an alternative conflict resolution mechanism in eastern Ethiopia: The case of the Ittu Oromo and Issa Somali clans", *African Journal on Conflict Resolution*, 16(2), November 2016, p. 92.

44 National Population Policy of Ethiopia (available at <http://www.un.org/popin/regional/africa/ethiopia/policy/policy.htm>, as accessed on 23 February 2017).

45 AA Kifle, "State-Building and non-state conflicts in Africa", *Strategic Review for Southern Africa*, 37, 2015, p. 106.

46 ZT Tenaw, "Indigenous institutions as an alternative conflict resolution mechanism...", *African Journal on Conflict Resolution*, 16(2), November 2016, p.93.

prolonged droughts.<sup>47</sup> Tenaw further highlights that there are no doubts that the above mentioned factors intensify resource scarcity in Ethiopia as well as competition for water sources and pastures in the regional level among the pastoralists.<sup>48</sup>

It is worth noting that for pastoralists to survive they should migrate within and across regional boundaries in search of drinking water and grazing-pastures for their livestock. However, the current situation does not allow cross-border migration due to enmity among ethnic groups.<sup>49</sup> Such enmity has resulted in three major conflicts since 2000 between major rival pastoral groups, such as the Borena and Gari; Merihan and Digidia, as well as between the Degidia and Borena in Oromia region. This saw in the year 2004 hundreds of people losing their lives because of these conflicts.<sup>50</sup>

In trying to resolve these resource competitions at regional level, territorial expansion became one of the main or major strategies of control over scarce resources. However, such boundary claims strategies resulted in various violent conflict between the two clans in the Omali/Oromia area. Taha writes that:<sup>51</sup>

In 2004, Somali Region claims that 21 *kebeles* which are the small units of administration in a district should fall within its regional administrations. These events led to a referendum in November 2004, which allocated only one of the contested *kebeles* to Somali regional state and the remaining twenty to Oromia regional state. As a result, the Issa and other Somali clans were not satisfied about the result and they made indiscriminate violent attacks on Ittu clans.

This shows that the efforts made in trying to resolve resources competitions at the regional level did not yield expected results: even when small administration units were amalgamated in regional administrations conflicts over limited resources continued. Oba highlights that scarce resource competition and cattle raids between Ittu and Issa clan groups have resulted in conflicts ever since the 1960s. As a result, the pastoralists are now facing more pressures and

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47 ZT Tenaw, "Indigenous institutions as an alternative conflict resolution mechanism...", *African Journal on Conflict Resolution*, 16(2), November 2016, p. 86.

48 ZT Tenaw, "Indigenous institutions as an alternative conflict resolution mechanism...", *African Journal on Conflict Resolution*, 16(2), November 2016, p. 87.

49 KA Mkutu, "Pastoralist conflict, governance and small arms in north rift, north east Africa" (PhD, UB, 2005), pp. 115-174.

50 ZT Tenaw, "Indigenous institutions as an alternative conflict resolution mechanism...", *African Journal on Conflict Resolution*, 16(2), November 2016, pp. 88-90.

51 ZT Tenaw, "Indigenous institutions as an alternative conflict resolution mechanism in eastern Ethiopia: The case of the Ittu Oromo and Issa Somali clans", December 2015 (available at <https://www.accord.org.za/ajcr-issues/indigenous-institutions-alternative-conflict-resolution-mechanism-eastern-ethiopia/>, as accessed on 27 October 2017), p. 15.

challenges than ever before because of:<sup>52</sup>

... the loss of pasturelands to national parks, private farms, and ranches; increased commoditisation with concomitant inequality within the livestock economy; changes to other types of land use; out-migration of poor pastoralists as well as periodic dislocations brought about by drought, famine, and civil war.

From the quote above, it is clear that some of the conflicts in Ethiopia were due to lack of proper planning and decision making because pasturelands were compromised. This forced poor pastoralists to migrate with the hope of finding pasturelands for their cattle, thereby leading to ethnic attacks over limited resources. Basso points out that the recent inter-ethnic and clan conflicts in Ethiopia are related to national political processes. The main reason being the absence of clearly demarcated zonal, district, *kebele* and regional level boundaries in eastern Ethiopia. These therefore led to tense or solidified competition and territorial expansive moves by several ethnic groups. However, in trying to resolve these boundary disputes, in 2004 the two regional state governments of Somali and Oromia tried to come up with a referendum. Unfortunately, all these efforts did not bring any long-lasting solution because ethnic groups are still competing over limited resources in the country leading to mass kills and feeding on each other's cattle.<sup>53</sup>

### **Power sharing conflicts**

The use of ethnicity as deciding factor for the distribution of political authority and power or as a major criterion for demarcating boundaries at the regional levels customarily led to or created serious competition over political power among and between different ethnic groups in Ethiopia.<sup>54</sup> Such arrangements became problematic at the regional level because ethnic groups' access to power also guaranteed them better access to economic resources and superiority over other ethnic groups. Furthermore, ethnic arrangements led to the exclusion of non-native groups. This process gave rise to rivalries and competition between native-ethnic groups for political power, which in turn

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52 G Oba "Ecological factors in land use conflicts, land administration and food insecurity in Turkana, Kenya", *Pastoral Development Network Paper*, 33a, December 1992 (available at <https://www.odi.org/publications/4458-ecological-factors-land-use-conflicts-land-administration-and-food-insecurity-turkana-kenya>), as accessed on 23 August 2017), p. 15.

53 M Bassi "Returnees in Moyale District, Southern Ethiopia: New means for an old inter-ethnic game", R Hogg (ed.) *Pastoralists, ethnicity and the State in Ethiopia* (HAAN Publishing, London, UK, 1997), p. 13.

54 E van Veen, "Perpetuating power Ethiopia's political settlement and the organization of security", September 2016 (available at <https://www.clingendael.nl/publication/perpetuating-power-politics-and-security-ethiopia>), as accessed 26 January 2017), pp. 13-17.

led to violent conflicts (power sharing conflicts) especially in the Gambella and Benishangul Gumuz regions.<sup>55</sup>

### **Conflicts between “native” and “settler” communities**

As highlighted above, the relation between the settlers and native communities in the different regions in Ethiopia is fraught with serious tensions. Pursuant to that there are several factors that contributed to these tensions. Amongst others these factors include: discrimination; the disenfranchisement and lack of political representation of settler ‘minorities’ as well as native resentment towards settlers due to the past history of domination. They also include “economic insecurity due to increased migration and presence of settlers; fear of displacement and parochial sentiments of ownership and territoriality among native ethnic groups”.<sup>56</sup>

As a result, serious conflicts ensued because of these tensions with many people losing their lives, and properties. Pursuant to that the omission of and failure to act on the part of the Federal and regional authorities somehow exacerbated these conflicts and contributed to the worsening of damages (destruction of properties). It is important to note that these tensions were mostly documented as discriminatory actions toward the ‘minority’ Amharic speakers.<sup>57</sup> These saw local Oromo elites mobilising native community and solicited to xenophobic and territorial sentiments by reigniting historical memories of suppression and domination by the Amhara. Based on that the local administrators then influenced the Oromo community to evict the Amhara settlers and agitated that they be sent to their native region by claiming that like their ancestors “the Amhara’s were trying to rob Oromia by occupying the land and depriving their children of the future livelihood”.<sup>58</sup>

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55 Ethiopian Human Rights Council, “Parallel report...”, August 2009 (available at [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT\\_CERD\\_NGO\\_ETH\\_75\\_8761\\_E.doc](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT_CERD_NGO_ETH_75_8761_E.doc), as accessed on 17 August 2016), pp. 8-10.

56 Ethiopian Human Rights Council, “Parallel report...” August 2009 (available at [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT\\_CERD\\_NGO\\_ETH\\_75\\_8761\\_E.doc](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT_CERD_NGO_ETH_75_8761_E.doc), as accessed on 17 August 2016), p. 25.

57 US Department of State, “Bureau of democracy, human rights, and labor 2004”, January 2017 (available at <https://www.state.gov/j/drl/rls/hrrpt/2004/41603.htm>, as accessed on 27 February 2017).

58 Ethiopian Human Rights Council, “Parallel report...”, August 2009, (available at [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT\\_CERD\\_NGO\\_ETH\\_75\\_8761\\_E.doc](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT_CERD_NGO_ETH_75_8761_E.doc), as accessed on 17 August 2016), p.26.

## **Language and political tension**

The constitution of Ethiopia guarantees equality of languages and empowers regions to determine their own official working languages. As a result, some regions adopted languages of ethnic groups that are dominating in the regions as working languages. Such adoption meant that all aspects of judiciary, including the administrative and other affairs of the region are to be conducted in the language of a certain ethnic group.<sup>59</sup>

In as far as education is concerned this means that it must also be provided in the language of that particular region. This principle is also attached to the right to representation, access to employment including access to justice etc. The literacy in language of dominant ethnic group is therefore being used as a tool of accessibility at the regional level or some areas. Though these can be appreciated as a positive arrangement for the realization of ethno-linguistic groups which have sovereign powers at the regional state, the fate of those minority groups or communities who are unable to speak the language of the dominant ethnic groups as well as native groups requires serious attention and needs to be addressed urgently. Some of the communities which need to be accommodated included indigenous communities as well as settler communities whose language have been denied the status of being recognised as an official language. This is because members of the above mentioned communities will face serious difficulties in the exercise of their human rights because of their illiteracy in the regional working languages.<sup>60</sup>

## **Ethnic local governments in Ethiopia**

The Constitution of Ethiopia provides for constitutional autonomy for the regions which includes the “power to draft, adopt and amend the regional state constitution”.<sup>61</sup> This allows regions the opportunity to protect subnational ethnic minorities and accommodate regional ethnic pluralism. Tarr highlights that Ethiopia’s Federal Constitution (the Federal Constitution) leaves the “regions with considerable constitutional space to design their institutions and local governments”.<sup>62</sup> This is due to the fact that local or (sub-regional)

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59 M Midega, “The politics of language and representative bureaucracy in Ethiopia: The case of federal government”, *Journal of Public Administration Policy Research*, 7 January 2015, pp. 15-16.

60 Ethiopian Human Rights Council, “Parallel report...”, August 2009 (available at [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT\\_CERD\\_NGO\\_ETH\\_75\\_8761\\_E.doc](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT_CERD_NGO_ETH_75_8761_E.doc), as accessed on 17 August 2016) p. 14.

61 FDRE Constitution, Art 55(5), 1995.

62 GA Tarr, “Explaining sub-national constitutional space”, *Penn State Law Journal*, 115, February 2012, p. 1134.

government is scarcely touched upon by the Federal Constitution. The regions are therefore autonomous in determining or establishing their institutional structure organisation and competencies of local government. Van der Beken highlights that each of the nine regions in Ethiopia has successfully managed to adopt an effective constitution that acknowledges the existence of different ethnic minorities at regional level. The majority of these regions have also designed the institutions of “local government as the primary mechanism of protecting sub-national ethnic minorities”.<sup>63</sup>

Ayele and Fessha point out that “the right to self-government is not limited to the ethnic groups that have their own regional states: rather, it is a right that is constitutionally reserved to all or almost every ethnic groups in the country”.<sup>64</sup> Article 47(2) of the constitution states that ethnic communities within the states “have the right to establish, at any time, their own States”.<sup>65</sup> Therefore, the right to self-government or determination means that ethnic communities have the right to “exercise their right to self-determination, which includes the right to establish government institutions in the territory” in which they reside and also within the territorial boundaries of the regional state in which they are situated.<sup>66</sup>

Ayele writes that the reason for decentralisation in Ethiopia was to empower ethnic minorities by migrating ethnic conflicts.<sup>67</sup> This meant that any ethnic related issues and questions which were not answered and could not be dealt with through the medium of regional state formation were to be addressed via the establishment of local government.<sup>68</sup>

The 1995 Constitution of Ethiopia thus provides explicitly for the establishment and determination of two types of sub-regional government in terms of articles 39(3) and 50(4) respectively.<sup>69</sup> Article 39 (3) implicitly provides for the establishment and implementation of autonomous sub-regional territorial units with the main aim of accommodating intra-regional

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63 C van der Beken, “Federalism, local government and minority protection in Ethiopia: Opportunities and challenges”, *Journal of African Law*, 15, March 2015, p. 154.

64 Z Ayele & Y Fessha, “The constitutional status of local government in federal systems: The case of Ethiopia”, July 2017 (available at <https://www.researchgate.net/profile>, as accessed on 15 February 2017), p. 98.

65 FDRE Constitution, Art 47(2), 1995.

66 United Nations Declaration on the rights of indigenous peoples (available at [http://www.un.org/esa/socdev/unpfiid/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfiid/documents/DRIPS_en.pdf), as accessed 17 July 2017).

67 Z Ayele, “Local government in Ethiopia...” (LLM, UWC, 2008), p. 12.

68 Z Ayele, “Local government in Ethiopia...” (LLM, UWC, 2008), p. 23.

69 MM Nigatu, “The empowerment of local governments as a prerequisite for self-determination: The assessment of legal and institutional framework of Sidama zone”, *SNNPR...*, 2015, p. 42.

ethnic minorities in the country. This means that what is stipulated in article 39(3) is an autonomous local government that is empowered with powers that are relevant in protecting and promoting the interest of all ethnic communities on whose behalf it is established.<sup>70</sup>

Local government in terms of article 39 as stated above is a local government whose territorial boundary is largely delimited along ethnic lines.<sup>71</sup> As stated by Ayele and Fessha:<sup>72</sup>

The boundaries of article 39 local governments are to be demarcated based on the settlement pattern of an ethnic group whose aspiration for self-government could not be met through the establishment of a regional state. This means that article 39 local governments can only be established for an ethnic group that is geographically concentrated.

Article 50(4) obliges the regional states to establish government units below state level. However, as stated above regional states have the power to enact their own constitution and to establish local government. The Amhara Constitution established an ethnic-based local government with one purpose of protecting sub-regional ethnic minorities. This approach has also been adopted and followed by the Benishangul-Gumuz, Gambella and Southern Region in their constitutions.<sup>73</sup>

By 2012 only five regions had established ethnic local government in Ethiopia; there are still several state constitutions which do not recognise ethnic diversity including Somali and Oromia state constitutions.<sup>74</sup> These ethnic-based local governments are designed in such a way that they offer important protection to the cultural rights including language rights of the concerned ethnic minorities. The competence of the ethnic-based local governments in Benishangul-Gumuz, Gambella, Amhara and Southern Region allows local governments to determine their working language which is used mainly for official purposes in the local administration and judiciary.<sup>75</sup>

By way of illustration the SNNPR is home to dozens of ethnic groups and in order to respond to the constitutional requirement of ensuring self-government for the different ethnic groups, the regional constitution has

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70 AZ A Ayele & YT Fessha, "The constitutional status of local government...", *Africa Today*, 58(4), 2012, p. 93.

71 FDRE Constitution, Art 39, 1995.

72 ZA Ayele & YT Fessha, "The constitutional status of local government...", *Africa Today*, 58(4), 2012, pp. 93-94.

73 C van der Beken, "Federalism, local government and minority protection...", *Journal of African Law*, 15, 2015, p. 164.

74 ZA Ayele & YT Fessha, "The constitutional status of local government...", *Africa Today*, 58(4), 2012, pp. 89-93.

75 C van der Beken, "Federalism, local government and minority protection...", *Journal of African Law*, 15, 2015, p. 167.

established ethnically defined zonal administrations.<sup>76</sup> The Amhara state has also established three special zones (or Nationality Administrations) for the three indigenous minorities (i.e. the Agew Himra, Awi and Oromo). Similar administrative entities are provided for the five indigenous minorities in Benishangul-Gumuz. The Gambella constitution also provides for the establishment of a Nationality Zone for the three indigenous minorities of Anuak, Nuer and Mejenger.<sup>77</sup>

Fessha and Van der Beken argue that Ethiopian “ethnic-based local government administrations offer excellent” opportunities for participation and institutional representation for the empowerment of minority.<sup>78</sup> Ethnic local government is established at both the zonal and *woreda* level known as *liyu-woreda* (special districts).<sup>79</sup>

Depending on the level of ethnic diversity, the regional states have established three Local Governments (LGs) tiers. According to Baraki, “two pragmatic approaches have been applied in the delimitation of local governments into the Zones, Special Zones, Special *Woredas*, and *Woreds*. Zonal governments and Special *Woreda* governments comprise several rural and urban *woreda* governments”.<sup>80</sup> As such, in the heterogeneous states of Southern Region (SNNP), Benshagul-Gumuz and Gambela, Zonal and Special *Woreda* Governments are mainly established along ethnic lines regardless of their economic viability. In the SNNP, Zonal Governments (ZGs) and Special *Woreda* Governments (SWGs) are formed by breaking up heterogeneous *Zone/Woreda* Administrations. Baraki highlights further that “when a single ethnic group is found to be very tiny; two or more ethnic groups were brought together to form a SWG or ZG, often based on language and cultural similarities”.<sup>81</sup>

According to Ayele and Fessha, zonal administrations are not even recognised in the regional constitutions, other than in the constitution of Oromia regional state, yet it is established in most regions. However, its main purpose is to

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76 P Zimmermann-Steinhart & Y Bekele, “The implications of federalism...”, *PER/PELJ*, 15(2), 2012, p. 94.

77 GT Baraki, “The practice of Fiscal federalism in Ethiopia: A critical assessment 1991-2012. An institutional approach” (Ph.D, Fribourg, Switzerland, 2014), pp. 52-54.

78 YT Fessha & C Van der Beken, “Ethnic federalism and internal minorities...”, *African Journal of International and Comparative Law*, 21(1), 2013, p.7.

79 FDRE Constitution, Art 50(4), 1995.

80 G Baraki, “The making of state and local government in the multi-ethnic federation in Ethiopia”, July 2016 (available at [www.issirfa.cnr.it/download/08\)%20Ghebrehiwet%20Baraki%20\(paper\)](http://www.issirfa.cnr.it/download/08)%20Ghebrehiwet%20Baraki%20(paper)), as accessed on 15 September 2016), p. 7.

81 GT Baraki, “The practice of Fiscal federalism in Ethiopia...”, p. 54.



administration is the city council, comprising of members that are directly elected by the residents of each city administration is the city council. A city administration has a mayor, a mayoral committee, a professional municipal manager, a municipal judicial organ and a municipal administrative court.

It is worth noting that urban local government is created through regional statutes as opposed to a *woreda* which is created through regional constitutions.

The article 39 local governments are established to address ethnic claims or accommodate ethnic communities within some sort of territorial framework. Though these types of local governments have been established at the different levels in the hierarchy of local government these organisations are mostly established at the zonal and *woreda* levels and are consequently known as the nationality zones and *liyu-woreda* (special districts).

It is worth highlighting that nationality zones are established as institutions of self-government for regional minority groups that occupy a territorial area covering a number of *woredas*. While on the other hand, a *liyu woreda* is a subdivision of a region which in terms of territorial and population size is comparable to a *woreda* administration and is established for a particular ethnic group that inhabits the area.

There is thus a clear difference between nationality zones and *liyu woredas* with the rest of local governments established in the country. Ayele and Fessha point out the following:<sup>84</sup>

In the Amhara regional state, the region is largely inhabited by individuals who belong to the Amhara ethnic group. However, within the regional boundaries of the Amhara regional states are pockets of territory that are dominated by the Himra, Awi (the two strand of the Agew ethnic group) and Oromo.

In order to accommodate all these three ethnic communities, the Amhara regional state has established three nationality zones. The same can be said about the Afar regional state.

Ayele and Fessha further write the following:<sup>85</sup>

In contrast, the constitution has established regional states that are ethnically heterogeneous, with no single ethnic group accounting for the majority of the

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84 Z Ayele & Y Fessha, "The constitutional status of local government...", 2017 (available at <https://www.researchgate.net/profile>, as accessed on 15 February 2017), p. 10.

85 Z Ayele & Y Fessha, "The constitutional status of local government...", 2017 (available at <https://www.researchgate.net/profile>, as accessed on 15 February 2017), pp. 10-11.

regional population. In these regional states, the claims for recognition and self-rule by ethnic communities have resulted in the regional governments establishing, depending on the size of the ethnic community, either being a nationality zone or a *liyu woredas*.

Currently, the SNNPR has established fourteen nationality zones and eight *liyu woredas*. The same has been established in ethnically diverse Benshangul and Gambella regional state.

The Constitution of Afar region recognises the right of the minority of people who belong to Argoba to “have their own “special *woreda*” in the region”. In the Amhara region there are also special zones for a minority from the Oromo ethnic group. The Constitution of the Southern region is also designed in such a way that recognises the “special *woreda*” as an ethnic based sub-regional local government administration.<sup>86</sup>

It is worth noting that the territorial demarcation of both the nationality zone and a *liyuworeda* follows the territorial settlement of the ethnic group on whose behalf they are established. As a result, these ethnic local government units are autonomous and should the ethnic group for which they are established choose to secede from the region and establish their own regional state they can do so.<sup>87</sup> By 2016, nationality zones and *liyuworedas* were established only in five regions such as the Afar, SNNPR, Amhara, Benishangul-Gumuz and Gambella regions.<sup>88</sup>

*Liyuworeda* is found only in four regions of Amhara, SNNPR, Gambella and Benishangul-Gumuz. In SNNPR there are nine *liyuworedas* that were established. Whereas, in Benishangul-Gumuz there are two *liyuworedas*, one in Gambella known as Godre *liyu woreda* and one in Afar known as Argoba *liyuworeda*.<sup>89</sup> It is therefore worth concluding by stating that nationality zones in Ethiopia are mainly established as institutions of self-government, for regional ethnic minority groups that occupy a territorial area covering a number of *woredas*.<sup>90</sup> Whereas a *liyuworeda* (special district), is a subdivision of regions which in terms of territorial and population size is comparable to a

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86 C van der Beken, “Federalism, local government and minority protection...”, *Journal of African Law*, 15, 2015, p. 162.

87 FDRE Constitution, Art. 47(2), 1995.

88 MT Fenta, “Local government in Ethiopia...”, 2, *Journal of Management Science and Practice*, 2, 2014, p. 73.

89 G Baraki, “The making of state and local government...”, July 2016 (available at [www.issirfa.cnr.it/download/08%20Ghebrehiwet%20Baraki%20\(paper\)](http://www.issirfa.cnr.it/download/08%20Ghebrehiwet%20Baraki%20(paper))), as accessed on 15 September 2016), p. 7.

90 ZA Ayele & YT Fessha, “The constitutional status of local government...”, *Africa Today*, 58(4), 2012, p. 96.

*Woreda* administration.<sup>91</sup> It is established for the particular ethnic groups that inhabits the area.

## **Challenges, ethnic tensions and conflicts at local level in Ethiopia**

According to Van der Beken, the main idea in the establishment of ethnic-based local government in Ethiopia is that “through these local governments system, the concerned ethnic minorities can exercise the self-rule component of the right to self-determination”.<sup>92</sup> Although the above facts managed to indicate the opportunities offered by the mechanism of establishing ethnic-based local governments in Ethiopia with the main purpose of fulfilling the rights of sub-national ethnic minorities, in practice this mechanism has substantial challenges, tensions, conflicts as well as limitations.<sup>93</sup> One of the limitations highlighted above relates to the degree of autonomy enjoyed by the ethnic-based local governments in the exercise of their powers. The challenges brought by ethnic-based local government in Ethiopia are:<sup>94</sup>

- land disputes between ethnic groups which include contestation over district boundaries; and
- ethnic mobilisation and competition over resources.

### ***Land disputes at the local government level***

Some of the challenges that are faced at the regional level are somehow similar to those that are experienced at the local government level. The land issue in Ethiopia “constitutes one of the most contentious issues because it involves conflicting political, socio-cultural and economic interests”.<sup>95</sup> However, the point of contestation in Ethiopia’s ethnic-based local government level is as a result of who holds power or authority in the regional administration as well as who has the right over which land in the region.<sup>96</sup> According to Abbink “the majority of tensions and challenges in rural Ethiopia emanated from disputes with regard to land and the boundaries of (*woredas*) districts and

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91 MT Fenta, “Local government in Ethiopia: Practices and challenges”, 2, *Journal of Management Science and Practice*, 2, 2014, p. 74.

92 C van der Beken, “Federalism, local government and minority protection...”, *Journal of African Law*, 15, 2015, p. 169.

93 S Khemani, “Fiscal federalism and service delivery in Nigeria: The role of states and local governments”, *Nigeria PER*, 2001, pp. 2-4.

94 TI Mokgopo, “The use of ethnicity as a factor for demarcating municipalities: The case of Malamulele and Vuwani communities” (LLM, UWC, 2017), p. 61.

95 M Hebo, “Disguised land sale practices among the Arsii Oromo of Kokossa district, Southern Ethiopia”, *Asian and African Area Studies*, 6(2), 2007, p. 352.

96 DD Barata, “Minority rights, culture, and Ethiopia’s ‘Third Way’ to Governance”, *African Studies Review*, 55(3), 2012, pp. 61-80.

zones between the newly defined ethnic or linguistic groups”.<sup>97</sup>

Tensions are because:<sup>98</sup>

... after ethno-linguistic or ethnic identity was accorded an organising role in the determination of boundaries and adoption of policies, the new political dispensation was immediately used as a means to make claims to resources on both the national (state) level and local level (especially government funding and land).

This started with sophisticated negotiations and ethnic positioning strategies of ethnic elites to enable them to get advantages at the expenses of other groups. Land and borders in Ethiopia became the prime cornerstone of contestation. Due to soil erosion and population growth in Ethiopia, land has become an increasingly scarce resource. This has seen contestations over land and borders being backed up by an explicit reference to language and cultural differences.<sup>99</sup> Other recurring factors with regard to land, as recorded in 2006 already, are:<sup>100</sup>

The disagreements about the possession of or use rights to water resources, prestige, land, and cultural policies (feelings of inter-group superiority and inferiority), settlement, licences for investment and language policy in education and administration.

Land issues lead to a high level of contestation over district boundaries in Ethiopia. This is the result of the competition over grazing space and water for livestock leading to sporadic cases of cattle rustling and revenge killings.<sup>101</sup> These therefore led to other minority groups having limited access to services in areas that are dominated by rival ethnic groups. This resulted in ethnic mobilisation at the lower level. In many areas, minority groups re-negotiated local relationships and mobilised people to fight for recognition as ‘nationality’ or ethnic groups in order to take advantage of the new political order in Ethiopia. As a result, they used the constitutional status of the nationalities to pursue their goals.<sup>102</sup>

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97 J Abbink, “Ethnicity and conflict generation in Ethiopia...”, *Journal of Contemporary African Studies*, 24, 2006, p. 396.

98 J Abbink, “Ethnicity and conflict generation in Ethiopia...”, *Journal of Contemporary African Studies*, 24, 2006, pp. 395-396.

99 J Abbink, “Ethnicity and conflict generation in Ethiopia...”, *Journal of Contemporary African Studies*, 24, 2006, pp. 396-397.

100 J Abbink, “Ethnicity and conflict generation in Ethiopia...”, *Journal of Contemporary African Studies*, 24, 2006, p. 391.

101 W Okumu, “Conflict over Ltungai conservancy: A case of fata competition over grazing land and water among the Samburu and Pokot in north-western Kenya”, 8 September 2011 (available at [https://www.researchgate.net/publication/261796421\\_Conflict\\_over\\_Ltungai\\_Conservancy\\_A\\_Case\\_of\\_Fatal\\_Competition\\_over\\_Grazing\\_Land\\_and\\_Water\\_among\\_the\\_Samburu\\_and\\_Pokot\\_in\\_northwestern\\_Kenya/link/02e7e5357ff9d0db49000000/download](https://www.researchgate.net/publication/261796421_Conflict_over_Ltungai_Conservancy_A_Case_of_Fatal_Competition_over_Grazing_Land_and_Water_among_the_Samburu_and_Pokot_in_northwestern_Kenya/link/02e7e5357ff9d0db49000000/download), as accessed on 17 July 2017), pp. 224-227.

102 L Aalen, “Ethnic federalism and self-determination for nationalities in a semi-authoritarian state: The case of Ethiopia”, *International Journal on Minority and Group Right*, 13, 2006, p. 257.

Ethnic mobilisation usually results in different ethnic groups competing with each other over limited resources. Competition for resources in Ethiopia has shown itself primarily in the form of pastoralist conflicts and clashes over scarce resources of land. The reason being that pastoralist conflicts have a lengthy history and occurred in the lowland areas of the country mostly in the Afar, Oromia, and Somalia regions.<sup>103</sup> Feyisaa highlights the following:<sup>104</sup>

There is a constant fight between the Nuer and Anywaa over privileges, over federal funds, over representation in the regional state government and land for pasture (Nuer) or agriculture (Anywaa). The two major groups dominate the local arena of politics and are locked in violent rivalry against each other. Furthermore, he highlight that “the basic claim of the Anywaa is that they are the original inhabitants of the area and that most of the Nuer are newcomers from the Sudan, who should not dominate and occupy Anywaa lands along the Baro River.

While different ethnic groups are in competition with one another over resources, the major challenge faced by local government authorities is the allocation of federal funds between different ethnic groups and representation at the regional level which resulted in political repression.<sup>105</sup>

The majority of conflicts in Ethiopia are mostly about boundaries between different territorialised ethnic groups. This is because fights are waged about identity in order to establish the borders of districts and zones. Unfortunately, the identity professed by ethnic communities (local people) is the deciding element. Because of ethnic difference between ethnic communities, different areas are given to each ethnic group but that does not stop the conflict.<sup>106</sup> This led to unhappiness about how the boundaries have been drawn. Boundaries are tied up with ethnic identity as well as a conflict about resources in the disputed border areas. Abbink writes that “that is ‘secession’ in miniature form; however some of the conflicts are about power or authority and access to scarce resources in a shared arena”.<sup>107</sup>

Despite its promise and claims to bring a long lasting solution, the post-1991 regime in Ethiopia did not succeed. It failed tremendously to manage ethnic tensions in the country. In simple terms, it has decentralised most of the problems

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103 B Dibaba, “Diversity is not the root of conflicts” ... (available at <http://aigaforum.com/article2016/Diversity-is-not-root-of-Conflicts.htm>, as accessed 11 January 2017).

104 D Feyisaa, “A national perspective on the conflict in Gambella” (Paper, 2009 *Proceedings of the 16th International Conference of Ethiopian Studies* Trondheim, September 2009), p. 642.

105 Development Aid to Ethiopia, “Overlooking violence, marginalization and political repression” (available at <https://www.oaklandinstitute.org/development-aid-ethiopia>, as accessed on 14 February 2017).

106 DT Birru, “Ethnic federalism implementation in Ethiopia: The paradox”, *J Pol Sci Pub Aff*, 6(4), 2018, p. 350.

107 J Abbink, “Ethnicity and conflict generation in Ethiopia...”, *Journal of Contemporary African Studies*, 24, 2006, p. 397.

faced in Ethiopia by defining the root causes of conflicts to be at the local and not at the national level.<sup>108</sup> This cannot be true because there are other serious problems that are affecting or are of great concern to the national government, such as minority exclusivity in employment and political privileges.<sup>109</sup>

### **Minority exclusion in employment**

One of the challenges faced by Ethiopia is the exclusion of ethnic minorities in as far as employment is concerned, resulting in a serious lack of employment for minority groups at the regional level.<sup>110</sup> This is because they are usually considered as not being part of the dominant ethnic group, irrespective of them knowing the local language or even having resided in the region for a long enough time. Because there is high unemployment, there is also high level of competition over resources in Ethiopia. This has led to the exclusion of ethnic minorities with regard to employment due to ethnic affiliation and the language that is spoken by minority groups.<sup>111</sup>

### **Political privileges**

Political identity in Ethiopia fostered intra-ethnic solidarity as well as reinforcing inter-ethnic boundary in the country. However, “the same process has also raised serious problems of where to draw the line in the definition of the ‘self’ and engendered intra-ethnic competition for resources and political power”.<sup>112</sup> As a result, the repercussion of institutionalised identity politics does not end at the migrants and inter-ethnic or indigenes level. It has also introduced social displacement within the ethnic groups magnifying and politicising sub-ethnic units.<sup>113</sup>

Political representation is a quarrelsome issue played out in power struggles between political elites at all levels of government in Ethiopia, affecting the stability of the regional states. Power struggles are expressed through inter-

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108 J Abbink, “Ethnicity and conflict generation in Ethiopia...”, *Journal of Contemporary African Studies*, 24, 2006, p. 390.

109 J Di John, “Conceptualising the causes and consequences of failed states: A critical review of the literature”, *Crisis States Working Papers Series*, 2(25), 2008, pp. 23-28.

110 A study on minorities in Somalia (available at <http://reliefweb.int/report/somalia/study-minorities-somalia>, as accessed on 10 February 2017).

111 Ethiopian Human Rights Council, “Parallel report...”, August 2009 (available at [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT\\_CERD\\_NGO\\_ETH\\_75\\_8761\\_E.doc](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ETH/INT_CERD_NGO_ETH_75_8761_E.doc), as accessed on 17 August 2016) p. 10.

112 D Feyissa, “A national perspective...” (Paper, CEST Conference, 2009), p. 646.

113 D Feyissa, “A national perspective...” (Paper, CEST Conference, 2009), p. 651; UNICEF, “Context analysis of Ethiopia: April 2015” (available at <http://doc.iiep.unesco.org/wwwisis/repdoc/peic/peic16.pdf>, accessed 15 February 2017).

ethnic and clan-based conflicts and tensions.

This shows that those ethnic minorities that are not politically aligned will might not be afforded certain rights or service. However the constitution provides clearly that each ethnic group must be afforded equal rights as other ethnic groups in the country. Hence, ethnic minorities are afforded self-determination rights and the right to secede. According to Feyissa, due to political privileges experienced by dominant ethnic groups, “multi-ethnic regional states are ‘up for grabs’ for the various groups who compete for resources and political power with various narratives of entitlement instead of building a viable regional political community”.<sup>114</sup>

This proves that the struggle for political power and competition over limited resources among the ethnic elites in Ethiopia is a reflection of the contentious issue of political ownership of the multi-ethnic regional states such as Gambella. Conflict situations in the Gambella region are “also related to the introduction of territorialized ethnicity and the politicisation of migration”.<sup>115</sup> Resources are allocated according to political affiliation and between ethnic lines.

### **The challenges of establishing ethnic boundaries in Ethiopia**

The organization of state power along territorially-based ethnic communities has been reinforced and elevated to a constitutional level.<sup>116</sup> The Ethiopian federation is unique in many aspects, insofar as it departs radically from the usual fear of African states to ‘play with fire’ i.e. ethnicity.<sup>117</sup> Despite some serious debates among different scholars, those who are in favour of it pointed out that federalism was the best (in other words, the only) solution to Ethiopia’s ethnic diversity problem. Customary law has always been instrumental in handling disputes and regulating the livelihood of the Ethiopians and it is continually being used in the same manner even today in the country.<sup>118</sup>

However, according to the rejectionist of ethnic federalism, ethnic-based federalism has the propensity to divide the people ethnically and elevate normal competition for resources to the level of ethnic strife and inter- and

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114 D Feyissa, “A national perspective...” (Paper, CEST Conference, 2009), p. 651.

115 D Feyissa, “A national perspective...” (Paper, CEST Conference, 2009), pp. 650-652.

116 N Belay, “The new federal experiment and accommodation of diversity in Ethiopia: Exploring a novel experience” (available at [http://paperroom.ipsa.org/papers/paper\\_10643](http://paperroom.ipsa.org/papers/paper_10643), as accessed on 24 September 2016), p. 43.

117 RL Watts, *Comparing Federal Systems* (Montreal, Kingston, London, Ithaca: McGill Queen’s University Press, 2008).

118 J Abbink, “Ethnicity and constitutionalism in contemporary Ethiopia...”, *Journal of African Law*, 41, 1997, p. 170.

intra-ethnic mistrust.<sup>119</sup> Ethiopian ethnic federalism gives support to (or encourages) political parties to organise along ethnic lines and to maintain or enforce an ethnicised federal state in Ethiopia.<sup>120</sup>

## Conclusion

The constitution of Ethiopia says almost nothing regarding the place and status of local government. This is because the local government structure is to be regulated in the regional states' constitutions. However, in terms of Article 50(4) the Federal Constitution requires states to transfer adequate power to lower levels of government. Furthermore, in terms of Article 39(3) of the 1995 Federal Constitution of Ethiopia, it also "grants each ethno-national group the right to a full measure of self-government, which includes the right to establish institutions of government in the territory that it inhabits and to equitable representation in State and Federal governments".

Regions in Ethiopia were established based on ethnic differences and diversity of the country. This provided regions also with the power to determine or establish their local government based on their ethnic identity. It should be noted that "although the regions enjoy considerable constitutional space to design specific devices, the major constitutional tool for minority protection at regional level is invariably the establishment of ethnic-based local governments".<sup>121</sup>

This enabled Ethiopia to establish a local government system that is ethnic-based, to accommodate all ethnic minorities. However, Ethiopia is now experiencing ethnic tensions among members of different ethnic groups that are fighting over limited resources. Such ethnic tensions are due to the greediness of the dominant ethnic groups either at the regional or local government level that refuses to or are not willing to share resources with other ethnic groups. Ethnic tensions are also due to limited resources in the country which led to ethnic mobilisation.

After the establishments of the woredas, "they became responsible for preparing and implementing developmental plans and the distribution of resources without seeking authorisation from higher levels, through the

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119 N Belay, "The new federal experiment and accommodation of diversity in Ethiopia: Exploring a novel experience" (available at [http://paperroom.ipsa.org/papers/paper\\_10643](http://paperroom.ipsa.org/papers/paper_10643), as accessed on 16 October 2016), p. 29.

120 A Habtu, "Ethnic federalism in Ethiopia: Background, present conditions and future prospects", *EAF International Symposium*, 2003, p. 5.

121 C van der Beken, "Federalism, local government and minority protection...", *Journal of African Law*, 15, 2015, p. 177.

woreda block grant transfers”.<sup>122</sup> However, the grants which are given to the *woredas* are also limited and this makes it difficult for the *woredas* to provide communities with proper services. This gave rise to ethnic challenges and tensions amongst ethnic minorities.

Though there are challenges at the local government level in Ethiopia, there are milestones for Ethiopia other ethnic unfriendly regions can take note of:

- Ethiopia has managed to accommodate ethnic minorities by demarcating regional boundaries along ethnic lines and ethnic communities.
- It has also managed to accommodate ethnic minorities by establishing ethnic local government.

Some of the disadvantages of the system that is followed by Ethiopia are that there is a constant conflict between ethnic communities over regional boundaries. The determination of boundaries within ethnic lines resulted in conflicts which gave rise to ethnic mobilisation, land dispute and contestation over limited resources. There is also livestock and property looting between ethnic communities as well as minority exclusion in employment, etcetera.

Cohen is of the view that in recognising ethnicity for what it is, Ethiopia is sitting on an ethnic time bomb and it must come up with a possible solution.<sup>123</sup> However, according to Abbink, pessimists argue that it may already be too late for the re-drafting of the constitution in Ethiopia because “among the generation coming to maturity since 1991, new identities have already been formed and are being internalised” by local people.<sup>124</sup>

Ethiopia has recently declared a state of emergency due to violent protests which led to the killing of hundreds of people. This is because ethnicity has been mobilized in the contest for resource, and ethnicity has been built into the system. Ethnic minority groups alleged repression and exclusivity from resources by the dominating ethnic groups. Power sharing and equitable distribution of resources and employment opportunities remains divides among ethnic minorities. Some of the problems faced by Ethiopia includes political mobilisation by ethnic minorities and the exclusion of minorities in as far as employment is concerned.

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122 P Zimmermann-Steinhart & Y Bekele, “The implications of federalism...”, *PERPELJ*, 15(2), 2012, p. 96.

123 JM Cohen, “Ethnic Federalism in Ethiopia”, *JSTOR*, 2, 1995, p. 177.

124 J Abbink, “Ethnicity and conflict generation in Ethiopia...”, *Journal of Contemporary African Studies*, 24, 2006, p. 392.