

Institutions, Power and Party Politics in Federal Arrangements: The Case of Ethiopia

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Paper Presented at the 2019 ASN World Convention
Columbia University, New York
2-4 May 2019

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ABSTRACT

What determines the success of federal arrangements? This article argues that in order to assess the consequences of federal arrangements, structural and contextual factors outside of the federal institutional design must be given due consideration. Federal arrangements are often introduced in contexts that lack multi-party democracy and instead are characterized by dominant party systems. This uneasy combination of regional autonomy on the one hand and centralization on the other alters the distribution and exercise of federal power significantly, reflected in access to political power, procedures of political representation and consultation, and rules underlying political decision-making. The Ethiopian federal system serves as an empirical illustration for how intra-party politics takes precedence over federal institutions, resulting in a system that provides relative stability, however is not genuinely federal in nature. The findings underline the importance of expanding research on the origins and effects of federal arrangements on extra-constitutional factors.

Keywords: Federalism, power, dominant party systems, Ethiopia, conflict

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Introduction

In the preceding decades, federalism has increasingly been utilized as a device for managing diversity and conflicts in countries transitioning from conflict to peace and/or autocratic to democratic rule. When assessing the success of such arrangements, scholarly work tends to draw on experiences of Western federations and focus on the causes and consequences of such institutional arrangements in cases such as Belgium or Canada, without due attention to contextual and structural factors that enable the federal institutional arrangement to deliver on its promises in the first place. This is not problematic in itself; however, it is in stark contrast to the growing awareness of the importance of extra-constitutional factors (cf. Erk 2014), which to a large part determine the success or failure of federal arrangements, and the role of formal and informal institutions as crucial instruments of both access to and exercise of federal power (Schedler 2009). It is therefore not surprising that disagreement on the consequences of federal arrangements for the accommodation of diversity and ultimately the mitigation of conflict in cases such as South Sudan or Myanmar persist. A focus solely on the institutional design does not capture how federalism operates in practice and how certain outcomes are produced – especially in countries outside the club of consolidated Western democracies. This article thus advocates a shift of analytical focus towards structural and contextual factors outside the federal institutional design and modes and practices in gaining access to and exercising of power when analysing the success of any given arrangement. It does so by analysing how both formal and informal institutions alter the distribution and exercise of power and how one key extra-constitutional factor, the party system, shapes the workings and consequences of federal arrangements.

The empirical part of this article focuses on the federal arrangement in Ethiopia, a significant case for illustrating how formal and informal institutions shape access to and exercise of power in the context of one-party dominance. This case is significant for several reasons, including its intrinsic importance as a large federal non-democratic state and regional power in Sub-Saharan Africa. Most relevant, the country introduced a federal system of governance based on ethnicity in 1995, dominated ever since by the ruling coalition, the Ethiopian People's Revolutionary Democratic Front EPRDF. There is significant variation in how formal and informal institutions shape access to and distribution of power, not just between subunits, but also across time. This variation makes it possible to illustrate the role of institutions and intra-party politics for the workings and consequences of the Ethiopian federal arrangement, while at the same time

providing indications about the more general role of the political context and its intersection with federal institutions.

The results of the analysis suggest that the strong centralization and dominant role of the ruling coalition alter the impact of the federal arrangement. Due to the dominant role of the party in all aspects of political life (e.g. state-party overlap), intra-party politics often trumps the formal division of power. Institutions and practices under the current federal system are only viable in the current political context, thus indicating that the current peace and relative stability is fragile. These results are important because they illustrate how extraconstitutional factors such as the political context have important ramifications for the workings of federal arrangements and ultimately their impact on outcomes such as democracy, development, and conflict.

The article is structured as follows. The first part reviews the relevant literature and outlines how federal arrangements, institutions and party systems intersect. The second part outlines how the relationship between federal institutions and the political context can be analysed through an institutionally oriented analysis with a focus on specific regime components, followed by an empirical analysis of precisely this relationship in Ethiopia. The final section concludes by summarizing the main findings and sketching avenues for future research.

Federal Arrangements, Institutions and Party Systems

The grand debate about the potential merits and pitfalls of federal arrangements centres around the question of whether they provide stable and peaceful solutions for the management of diversity in divided societies, thus preventing conflict, or whether they instead induce conflict and ultimately cause state disintegration. The apparent irrevocability of these two positions is often referred to as ‘the paradox of federalism’ (cf. Erk and Anderson 2009), which essentially can be reduced to the question of whether federalism is secession inducing or reducing.

Scholars arguing in favour of federal arrangements stress that they ease ethnic tensions and reduce the likelihood of conflict in divided societies (Lijphart 1977; Gurr 1994; Nordquist 1998; Hechter 2000; Hannum 1996; Wolff 2013). They mainly argue that federal arrangements do not only provide groups with possibility to decide over matters of their own concern (e.g. language, education, religion), but that they also serve as an effective tool of governance for multi-ethnic societies (Bakke 2015). Scholars critical of the pacifying effect of federal arrangements argue that providing groups with self-determination has the potential for triggering secessionist conflict because it risks reinforcing divisive ethnic identities (Kaufmann

1996; Chapman & Roeder 2007; Roeder 2007; Kymlicka 1998) and provides groups with resources that can potentially be used to press for more concessions or mobilization for conflict (Brubaker 1996; Bunce 1999; Cornell 2002; Snyder 2000).

From the above it becomes obvious that federal arrangements are perceived as both increasing the capacity of groups to pursue the path of secession yet as intended to decrease their incentives to do so. As for the solution to this paradox, it is necessary not only to consider questions relating to the institutional design of such arrangements, but give appropriate consideration to extraconstitutional factors as critical exogenous determinants as well as the role formal and informal institutions play in the distribution and exercise of federal power. Studies assessing the success of federal arrangements with regard to its peace-preserving function have often neglected to do so adequately. Against this background, this article sets out to show how a focus on power dependencies enacted through formal and informal institutions, duly considering the political context, bring us closer to determining what is key to the ultimate success of federal arrangements as a tool of governance for diverse societies.

Institutions and Federal Arrangements

Federal arrangements take many forms and show great variation with regard to institutional design. The main commonality, however, is that federal arrangements are an institutionalized system of distributing power across central and regional levels of government (Watts 1998: 124). The status of subnational entities is protected constitutionally or through special laws that cannot be amended unilaterally. Given this specific anchoring of federal arrangements, the centrality of institutions becomes obvious. Further attention in the study of the origins and effects of federalism should therefore be given to underlying patterns of power and the conditional effects of institutions (Simison and Ziblatt 2018).

In line with past research on political institutions, I define institutions as a set of both formal and informal rules and procedures that structure social interaction by constraining and enabling actors' behaviour (North 1990). Informal institutions are defined as 'socially shared rules, usually unwritten, that are created, communicated, and reinforced outside of officially sanctioned channels' (Helmke and Levitsky 2004: 727). By contrast, formal institutions correspond to the visible structure, the legal-rational organisation of the state; created, communicated and enforced through channels widely accepted as official. Both types of institutions play three critical roles: First, they directly constrain political and social behaviour,

second, they are a source of information and cut down on transaction costs, and third, they are a way to redistribute resources, via personal networks and discretionary access to state resources and power (Grzymala-Busse 2010: 318). For analytical purposes, it is important not just to focus on a specific set of institutions but also to consider how they interact and relate to each other. They can do so in different ways and informal institutions do not necessarily conflict with formal ones. The interaction of these two sets of institutions can be analysed regarding how they complement, substitute for, accommodate or undermine each other – thus, they are not necessarily in conflict with each other.² Our understanding of how informal institutions and practices interact with formal institutions in the context of countries going through a transition from either conflict to peace, and/or autocratic to democratic rule, is still in its infancy. A focus precisely on this institutional interplay can illuminate not only the mechanisms through which federal power operates (power structures operate through both formal and informal mechanisms), but also the actual consequences of federal arrangements for outcomes of interest such as inequality, democracy, and conflict.

A few implications follow for the study of federal arrangements. First, institutions, both formal and informal, are key to understanding how power is distributed and exercised in a federal arrangement. Jointly, they represent a fundamental part of how federalism works in practice and condition its effects. Whether or not institutions are conducive to the success of federal arrangements depends, however, largely on extraconstitutional factors such as the political context.³

The Political Context

The establishment of autonomy for (regionally concentrated) ethnic groups in moments of transition from conflict to peace and/or authoritarian to democratic rule is often directly related to the stability imperative (Dickovick 2014: 556). For the actors involved in such a transition, the purpose of granting autonomy to groups is to ensure inter-ethnic stability and sharing power through institutional arrangements such as federalism often remains the only viable option available to practitioners and policy-makers. What is further characteristic for such contexts, and seemingly at odds with the very idea underlying federalism, is political centralization, often

² For a detailed discussion, cf. Helmke and Levitsky (2004). For an excellent illustration of the impact of informal institutions on the formation of formal ones, cf. Grzymala-Busse (2010).

³ Cf. McGarry and O’Leary (2009) and Kössler (2018) for a broad overview of contextual conditions that have the potential to affect the success of federal arrangements.

manifested in one-party dominance. The combination of autonomy on the one hand and political (often as well administrative and fiscal) centralism on the other, de facto alters power dependencies in federal arrangements. For any given federal arrangement, whether or not it is able to deliver on its promises depends heavily upon whether different political parties occupy the various levels of government. If, for example, a federal arrangement operates in the context of a dominant party system, it is likely that intra-party politics rather than federal institutions take precedence (Erk 2018: 358). Such constellations are very common in countries outside the West such as China, Russia, and Ethiopia that have in place some variant of federalism that serves the accommodation of their diverse societies. If we are to understand the effects of federal arrangements including the political context in our analysis becomes a necessity.

Research Design

Ethiopia as an Illustrative Example and Significant Case

In order to illustrate the consequences of federalism in the context of a dominant party system, I conduct an empirical analysis of the interplay of the formal and informal institutions in one of the world's most diverse federal countries with a history of conflict: Ethiopia. The case is an excellent empirical illustration of how formal and informal federal institutions and their interplay alter federal power relations in the context of one-party dominance. Dominant party systems are regimes that established formal democratic institutions (i.e. regular elections), but without meaningful political competition (Magaloni and Kricheli 2010; Levitsky and Way 2010). The potential pool of cases (i.e. federal regimes with dominant party systems) to which implications derived from this study may extend to include countries such as Sudan, South Africa, Malaysia, Russia, Mexico, India, China and both the Soviet Union and Yugoslavia as historic cases.

Studying cases that do not fall within the pool of Western democracies such as Australia, Canada, Switzerland and the United States are well suited to stretch our understanding of the 'origins, operation and significance' (Dickovick 2014: 555) of federal arrangements in different institutional contexts in general, and without the features of multi-party democracy in particular. Considering the increased prescription of federal arrangements (and decentralization for that matter) as readily available solutions to the accommodation of diversity in countries that precisely lack meaningful multi-party competition and instead are dominated by one party or coalition of parties makes this line of inquiry even more pertinent.

Data and Analytical Strategy

In the following sections, the basis for analysing formal federal institutions are the relevant provisions of the Ethiopian constitution from 1995. The basis for identifying and analysing informal institutions and the impact of the political context is interview data gathered during fieldwork in Ethiopia. In addition, secondary sources were used for data triangulation and to address concerns regarding reliability and validity of the findings. I conducted 13 semi-structured interviews with key experts and former or active politicians and bureaucrats with insider knowledge of the relevant institutions and processes.⁴ Interviews were conducted in the federal capital Addis Ababa (national level) and Hawassa, the regional capital of the Southern Nations, Nationalities and Peoples Region SNNPR (regional level). The aim was to conduct a balanced number of interviews with respondents belonging to one of the following predefined groups:

1. Government officials at the federal (Addis Ababa) and regional (Hawassa) level. The appointed bureaucrats and elected politicians belong to the ruling coalition or affiliate parties and are 'loyal' to the incumbent government
2. Politicians and representatives of the opposition parties, potentially taking a more critical stance
3. Experts in the field
4. NGOs, Media

Since the type of political context shapes the concrete effects of institutions, the analytical focus is on the political regime in question. Political regimes are 'the formal and informal rules and intuitions that both reflect and shape the distribution and organization of political power and that constrain to various degrees the actions of power-holders' (Waldner 2001: 11547). The advantage of an analysis of political regimes as institutional constellations enables insights into the distribution of federal power between the centre and regions through formal and informal institutions, while at the same time allowing for an additional focus on the role of party politics. It makes it further possible to shed light on both modes and practices in gaining access to and exercising of power. The subsequent regime-centred analysis of the federal arrangement in Ethiopia will focus on the following components:

1. Formal and informal mechanisms of the selection of political leaders and
2. Procedures of political representation and consultation and
3. Rules underlying political decision-making processes and the authoritative decision following from it.

⁴ Cf. Appendix A for a censored list of the interviews conducted by the author.

The interview strategy was to ask interviewees for a precise description of rules and procedures related to these components, often with additional questions related to the link between the federal arrangement and violent conflict.⁵ The answers were then contrasted to the corresponding constitutional provisions with the help of the software Nvivo to identify relevant power dependencies and how they are enacted through formal and informal institutions.

Limitations

There are limits to institutionally oriented analyses – formal and informal institutions do not determine political outcomes on their own. They can serve as parameters within which different interests compete with each other, however they cannot (or only insufficiently) explain interests, the ideas underlying them, and preferences and abilities of actors (Köllner 2013). There are also many challenges involved in analysing the impact of extraconstitutional factors in federal arrangements. The identification (and measurement) of informal institutions is probably the single biggest challenge. This article thus does not aim to present a complete analysis of informal institutions and their consequences for the distribution of power in federal arrangements. Finally, a substantial challenge inherent in studying the ways that power and institutions shape and relate to each other is dealing with the complexity and dynamic nature of those relationships (cf. Bennett et al. 2018).

Empirical Illustration: The Ethiopian Federal System

Background

Ethiopian political history is marred by ethnic inequality and exclusion. The attempt to manage diversity through the creation of a nation state along with modernization was hoped to melt the various identities into the dominant nation's identity. This attempt at nation building failed and resulted in the emergence of more than a dozen politically mobilized ethno-nationalist liberation movements during the struggle against the military regime (1974-1991). The coalition of the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) removed the military junta from power in 1991 and emerged as a dominant force since then. The coalition parties of the EPRDF dominated the period of constitutional bargaining up to the adoption of the federal constitution in 1995. The constitutionally granted right for self-determination was seen as a solution to

⁵ Cf. Appendix B for an example of the interview guide.

Ethiopia's long-standing nationality question – politically mobilized ethnic groups were empowered on the regional and local level and guaranteed fair representation in institutions at the federal level. In more detail, the federal constitution states that 'every nation, nationality and people in Ethiopia has an unconditional right to self-determination, including the right to secession' and further 'has the right to speak, to write and to develop its own language; to express, to develop and to promote its culture and to preserve its history.' It also grants the 'right to 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 the state and federal governments.' The federal states are recognized on 'the basis of settlement patterns, language, identity and consent of the people concerned.' Thus, territory is explicitly used to maximise self-rule of ethnic groups. Ethnic diversity is accommodated primarily through the provision of territorial autonomy to geographically concentrated ethnic groups. Language plays a key role for both delineating federal states and drawing internal political boundaries for the establishment of self-rule in multi-ethnic regional states.

The political context, shaped by ethnic politics and a dominant party system, is particularly pertinent to the functioning and impact of the federal arrangement. Intra-party politics of the ruling EPRDF often trumps the constitutional divisions of power. It further organically connects the central and regional level of governments (and further the regional and the local level), however not through formal channels of intergovernmental relations, but rather through ethnic politics and patronage networks (Erk 2017: 221). At first, the structure of the EPRDF – a coalition of four ethnic-based parties – seems to be conducive to an independent exercise of regional powers. However, the combination of this particular structure and a strongly centralized decision-making process constitutes an impediment on regional autonomy and independent decision-making, which will be discussed in detail in the next section.

Institutions and Power in the Ethiopian Federal Arrangement

Leadership Selection and Access to Political Power – or: 'The Party Is Everything'⁶

A critical issue in the case of Ethiopian federalism is the paradox between constitutionally granted regional autonomy and a centralized federal system in practice arising from the

⁶ Interview 9.

centralized party system dominated by the EPRDF.⁷ The country is ruled by a coalition composed of four regionally based ethnic parties, including the Oromo People's Democratic Organization (OPDO), the Amhara National Democratic Movement (ANDM), the Southern Ethiopian People's Democratic Front (SEPDF) and the Tigrayan People's Liberation Front (TPLF). The TPLF, originating from a relatively small ethnic region, continues to be the dominant player in within the EPRDF.⁸ The party has close allies and affiliate parties, which are formally independent but cannot be considered opposition parties because of their close links to the ruling party. The control of political institutions by the ruling party is not limited to the federal government but expands to the regional and even local level either directly through its member parties or indirectly through its affiliated parties (Aalen 2006: 250). One of the interviewees described this top-down control symbolically as 'the political tentacles of the government.'⁹

The way a political party is organized in the context of a dominant party system matters a great deal for the operation of a federation. It also shapes the selection of the political leadership and access to political power, including government posts. An illustrative example of the rigid and hierarchical structure of the EPRDF is the 'gem gema'.¹⁰ These politico-administrative evaluations form the basis for appointment and discharge of civil servants and government officials – this practice is at the heart of the administrative system through which the ruling party secures a powerful way of controlling affiliated party members (cf. Haggmann 2005: 524). As described by of the interviewees, 'the government makes use of this system of evaluation to maintain control over the regional states and even further down to the local level.'¹¹

The structure of the ruling party (politburo, central committee and congress) is essential for the appointment of positions while state institutions 'outside the party structure, like the national parliament, simply perform the task of window dressing (i.e. only approving nominees)' (Hailu 2014: 68). This suggests that access to power and the selection of the leadership take place

⁷ In the Ethiopian context, this structure is often referred to as the principle of 'democratic centralism'. The Leninist principle of party decision-making combines 'democracy' (the freedom of members to discuss issues), with 'centralism' (the requirement to abide by party decisions once made). Cf. Gudina (2011).

⁸ The TPFL secured its dominant position because of its key role in the defeat of the previous military regime in 1991 (Kefale 2013: 42).

⁹ Interview 2.

¹⁰ gem gema can be described as a 'collective evaluation through criticism and self-criticism' cf. Haggmann (2005: 533).

¹¹ Interview 13.

primarily within the centralized party structure (through the appointment and election of key political figures).

These power structures have serious implications for the workings of the federal arrangement. First, officials as well as politicians are dismissed based on party assessment rather than by voters from below, leading to de facto accountability to the party above all else. The concrete example of the *gem gema* – the politico-administrative evaluations for appointment and discharge of civil servants and government officials – is illustrative of a routine practice directly shaping political succession. These practices are not in open conflict with the federal arrangement; however, they create behavioural incentives serving the interest of the ruling party rather than the people, thus promoting upwards rather than downwards accountability. Self-determination is thus not as genuine as the letter and spirit of the constitution may suggest. Many government posts are appointed based on the ethnic criteria and loyalty to the party only – rather than competency and skills. Dissent – or general opposition for that matter – is not tolerated and officials as well as politicians that do not conform to the party line can comfortably be replaced using internal evaluation procedures. The capture of institutions by local elites and the appointment of regime-friendly representatives who do not advocate the interests of the wider population leads to a mismatch between group identities and political institutions. As one of the interviewees put it:

‘People in general do not feel represented anymore. The party degenerated into something apolitical, it lost the link to the people it is meant to represent. We observe political decay. As a result, or rather consequence, intended or not, ethnicity became more salient.’¹²

Representation and Consultation – Or: ‘Institutions Matter – And They Are Weak’¹³

a) House of the Federation

The upper chamber of the federation (House of the Federation, HoF) serves as representative body for the regional states.¹⁴ Instead of having a Supreme Court or Constitutional Court dealing with disputes over the division of responsibilities, the constitution empowers the HoF

¹² Interview 2.

¹³ Interview 4.

¹⁴ The HoF is not like in most other federations composed of representatives from federal units, but ‘of representatives of Nations, Nationalities and Peoples’. Each nationality has one representative plus one extra for each million of its population. The members of the HoF are entirely nominated by the legislative councils of the regions. The Constitution allows for elections, however, elections have never been organised for this purpose.

with the authority to interpret constitutional provisions.¹⁵ The competences of the HoF include, inter alia, constitutional interpretation, decisions upon issues relating to the right of self-determination, and finding solutions to disputes that may arise between states (e.g. conflict resolution). The Constitution establishes the Council of Constitutional Inquiry, composed predominantly of legal experts, to assist the HoF in determining whether constitutional interpretation is required and if so, to provide recommendations. It has further the power to investigate and order federal intervention in regional states under certain conditions¹⁶ and decides on the division of revenues derived from joint taxation sources and on federal subsidies (Fiseha 2012: 357). In contrast, the HoF has no power to check the lower chamber (House of Peoples Representatives HPR) or the executive or propose federal laws, leaving it with no law making powers.¹⁷

Looking at the record of accomplishment of the HoF regarding conflict resolution, it stands out that ‘there has not been single reported case of intergovernmental dispute’ (Fessha 2018). Regarding the interpretation of questions regarding the constitutional right to self-rule, the HoF played a more active role.¹⁸ Until recently, ‘if there was any conflict, it would be dealt with internally, through disciplinary measures within the party.’¹⁹ This essentially means that the executive was dealing with intergovernmental conflict.²⁰ The comment of one of the interviewees on this issue points to the core of the problem:

‘All institutions were meant to work under the dominance of the EPRDF – it gives directions to the HoF, the ministries, even the courts. Now we are facing a situation where the EPRDF is not hegemonic anymore – it faces challenges both internally, at its core, and externally. I do not believe the HoF is in a position to provide solutions to constitutional conflicts because in the past it was a purely partisan institution.’²¹

This addresses an important point – institutions under the current federal system are notoriously weak, precisely because of the dominant role of the party and a state-party overlap, which led

¹⁵ Cf. Fessha (2017) for an examination of the consequences of granting a political institution the responsibility to adjudicate constitutional disputes.

¹⁶ A recent example is the federal intervention in the Somali region, cf. Fessha (2018).

¹⁷ Interview 4.

¹⁸ Cf. Fiseha (2012: 448) for an illustration of the Silte case, where a referendum led to the establishment of a separate zonal structure for the Silte after seceding from the Gurage within the SNNPRS (a case of internal secession).

¹⁹ Interview 5.

²⁰ Interview 4.

²¹ Interview 1.

the party to superimpose its structures over the federal system (Ayele 2018). The consequence of the ineffectiveness of political institutions is that ‘when the party structure is taken away, they do not necessarily have the strength to survive.’²² The party intervention on all levels is evidence for the lack of institutions that can challenge the government, especially regarding checks and balances.²³ The domination of the political space by the EPRDF was described by one of my interviewees as a ‘ticking bomb’, since the leadership did not ask itself the ‘what if question, there was no strategic thinking as to what would happen if the EPRDF dominance fades away.’²⁴ The recent crisis is an illustrative example this²⁵ – for the first time, intergovernmental dispute erupted. The federal system, having to deal with intra-party dispute and dissent, was put under serious strains. As one of the interviewees described:

‘Dissent was unheard of before the recent protests, which started in 2015 and ultimately cumulated in the resignation of the former Prime Minister [Hailemariam Desalegn] in February this year [2018]. This is the first instance of intergovernmental dispute. The Oromia regional government, for example, did not stop the protests as told by the centre. It openly disobeyed the direct orders from above.’²⁶

b) Ministry of Federal Affairs

The Office of Regional Affairs (ORA) was originally designed to assist states in general and, in particular, to increase the capacity of ‘peripheral states’²⁷. However, critics argue that the true objective was in fact to reinforce their dependence on the centre. The EPRDF designated appointees responsible for the running of the regional governments, which had a particular influence in the peripheral states, and through whom it intervened in regional policy affairs and decision-making. Furthermore, the EPRDF has also deployed party officials to the regions to monitor and assist the regional governments (Fiseha 2006: 153-154). According to Young (1999: 343), ‘(...) EPRDF cadres are involved in developing the political positions of the [regional] government[s], reviewing appointments and dismissals’, leaving the impression that the individuals actually running the regions were not so much elected representatives of the

²² Interview 5.

²³ Interview 8.

²⁴ Interview 4.

²⁵ Interview 1: ‘the recent crisis shows us that institutions are not only weak, but are also only meant to work under the dominance of the EPRDF.’

²⁶ Interview 5. Also confirmed in Interview 4.

²⁷ There is a profound difference between the states of Tigray, Amhara, Oromia, SNNPRS and Harari with a much greater level of political and economic development and the remaining four states Gambella, Benishangul-Gumuz, Afar and Somali. The latter are known as ‘emerging’, ‘less developed’ or ‘peripheral states’. This de facto asymmetry left comparatively ample room for influence of the center (Fiseha 2012: 449).

people but the appointees of the federal government. In 2001, the centre-region relations were reformed. The now called Ministry of Federal Affairs' (MoFA)²⁸ primary role appears to be one of coordination; however, it is still acting as supervisor of the peripheral regions. Kefale (2013: 149) notes that '[i]n practice, the MoFA showed little change from the domineering traditions of the ORA' and '[t]he only major change (...) in the administration of the centre-regional relationships was cessation of the practice of sending the so-called advisors from the centre to the regions.' The centre-periphery relations have been heavily influenced through this practice of direct intervention in decision-making and policy affairs.

Rules Underlying Decision-Making – Or: 'The Regions Are Copycats'²⁹

The main constitutional powers and duties of the regional governments concern the formulation of economic, social and development policies as well as the preparation and approval of the annual development plans and budgets and monitoring of their implementation. As one interviewee pointed out:

'regional autonomy seems quite far-reaching at first, however at a closer look, there are many constitutional provisions guaranteeing a potential sphere of influence for the central government. The regions are relatively free to decide on cultural matters, such as language policies, however other policies such as economy, resources and finance are open for federal intervention.'³⁰

The federal government influences policymaking by regularly publishing policy documents, which frequently cover areas that are within the competence of the regional states. They originate as party documents and are then published as federal documents and subsequently discussed by party members at the federal and state level. Theoretically, members of the regional institutions would be entitled to adapt the policies but, in practice, due to the congruence of party and decision-making structures and the lack of regional expertise to bring forward alternative policies, the policies enter regional legislation unaltered (Fiseha 2006: 161-162). In consequence, most policies and development projects have been generated through the party's central decision-making apparatus.³¹ The policies drafted then become the basis of five-year plans for both the federal and state governments, leaving no room for the regions to

²⁸ In 2018, another restructuring took place where the pastoral development agenda was included into the national development agenda and included in the now-called Ministry of Federal and Pastoralist Development Affairs MoFPDA.

²⁹ Interview 13.

³⁰ Interview 5.

³¹ For more on this particular issue, cf. Fiseha (2006).

legislate. The regions ‘just copy paste whatever policy has been decided on.’³² Decisions are channelled from the centre to the regions through the party structure, which in effect means that major decisions adopted by the party’s politburo are implemented without question by regional and local governments, which are fully controlled by regional and local structures of the party (Ayele 2018).

The practice of democratic centralism throughout the federal process have resulted in institutions that are hardly separable or autonomous from the party and the centre has used the party structure to enforce its will throughout the federation, undermining regional decision-making significantly (Fiseha 2006, 2015). Strong centralization voided the federal structures of much traction, particularly visible in the decision-making processes, but more generally, in the way power is distributed and exercised.

Implications for the Consequences of the Federal Arrangement

How successful is the Ethiopian federal arrangement at alleviating ethnic conflict and accommodating diversity? How does the political context, i.e. the dominant party system, condition its success? The answers to these questions are mixed. To be sure, the federal arrangement can be considered a success in terms of preventing conflict at the national level, which in the worst case could result in the disintegration of the federation. What is more, most of the larger ethnic groups enjoy unprecedented levels of self-determination and freedom in cultural expression. However, this relative success in certain aspects should not conceal the fact that most conflicts have been shifted to the local level, ethnicity has been politicized, and many smaller ethnic groups do not have their right to self-determination realized (cf. Aalen 2006; Fiseha 2012; Kefale 2013). The centralized structure of the dominant party de facto limits regional autonomy in the aspects of leadership selection, representation and consultation, and decision-making processes, as demonstrated in the empirical illustration above. The relative and temporarily limited stability is to be accredited to the centralized control of the political sphere through the party apparatus rather than genuine regional or local autonomy and realization of self-determination for ‘nations, nationalities, and peoples’ of Ethiopia. With further steps towards an opening of the political space and further disintegration of the dominant party system, the stability of the current arrangement will be put to a test. If the hegemonic position of the EPRDF is weakening, there is no alternative institutional framework readily

³² Interview 5.

available to deal with the likely eruption of conflicts due to the merger of party and state structures.³³ This obviously puts the stability of the whole system into jeopardy. It is encouraging to see that wide-ranging reforms are being introduced³⁴ and institutional capacity building has been given priority by the new government (Ayele 2018). The reform efforts are however accompanied by the eruption of violent conflicts on the regional and local level that led to large numbers of internally displaced people.³⁵

This insight addresses one of the areas in the study of federalism where scholars have only begun to make headway and links to the general question of the relationship between democracy and federalism. More precisely, there are still no clear answers to questions about the consequences of federalism for the performance of democracy, highly relevant for cases where countries transition from autocratic to democratic rule. In other words, is democracy a precondition for the functioning of a federal arrangement? Another important question when assessing the consequences of any given federal arrangement is how it relates to development. As pointed out by one of my interviewees, horizontal inequalities between the different nations and nationalities in Ethiopia further have the potential for triggering disintegration. Equitable development, thus, should be a priority of the government.³⁶ Another interviewee made clear, however, how challenging this is:

‘There is a massive gap between objectives, aspirations, and reality. Regional economies are diverging rather than converging. So there is a mismatch between what the government promises and what it can actually implement.’³⁷

Conclusion

Whether federal arrangements are successful at managing diversity and mitigating conflict is not only dependent on institutional design. Institutions, both formal and informal, are key to understanding how power is distributed and exercised in a federal arrangement, however, their success largely depends on extraconstitutional factors such as the political context. This article

³³ Interview 2.

³⁴ <https://www.theguardian.com/world/2018/jul/08/abiy-ahmed-upending-ethiopian-politics>;
<https://www.nytimes.com/2018/09/17/world/africa/ethiopia-abiy-ahmed.html>;
https://freedomhouse.org/sites/default/files/policybrief_reform_in_ethiopia_0.pdf

³⁵ The report by the Internal Displacement Monitoring Centre IDMC from September 2018 reveals that in the first half of 2018 alone, 1.4 million new internal displacements have been reported. Cf. <http://www.internal-displacement.org/media-centres/east-africa-worst-hit-by-internal-displacement-in-first-half-of-2018>

³⁶ Interview 8.

³⁷ Interview 2.

has argued that in order to assess the consequences of federal arrangements for outcomes of interest such as inequality, democracy, and conflict, one factor in particular requires special consideration: the political context.

Federal arrangements are often introduced in turbulent times; in precedent decades, such institutional arrangements have increasingly been used to secure inter-ethnic stability for countries transitioning from conflict to peace and/or autocratic to democratic rule. These contexts differ significantly from experiences of Western federations – they generally lack multi-party democracy. The resulting combination of autonomy on the one hand and political (often as well administrative and fiscal) centralization on the other clearly alters distribution and exercise of federal power and ultimately the consequences of a federal arrangement – how exactly and to what extent however is not clearly established in current academic debates.

The Ethiopian case serves as an illustration for how both formal and informal institutions shape the distribution and exercise of power in the context of a dominant party system. What is more, it can be shown how this contextual relationship shapes the workings and consequences of the federal arrangement. The institutionally oriented analysis took the regime in question as its analytical focus. This strategy enabled insights into the distribution of autonomy between the centre and the regions by focusing on three core components: the mechanisms of leadership selection and access to political power, procedures of political representation and consultation, and rules underlying political decision-making.

The analysis suggests that extraconstitutional factors such as the party system matter a great deal – and alter the way power is distributed and exercised in a federal arrangement. The apparent merger of party and state in the case of Ethiopia means in effect that intra-party politics takes precedence over federal institutions. The House of the Federation, mandated with intergovernmental conflict resolution, is ineffective and disputes are managed through intraparty channels. Independent regional decision-making, in spite of extant constitutional provisions, is undermined through the congruence of party and decision-making structures. The politico-administrative evaluations for appointment and discharge of civil servants and government officials serves as a routine practice shaping political succession. These are only a few concrete examples of how dominant party systems interact with federal institutions and ultimately affect its ability to deliver on its promises. The created power dependencies and the way institutions function under the current system have increased overall stability in the past; however, this stability is a fragile one. It remains to be seen whether the institutions

overshadowed by the party apparatus are strong enough to perform their mandates alongside the weakening of the dominant party system. It is conceivable that if the level of congruency of the ruling party at the centre and the regional level decreases, conflict potential will increase too, with potentially dire consequences for the country's territorial integrity. First signs of instability have become evident – ethnic tensions and violence are on the rise, and the potential for escalation is high. The opening of the political space is desirable, however also causes instability without the right frameworks and institutional reforms in place.

Those findings underline the importance of expanding research on the origins and effects of federal arrangements to extraconstitutional factors and the conditional effects of institutions. The underlying pattern of power identified in the particular case of Ethiopia – political centralization under dominant party rule – is relevant for many other cases outside the club of well-advanced, industrialized federations. Moving away from a mere focus on questions of institutional design and paying due attention to factors such as the political context is key for both theorist and practitioners, as the ultimate success of a federal arrangement introduced during a transition from conflict to peace and/or autocratic to democratic rule critically and directly depends on it.

References

- Aalen, Lovise. 2006. 'Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia'. *International Journal on Minority and Group Rights* 13: 243–61.
- Ayele, Zemelak A. 2018. 'Reforming the Ethiopian Polity: Another False Dawn or a Hopeful Start?' Constitutionnet. 2018. <http://www.constitutionnet.org/news/reforming-ethiopian-polity-another-false-dawn-or-hopeful-start>.
- Bakke, Kristin M. 2015. *Decentralization and Intrastate Struggles: Chechnya, Punjab and Quebec*. New York: Cambridge University Press.
- Bennett, Abigail, Leslie Acto, Graham Epstein, Rebecca Gruby, and Mateja Nenadovic. 2018. 'Embracing Conceptual Diversity to Integrate Power and Institutional Analysis: Introducing a Relational Typology'. *International Journal of the Commons* 12 (2): 330–57.
- Brubaker, Rogers. 1996. *Nationalism Reframed: Nationhood and the National Question in the New Europe*. Cambridge: Cambridge University Press.
- Bunce, Valerie. 1999. *Subversive Institutions: The Design and the Destruction of Socialism and the State*. Cambridge: Cambridge University Press.
- Chapman, Thomas, and Philip G. Roeder. 2007. 'Partition as a Solution to Wars of Nationalism: The Importance of Institutions'. *American Political Science Review* 101 (4): 677–91.
- Cornell, Svante E. 2002. 'Autonomy as a Source of Conflict: Caucasian Conflicts on Theoretical Perspective'. *World Politics* 54 (2): 245–76.
- Dickovick, J. Tyler. 2014. 'Federalism in Africa: Origins, Operation and (In)Significance'. *Regional and Federal Studies* 24 (5): 553–70.
- Erk, Jan. 2014. 'Federalism and Decentralization in Sub-Saharan Africa: Five Patterns of Evolution'. *Regional and Federal Studies* 24 (5): 535–52.
- . 2017. "'Nations, Nationalities, and Peoples": The Ethnopolitics of Ethnofederalism in Ethiopia'. *Ethnopolitics* 16 (3): 219–31.
- . 2018. 'Comparative Territorial Politics in Sub-Saharan Africa'. In *Handbook of Territorial Politics*, edited by Klaus Detterbeck and Eve Hepburn, 354–70. Edward Elgar.
- Erk, Jan, and Lawrence Anderson. 2009. 'The Paradox of Federalism: Does Self-Rule Accommodate or Exacerbate Ethnic Divisions?' *Regional & Federal Studies* 19 (2): 191–202.
- Fessha, Yonatan Tesfaye. 2017. 'The Original Sin of Ethiopian Federalism'. *Ethnopolitics* 16 (3): 232–45.
- . 2018. 'Secessionism, Federalism and Constitutionalism in Ethiopia'. *Verfassungsblog*. 2018. <https://verfassungsblog.de/secessionism-federalism-and-constitutionalism-in-ethiopia/>.
- Fiseha, Assefa. 2006. 'Theory versus Practice in the Implementation of Ethiopia's Ethnic Federalism'. In *Ethnic Federalism: The Ethiopian Experience in Comparative Perspective*, edited by David Turton, 131–64. Oxford: James Currey.
- . 2012. 'Ethiopia's Experiment in Accommodating Diversity: 20 Years' Balance Sheet'.

Regional and Federal Studies 22 (4): 435–73.

- Grzymala-Busse, Anna. 2010. 'The Best Laid Plans: The Impact of Informal Rules on Formal Institutions in Transitional Regimes'. *Studies in Comparative International Development* 45: 311–33.
- Gudina, Merera. 2011. 'Elections and Democratization in Ethiopia, 1991-2010'. *Journal of Eastern African Studies* 5 (4): 664–80.
- Gurr, Ted Robert. 1994. 'Peoples Against States: Ethnopolitical Conflict and the Changing World System: 1994 Presidential Address'. *International Studies Quarterly* 38 (3): 347–77.
- Hagmann, Tobias. 2005. 'Beyond Clannishness and Colonialism: Understanding Political Disorder in Ethiopia's Somali Region, 1991-2004'. *Journal of Modern African Studies* 43 (4): 509–36.
- Hailu, Seife. 2014. "'Is the Ethiopian People's Revolutionary Democratic Front Rule Sustainable in Ethiopia?'" A Critical Reflection'. *Public Policy and Administration Research* 4 (11): 64–71.
- Hannum, Hurst. 1996. *Sovereignty and Self-Determination: The Accommodation of Conflicting Rights*. Philadelphia: University of Pennsylvania Press.
- Hechter, Michael. 2000. *Containing Nationalism*. Oxford: Oxford University Press.
- Helmke, Gretchen, and Steven Levitsky. 2004. 'Informal Institutions and Comparative Politics: A Research Agenda'. *Perspectives on Politics* 2 (04): 725–40.
- Kaufmann, Chaim. 1996. 'Possible and Impossible Solutions to Ethnic Civil Wars'. *International Security* 20 (4): 136–75.
- Kefale, Asnake. 2013. *Federalism and Ethnic Conflict in Ethiopia: A Comparative Regional Study*. New York: Routledge.
- Köllner, Patrick. 2013. 'Informal Institutions in Autocracies: Analytical Perspectives and the Case of the Chinese Communist Party'. 232. *GIGA Working Papers*.
- Kössler, Karl. 2018. 'Governing Divided Societies through Territorial Autonomy? From (Too) Great Expectations to a Contextualist View'. *Journal of Ethnic Studies* 81: 21–41.
- Kymlicka, Will. 1998. 'Is Federalism a Viable Alternative to Secession?' In *Theories of Secession*, edited by Percy B. Lehning, 109–48. London: Routledge.
- Levitsky, Steven, and Lucan A. Way. 2010. *Competitive Authoritarianism: Hybrid Regimes after the Cold War (Problems of International Politics)*. Cambridge: Cambridge University Press.
- Lijphart, Arend. 1977. *Democracy in Plural Societies: A Comparative Exploration*. *World Politics*. New Haven: Yale University Press.
- Magaloni, Beatriz, and Ruth Kricheli. 2010. 'Political Order and One-Party Rule'. *Annual Review of Political Science* 13: 123–43.
- McGarry, John, and Brendan O'Leary. 2009. 'Must Pluri-National Federations Fail?' *Ethnopolitics* 8 (1): 5–25.
- Nordquist, Kjell-Ake. 1998. 'Autonomy as a Conflict-Solving Mechanism'. In *Autonomy: Applications and Implications*, edited by Markku Suksi, 59–77. The Hague: Kluwer Law International.

- North, Douglass C. 1990. *Institutions, Institutional Change, and Economic Performance*. New York: Cambridge University Press.
- Roeder, Philip G. 2007. *Where Nation-States Come From: Institutional Change in the Age of Nationalism*. Princeton: Princeton University Press.
- Schedler, Andreas. 2009. 'The New Institutionalism in the Study of Authoritarian Regimes'. *Totalitarianism and Democracy* 6 (2): 323–40.
- Simison, Emilia, and Daniel Ziblatt. 2018. 'The Power and Limits of Federalism'. In *A Research Agenda for New Institutional Economics*, edited by Claude Menard and Mary M. Shirley, 27–33. Cheltenham: Edward Elgar.
- Snyder, Jack. 2000. *From Voting to Violence: Democratization and Nationalist Conflict*. New York: Norton.
- Waldner, David. 2001. 'Policy History: Regimes'. In *International Encyclopedia of the Social & Behavioral Sciences*, edited by N.J. Smelser and P.B. Baltes, 11547–53. Oxford: Elsevier.
- Watts, Ronald L. 1998. 'Federalism, Federal Political Systems, and Federations'. *Annual Review of Political Science*, no. 1: 117–37.
- Wolff, Stefan. 2013. 'Conflict Management in Divided Societies: The Many Uses of Territorial Self-Governance'. *International Journal on Minority and Group Rights* 20 (1): 27–50.
- Young, John. 1999. 'Along Ethiopia's Western Frontier: Gambella and Benishangul in Transition'. *The Journal of Modern African Studies* 37 (2): 321–46.

Appendix A. Censored List of Interviews

Leading Experts

- Interview 1 Expert, Addis Ababa University, Department of Political Science, Addis Ababa, 14.8.18
- Interview 2 Expert, Addis Ababa University, Development & Public Policies, Addis Ababa, 15.8.18
- Interview 3 Expert, Addis Ababa University, Institute for Ethiopian Studies, Addis Ababa, 15.8.18
- Interview 4 Expert, Addis Ababa University, Peace and Security Studies IPSS, Addis Ababa, 17.8.18
- Interview 5 Expert, Addis Ababa University, Federal and Governance Studies, Addis Ababa, 17.8.18
- Interview 6 Expert, Justice Professionals Training and Legal Research Institute, Hawassa, 27.8.18

Politicians and Officials (Former and Active)

- Interview 7 Leading member of the opposition, Oromo Federal Congress, Addis Ababa, 21.8.18
- Interview 8 Former Secretary General of the House of Federation, Addis Ababa, 22.8.18
- Interview 9 Representative of the Speaker's Office, Regional Council SNNPRS, Hawassa, 28.8.18
- Interview 10 Speaker of the Upper House, Regional Council SNNPRS, Hawassa, 28.8.18
- Interview 11 Member of Conflict Resolution Commission, Regional Council SNNPRS, Hawassa, 28.9.18
- Interview 12 Former State Minister of Federal Affairs, Addis Ababa, 29.8.18
- Interview 13 Former Member of Parliament, Coalition for Unity and Democracy, Addis Ababa, 29.8.18

NGOs

- Interview 14 Solidarity Movement for a New Ethiopia SMNE, Hawassa (phone interview), 27.8.18

Varia

Various informal and 'off the record' conversations.

Appendix B. Example of Interview Guide

Questions Related To Intergovernmental Relations

- What are the mechanisms of intergovernmental relations between the centre and the regions?
- What are the mechanisms of intergovernmental relations between the regions?
- How would you describe the relationship between the federal and regional institutions?
- What is the role of parties in intergovernmental relations?
- In case there is intergovernmental dispute,
 - How are disputes usually resolved?
 - What actors are typically involved?

Questions Related To Decision-Making

- What are the most important actors involved in the decision-making process?
- Are there any constraints on regional decision-making?
 - Can you name a concrete (policy) example?
 - Are there differences between regions?
- What are the consequences of such constraints?

Questions Related To Violent Conflict

- What are the basic causes and consequences of regional and local violent conflict?
- If there is an outbreak of violence on the regional or local level, what is the role of federal and regional governmental institutions?
- What measures have been taken avoid future conflict?