



# Minority Nationalities and Shared Rule in the Ethiopian Federal System: Awi Nationality Ethnic Group Focus

Getent Addisu Gelaneh

Department of Political Science and International Relations, Debre Markos University, Debre Markos, Ethiopia.

## ABSTRACT

*The right to self-determination is a fundamental principle of international law, influencing relationships between states and amongst the subunits and peoples who make up those states. Rooted in the politics of decolonization, the right to self-determination is now invoked by groups in a variety of political contexts around the world to support claims for secession, increased autonomy and democratic participation. The paper aimed to investigate the Constitutional and legal provisions of Awi nationality self-administration: Theory vs. practice. To address the objectives of the study, the researcher employed a qualitative approach with a case study as study design and used primary and secondary data sources. Primary data was collected from the key informant interview and focus group discussions. Secondary data was collected from different books, reports, journals, published and unpublished proclamations, conference papers, dissertations, the federal democratic republic of Ethiopia constitution, and the revised Constitution of Amhara. The researcher used purposive sampling and the thematic analysis method based on the objectives of the study. With the view to realizing the right of self-administration in the Ethiopian federal structure, the finding of the study has revealed that The applicability of self-administration can also see in the area of shared rule; based on the study the Ethiopian legal system manifested in fiscal power-sharing, representation of minorities in the federal houses, and the participation of minorities in the regional council.*

**KEYWORDS:** Shared-Rule Ethnic Groups, Constitutional Provisions, Awi, Representation, Ethiopia

## INTRODUCTION

In recent decades, special autonomy arrangements have become a common mode of mitigating the persistent threat of separatist pressures and ethno-nationalist demands that lead to the forcible break-up and creation of new states. Such special arrangements can improve state capacity by devolving authority from the center outward to the governors of restive regions, sometimes in the absence of comparable (or any) powers for non-restive regions [5].

Will Kymlicka and other political philosophers who start from liberal justifications of minority rights tend to emphasize self-government at the expense of power-sharing, whereas theorists who are mainly concerned with democratic stability in deeply divided societies reverse this emphasis. According to Arend Lijphart, the basic feature of power-sharing (also called consociational) democracy in divided societies is representation and cooperation of all significant segments in central political decision making. Lijphart does list autonomy for constituent groups as another primary characteristic of power-sharing democracy. Such groups enjoy delegated authority for internal decision-making on matters that concern only the group [2].

As cited by Hundara, M. [4] (Ezekiel, 2014) most African states have these common characters: are multiethnic; all failed to restore and sustain their original African identities; inhibit incomplete state formation; invariably have authoritarian, undemocratic, and ethnocratic governments; experience ethnic based tensions and conflicts. Hence, Ethiopia fully shares these features. Obviously, the post 1991 Ethiopian socio-economic and political developments have been influenced by its pre 1991 ones. Given the different interpretations and narratives of the history of its existence as a polity, it is difficult to have authentic and comprehensive understanding of the trajectory of the Ethiopia's politics. As a result, the process of Ethiopian state formation/consolidation and the justifications given to it have been contested for different political interests and motives (Ezekiel, 2014). Generally speaking, the pre 1991 Ethiopian state building showed plausible centralist-unitary through cultural assimilation pursued by successive regimes [14].

The 1995 FDRE Constitution established multi ethnic national federal state that comprises many ethnic groups residing within a defined territory, retaining distinctiveness and the right to self-government by complementing the



principle of shared rule [3]. Especially about shared rule, the constitution states that the NNPs shall have the right to equitable representation within the federal and state governments and as per Art 50 (2) of the FDRE Constitution, these government branches are the legislative, executive and judiciary [6]. When the constitution has reduce in institutional context, it designated special representation for the minority ethnic groups within the HPR and made the HoF as legislative house in which NNPs members are composed and entertain their matters by themselves through own representatives [15]. However, concerning the executive and judiciary composition, the normative provision of the constitution is limited. For instance, it says nothing about the ethnic identity of members of the executive and judiciary. Therefore, the paper focuses on investigating the practical implementation of the right to shared rule in the Amhara Region a case of Awi Nationality Ethnic group.

In this study, based on the Tadesse Aklog [12] finding, the usages of the terms take both qualitative and quantitative connotations of the terms. The Amahara ethnic group is considered as majority by its sheer size and the dominant status it enjoys. Politically speaking, the region has been designated for the Amahara people as its nomenclatures stands for. So, the designation of Amahara as majority group tend to fulfills the qualitative and quantitative meaning of majority groups as has been discussed above. The remaining groups, particularly those enjoying local autonomy at Zonal and district levels, namely, Awi, Wag Himira, Oromos and Argoba, could be locally dominant groups in relation to internal minorities. However, at region-wide level, such autonomous groups can be categorized as minorities in quantitative and qualitative parameters [12].

The right of nations, nationalities and peoples to have representation at all levels of the government structure. And fourthly, the right of nations, nationalities and peoples to secede whenever they feel that their constitutional rights are denied, abridged or abrogated [13].

## THEORETICAL FRAMEWORK

### The Tri-Polar Approach

Although the consociational and incentivist models acknowledge different spheres of power-sharing, they focused primarily on the sharing of executive power. But considering the multidimensional nature of group interests, other spheres of power-sharing may have equal or greater significance than the political sphere (Hartzell and Hoddie 2003). For instance, it is likely that groups with history of being economically marginalized would be more interested in exerting greater control over the national revenue than in occupying public offices. In this sense, the diversity of group interests points to the need to broadly conceptualize power-sharing.

The initial attempt to extend the scope of power-sharing to multiple dimensions was made by Caroline Hartzell and

Matthew Hoddie in their study of post-civil war settlements. Hartzell and Hoddie (2003) developed a four-part model which divided power along political, territorial, economic, and military dimensions. this model to three dimensions (territorial, economic, and political) because in the context of this study, the military dimension is subsumed under the political dimension. This is because the military dimension is mostly relevant in immediate post-civil war societies where distribution of coercive power among the former warring parties is essential (Hartzell and Hoddie 2003, P.320). Since Nigeria is not an immediate post-civil war society, I considered it appropriate to overlook the military dimension.

The tri-polar model categorizes power-sharing arrangements into three major dimensions: political, territorial, or economic. The *territorial dimension* of power-sharing is made up of arrangements that define the territorial structure of the country and specifies the process of devolution of powers. The *fiscal dimension* of power-sharing constitutes principles and practices of national revenue sharing. The *political dimension* of power-sharing includes principles and practices of distributing political and bureaucratic offices.

### Research Methodology

In this study, the researcher applied qualitative research approach. The methodological approach of this research is qualitative because it aims to achieve in-depth understanding of the relationship between the theoretical and practical application of Self-administration in Awi Nationality Administrative Zone. Both primary and secondary sources of data collection methods used to gather relevant information on the issue under study. The methods of data collection included semi structured in-depth interviews with key informants, personal observation, and focus group discussions. The researcher selected different profile of Informants: Individuals who have relevant knowledge about the topic under consideration; Zonal Administrators and Woreda Leaders who represent the entire Awi Nationality; Residents of the Zone (political party leaders, academicians, opposing political party leaders and political party members who work in the zone and members of Awi). Thus, the researcher used thematic analysis in order to provide a brief description and understanding of the outcomes of the research in line with the research objectives.

## FINDINGS AND DISCUSSIONS

This section targets to connect the original research questions and theoretical framework in presenting the research findings and discussing these findings. The results are presented according to the objectives of the study which reflect the research questions that the researcher set out to answer. In addition, this chapter presents the qualitative data is presented based on the themes that emerged during the analysis. This chapter also investigated the Legal and constitutional provisions of Shared-rule in Awi Nationality Administrative Zone: theory versus practice. These results

presented generalized findings based on the interviews with the zone, woreda, and kebele administrators. In addition to this FGD was also conducted and analyzed in this chapter (one focus group discussion having six participants from within each selected school an individual group with elementary and high school teachers). Indeed, within such a big data set, and using qualitative methods, some divergent dissenting views were noted, but these can only be moderately reported in this research.

### **Fiscal Power-Sharing**

As in many other federal countries, the constitutional division of taxing powers in Ethiopia is limited to the federal government and the regional states (FDRE, 1995, articles 97–100). The constitution does not mention the minority ethnic groups' fiscal powers. As a result, determining the sources of revenue of the minority governments has dropped within the exclusive power of the regional states. The problem is, however; that the regional constitutions do not vest the minority governments with clear taxing powers. The only reference to local governments in regional constitutions, in the context of taxation powers, relates to the administrative responsibility of woreda as to collect land-use fees and agricultural-income taxes [11].

Concomitant to this, as my key informants argued that: the constitution neglects the role of minority groups in the role of fiscal power-sharing rather than is vested to the regional and local governments to administer finance. Despite this, the special zonal governments are not allowed to administer financial activities collaboratively with the regional governments. According to them the minority ethnic groups like Awi, simply transfer the local financial activities to the regional governments and the regional cadres also transfer it to the federal governments accordingly. In this respect the constitutional implementations it has no problem at all, however; the problem arises from the constitutional content itself. The special Zonal governments' should share equal rights with the local and regional governments'. ARSC also stipulated; "Levies and collects taxes and other duties on any sources of revenue reserved to the jurisdiction of the regional state as well as prepares and issues its budget and implements" [8].

Furthermore, focus group discussants' also argued:

Both the FDRE and ARSC stipulated financial collection exhaustively vested to the Federal, Regional as well as local governments. Even if especially the Amhara regional Constitution allows for special zone administrations, however; in the area of fiscal power-sharing (the problem emanates from Federal Governments), the Minority groups are excluded from participation in fiscal decentralization. For us, this may bring financial constraints to Zonal Administrations'. Those special Zonal Governments have their self-administration having with Zonal Councils which is not found in other horizontal Zonal Administrations. In

this regard, these distinct governments' special incentive is needed. Somehow the regional governments provide a special budget to these administrations. But this is not sufficient like other zonal administrations that don't have a zonal council.

Generally; based on the information gathered from document analysis, key informants interview, and Focus group discussants, fiscal power-sharing concerning minority nationalities has constraints. As the data showed, the special zonal administrators are under-recognized in the collection of these budgets rather simply acting on behalf of the regional as well as the local governments. According to them, in this regard financial constraints become the major issue for such types of zonal administrations.

### **Representation of Minorities in the Federal Houses (HPR and HoF)**

One of the most important aspects of minority rights is the representation and participation of minorities in the decision-making process at federal and regional houses. This is very critical, in the sense that it helps the minority groups to enjoy, protect and promote their rights. As a result, the Ethiopian federal political system provides the opportunity for representation of all minorities in the houses of the federation. "Members of the House, based on population and special representation of minority Nationalities and Peoples, shall not exceed 550; of these, minority Nationalities and Peoples shall have at least 20 seats" [3].

As the information obtained from the key informant interview reflects; the constitution talks about the minority rights representations in the house of peoples representatives. However, this is highly theoretical than practical implementations. The minority nationalities are highly underrepresented in the HPR and HoF at the federal level. As a result, in the process of passing a decision, there is massive disagreement among member states, especially between less populated (the minorities) and populous regions. The minorities are excluded from the decision-making process as they hold fewer amounts of voices and because there is no special law that protects them. For instance; most of the time observed, the Oromia, Amhara, Somali and Tigray ethnic groups controlled the decision-making process. Even, though the constitution practically represented them in this house, since the number of these groups too much less, their voice has no value in many government decision making process. Therefore the Awi nationality is the one ethnic group that is understated in this house.

Moreover, the representation of minorities in the second house (HoF) is also another central issue. Since the House of the Federation is composed of representatives of Nations, Nationalities, and Peoples, the minority nationalities are expected to be part of this house. Accordingly, the FDRE Constitution expressed in its article 61 (2) stated that; "Each Nation, Nationality, and People shall be represented in

the House of the Federation by at least one member. Each Nation or Nationality shall be represented by one additional representative for each one million of its population” [9]. However, According to Alene [1], the house of a federation in its majoritarian nature hindered the house to protect minority interests. As it is explained interpretation of the constitution, deciding on the rights of minority nations and determination grants should be decided based on the majority vote which may override the voice of minority groups in the house. Such has been experienced in the determination of subsidies to the region in the past years.

Associated with the above information the Focus group discussants’ also believed that, the representation of the minority nationalities in the house of the federation is too minimal. The house is even a composition of different nations and nationalities, however, in terms of the proportional representation of different nationalities is too minimal. The provision of the FDRE has a great problem; the participation of the minority ethnic groups cannot be expressed by only sending one representative from one million populations. As they argued, since the number of Awi groups is minimal compares with other largest ethnic groups, the voice of this minority ethnic group has no contribution in the house of federation rather than simply attending the majoritarian vote. Therefore, most ethnic groups are underrepresented in this second house.

To sum-up, based on the above data, gathered from document analysis, Key informant interview, and Focus groups discussants the representation of the minority ethnic groups in the house of federation and house of peoples is very low. Since, the nature of the constitution is highly majoritarian, the Awi nationality ethnic group is not well recognized in these houses. According to the data, the minority nationalities are highly underrepresented in the HPR and HoF at the federal level. As a result, in the process of passing a decision, there is massive disagreement among member states, especially between less populated (the minorities) and populous regions. Therefore, the representation of this people is too minimal.

### **The Participation of Minorities in the Regional Council**

As clearly indicated in article 47 of the FDRE Constitution provides that the territory of the Ethiopian federation comprises nine regions (recently Sidama and South-west Regional states becomes the 10<sup>th</sup> and 11<sup>th</sup> regions respectively). These are the state of Tigray, the state of Afar, the state of Amhara, the state of Oromia, the state of Somali, the state of Benishangul-Gumuz, and the state of the Southern Nations, Nationalities and Peoples, the state of Gambella and the state of Harar. In line with the Federal arrangement, the regional states are also responsible to establish their regional state council. Accordingly, the revised constitution of Amhara stated the power and functions of the state council which is equivalent to the house of people’s

representative at the regional level. According to Van der Beken, C. [10], The Amhara regional council is the highest authority in the region. Unlike the federal parliament, it is unicameral. Its members are representatives of the peoples in the regional state as a whole and are elected for a term of five years based on direct elections using the so-called first past the post system. The Amhara constitution pays attention to the position of ethnic minority groups by providing for a guaranteed representation of "minority nationalities and peoples.

To the data obtained from the key informants interview, the participation of the minority nationalities (like Awi) is acceptable under the revised Amhara Regional State Constitution, the regional constitution gives a chance to the minority groups, comparatively, on this ground the Amhara regional state constitution can be taken as a model for other horizontal regional constitutions. It gives a special place for the minority groups like (Awi, Himera, and Oromo.

However, according to them, the problem is not in this regard rather they claim that in terms of proportional representation with the majoritarian is still a great deal. The Awi nationality ethnic group has no equal voice with the Amhara identities. According to them the problem is highly related to the population number who represents their people. related to this the revised Amhara region constitution states: “Members of the council shall be elected in and electoral process, where a candidate with the majority vote wins among candidates within one electoral district the minority of nationalities and peoples that are believed to desire special representation shall be represented in the council through election...” [8].

Nevertheless, the Focus group discussants criticized the content of the Amhara regional state constitution. According to them the Amhara regional states adopts only the unicameral council. For example, the SNNPR constitution adopts the bicameral parliament which is exceptional from other regional state constitutions. The Revised Constitution of SNNPR stated that; “Each Nation, Nationality and People shall be represented in the regional council by at least one member. Each Nation or Nationality shall be represented by one additional representative for each one million of its population” (SNNPR, 2001, art 58(2)). The constitution recognizes the adoption of the National Council. The regional nationalities council is responsible for protecting the rights of nations, nationalities, zone, special woredas, and woredas (SNNPRC, 2001, Art, 59(3)). As they argued; the SNNPRC can be considered the best in recognizing the minority ethnic groups in different regional matters.

According to Tadesse Aklog [7], based on the fourth round election (2010-2015) into consideration, it was found that about 261 (89%) of the councilors were representatives of the Majority (Amhara) while the remaining 33(11%) were found to be the representatives of the minority ethnic groups including Agew Awi, Agew Himira and Oromo. The ratio of

councilors to the respective population was found to be 0.001 for each category indicating the prevalence of parity of representation among the majority and minority groups in the regional council. However, prevalence of the majority decision making procedure in the council seemed to have discouraged the likely influence of the minority groups in the legislative activities. The numbers of women representatives were about 90 counting 30 % of the total representatives in the region in the same terms of election. Such figure has increased in to 127 which counted about 43% of the council members in the fifth election period [7].

Generally; based on the key informant interview, focus group discussants, and document analysis, the representation of the minority ethnic groups like Awi, lacks representation in both the federal and the regional councils'. As mentioned above, the extension of the interest for the protection of minorities in the field of their participation in the decision making is a relatively low. This is highly related to the nature of the constitution of FDRE allowed the majoritarian principle the minority ethnic groups didn't get a chance to transfer their voice in favor of their people. This can be reforming the electoral process for facilitating the participation of minorities in the political sphere. The regional State shall guarantee the right of persons belonging to the minority ethnic groups to take part in the conduct of public affairs, including the rights to vote and stand for office without discrimination.

## CONCLUSION

The study examined the major constitutional provisions on the powers both shared with the minority ethnic groups by the federal and regional governments. The researcher tried to assess the theoretical and practical effectiveness of the constitution based on some parameters. These include fiscal power-sharing, the representation of the minority ethnic groups in the federal houses, and the participation of the minorities in the regional council, which are discussed in the data analysis part. From these stand points both the federal and the regional constitutions lacks a sort of incorporating principles that can support the minority ethnic groups. This is done based on the constitutional provisions themselves, far from incorporating the minority nationality groups into the day-to-day decisions of the government. This is because it is based on the principles of majority rule and minority rights. Concerning the two federal houses, the Awi nationality ethnic group is not well represented. At the theoretical level, the constitution allowed the unconditional rights of the minorities' nationalities to participate in these houses. However, minority ethnic groups are largely excluded from both the (HoPR & HoF). As the data indicated, Amhara regional state allowed the representation of the Awi people in the regional council; but they are not practically represented. This is because the Awi ethnic group is represented by no more than 18 individuals in this council. Therefore, it can't

be possible to represent the people with these very few nominees.

Generally, to express the interests of the Awi people, a strong and formal organization is needed. In this regard, there is one good step that has been taken by the Awi people, which is the Agew Scholars Association. The main objective of the association is to support and contribute to the socio-economic problems faced by the Agew people. Therefore, this association should play a role in preserving and promoting the history, traditions, and values of the Awi people. Identify Agew people's problems through research and development; analyze from various perspectives and suggest problem-solving solutions; and contribute to the implementation of research solutions.

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