

State Constitutions in Federal Ethiopia: A Preliminary Observation

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Tsegaye Regassa
Lecturer, Law Faculty, Ethiopian Civil Service College
Addis Ababa.
Researcher, Law Faculty, University of Amsterdam
Amsterdam.

I. General: Of Ethiopia and its Federal Constitution

For almost a decade now, Ethiopia has been, and is, a “Federal Democratic Republic”. The new Constitution of 1995 had explicitly declared Ethiopia to be a federal polity with nine states that constitute the federation. The move to the adoption of constitutional federalism was only a culmination of the process of decentralization that was taking place since 1991 that was ushered in after the fall of the military regime. The ethno-nationalist liberation movements that forced the military regime out of power had already negotiated a Transitional Charter that helped establish 14 “self-governing regions” of “nations, nationalities, and peoples”. These regions, which also had the right to self-determination, had areas of competence that were juxtaposed along side that of the then Central government. Thus from 1991 to 1995, Ethiopia was gradually evolving to a full-fledged federal system as it was also experiencing a decentralization that bordered federal non-centralization. The interest in federalism among the constitution makers of Ethiopia was a reaction to and a result, at a time, of a long history of centralist tendency that was pursued stringently particularly during the military rule since 1974 up until 1991.

The 1995 constitution, which established the country as a federation of multi-ethnic nation, identified nine states as the sub-national entities that constitute the Ethiopian federation. Because of the ethno-linguistic nature of the basis of state formation (i.e., because “language, identity, settlement pattern, and consent of the people concerned” are the bases on which state borders are delimited as per article 46(2) of the constitution), Ethiopia’s has been viewed by many commentators as “ethnic” or “ethnical” federalism (Mattei, 1995; Regassa 2001). Some have even gone further to characterize it as “tribal” federalism (Haile 1996 and 1997). [It is important to note that Ethiopia is a country that is a host to over 70 ethnic groups whose relationships have not always been even.]

The *ethnic diversity* notwithstanding, the historic Ethiopian state has always been centralist. The principal mode of managing problems of multi-ethnicity tilts towards assimilation into one dominant culture. Thus for centuries, the Ethiopian state was a monolingual, mono-confessional and mono-cultural entity with an extremely multilingual, multi-confessional and multicultural society in the background. The problem of ethno-national groups as a problem is either denied or suppressed. In deed as a prominent scholar of Ethiopia has noted, ethnicity, or the “national question” as it is called among some scholars, was a taboo (Markakis 2003).

The pursuit of homogenization as an effective safeguard for maintaining the unity and territorial integrity of the country was viewed as too oppressive to a host of forces that later launched a liberation struggle since the 1960’s until they eventually succeeded in

toppling down the last of centralist governments in Ethiopia's modern history and negotiated among themselves an apparently ethnic-sensitive Transitional Charter which served as an interim constitution from 1991 to 1995. True to their liberationist rhetoric of right of nations to self-determination, the ethno-nationalist makers of the Charter, who also influenced the making of the 1995 constitution, made it clear that federalism or its variant which can guarantee sub-national autonomy of a sort is the only way forward for Ethiopia's politics. Thus by the time the Federal Constitution was drafted and debated in 1993 and 1994, the principle of self-determination was already in the mainstream.

The *1995 Federal Constitution* was a compact document with a notable degree of clarity and simplicity. It is a document of 106 articles contained in ten major chapters. The "Nations, Nationalities, and Peoples" arrogate to themselves the privilege of being makers of the constitution. Principles of rule of law, self-determination, popular (or ethnic) sovereignty, inter-ethnic and inter-religious equality, and gender equality are high in the list of priorities. Moreover, the principles of constitutional supremacy, of respect for fundamental rights and freedoms, of secularism, and of accountability and transparency of government are stipulated as the basic principles of the constitution (Articles 8-12).

The federal constitution's *supreme* status in the hierarchy of laws in the country gave it a special place as the basic norm to which all decisions, acts and practices are compelled to conform. Also, the fact that power is held and exercised only in accordance with the constitution reinforced the notion that the source of legitimacy should be law, and continued the general 20th century trend towards *constitutionalism*, thereby ruling out the traditional sources of legitimacy in Ethiopia namely, religion and force. The principle of sanctity of *human rights* and freedoms is further elaborated by the incorporation of a host of rights in 31 articles (Articles 13-44). Classical civil liberties of individual rights (which impose negative duties on states) and economic and socio-cultural rights (which impose the more cumbersome positive duties) are all recognized. Right to peace, development and environment, too, are granted constitutional recognition. *Group rights* (or collective rights as they are also known) are stressed. Thus the right of ethno-national communities to self-determination (political, cultural, as well as economic) is rather gratuitously recognized. Ethno-national communities in Ethiopia not only have the right to promote their cultures, develop their languages, preserve their identity and history, they also have the right to "a full measure of self-governance" and even the right to secede from the Ethiopian polity (Article 39).

The federal constitution established a parliamentary system of government with the *House of Peoples' Representatives* (HPR) as the supreme political organ in the country. The HPR is a legislature whose members are elected for a term of five years. As such, it is the institution which enjoys the decisional, control and representative powers of legislatures elsewhere. The Upper House, called the *House of Federation* (HOF), is a representative organ whose members are representatives of each "Nation, Nationality, and People". Its main task is constitutional interpretation (Article 62). It has little part in the law-making process. Although it was meant to be a counter-majoritarian institution to balance against the majoritarianism in the HPR and to protect minorities that could be left

defenseless in the face of “blunt” democracy, it hardly could serve that role, primarily because it hardly involves in law-making and secondarily because, in its composition, it replicates the situation in the HPR. Although each ethnic group has one member in the HOF, those who have extra one million will have additional one member. Consequently, the numerically dominant ethnic groups, which dominate the HPR, dominate the HOF as well. The HOF plays an important role in the determination of allocation of revenues jointly raised by the states and the federal government by acting jointly with the HPR. In its task of constitutional interpretation, it is assisted by an expert body called *Council of Constitutional Inquiry* (CCI), which examines each case upon which constitutional interpretation is requested and submits its recommendations to the HOF, which then makes a final binding decision upon cases (Article 84). The decision thus given is considered law to be applied to similar cases that arise in the future. (Two proclamation issued in 2001 clarify the procedures for disposition of cases of constitutional dispute and establish the binding nature of the decision of the HOF on similar future cases thereby introducing the precedent system in a country of mainly civilian legal tradition. [See Proclamation no. 250/2001 and Proclamation no. 251/2001 for details.])

The constitution also recognized the establishment of an independent *judiciary* with the Federal Supreme Court at the top of a three tier judicial hierarchy. Although the courts are free to decide over all justiciable cases including those in which constitutional rights of citizens stand tall, they have an equivocal position with regard to the power to interpret the constitution as the ultimate interpretive power is explicitly given to the HOF. In deed over the years, much to the consternation of legal professionals (both on the bench and on the bar), the practice has made it clear that there is arguably no judicial review of legislative acts for constitutionality in Ethiopia. The constitution also recognizes the establishment of three tier *state courts* who also exercise delegated jurisdiction over federal matters (See Articles 78-81). Besides, adjudication by religious and customary courts is recognized (Article 34 (5) cum Article 78(5)). A three-tier Federal Islamic court whose jurisdiction is established by the consent of the parties is also recognized.

The federal *executive* is composed of the Prime Minister and the Council of Ministers along with a ceremonial *President*. The Prime Minister is elected by the parliament i.e., the HPR. The president is elected by a two-thirds majority vote of the joint session of the HPR and the HOF (Article 70 (20)). The real executive power rests with the Prime Minister and his cabinet. [Rather striking in the intensely ethnic sensitive context of Ethiopia’s politics is the absence of a provision that explicitly deals with power sharing in the executive.] It is also interesting that one of the 21(?) ministries in Ethiopia is the Ministry of Federal Affairs [established in 2001?] (which is entrusted with the task of managing interstate and inter-governmental relations).

Furthermore, the Constitution envisaged the establishment of other Constitutional institutions such as the Human Rights Commission, the Institution of the Ombudsman, the Census Commission, the office of the Auditor General and the National Electoral Board. Legislations to lay down the specifics of the operation of the Human Rights Commission and the Ombudsman have also been formally promulgated by parliament in

2000(Proclamations 210/2000 and 211/2000) although these institutions have not started operating as yet.

Ethiopia's is a *rigid constitution*. The mode of amendment is complex. Amendment to the human rights chapter of the constitution can be introduced only when all state legislatures approve the proposed amendment; and when the HPR and the HOF, each voting on its own, approve the proposed amendment with a two-thirds majority vote (Article 105(1)). Other provisions can be amended if six of the nine states approve the proposed amendment and if the joint session of the HOF and HPR approves the amendment with a two-thirds majority vote (Article 105(2)).

Inter-governmental relations (i.e., the relationships between the federal government and the states) are fairly regulated by the federal constitution. The constitution explicitly lists down the federal powers, the state powers, concurrent powers, and leaves residual powers to the states (See Articles 51-52). The principle of mutual respect (between federal and state governments) is explicitly stated. Mutual non-interference in one another's affairs (and thus in matters that is exclusively under the jurisdictional competence of each other) is recognized (See Article 50(8)). Interstate equality in terms of rights and powers is clearly stipulated in Article 47(4) which reads as follows: "Member States of the Federal Democratic Republic of Ethiopia have equal rights and powers." The fact that the states have legislative, executive, and judicial competence is readily recognized (Article 50(2)). But because there is no explicit recognition of the principle of federal supremacy (or paramountcy) with regard to laws, the status of the federal proclamations in the states is rather difficult to tell.

The powers traditionally granted to federal governments such as those over foreign relations, national defense, inter-state commerce, currency, immigration, communication, inter-state water resources, etc are listed as *federal powers*. The list of matters over which the federal government has competence is a long one especially when compared to that of the states. But *states* are also granted, among others, the *power/liberty* to "enact" their constitution, to administer land and other natural resources, to levy taxes and duties on revenue sources reserved for the states [which are not many], to enact and enforce state civil service laws, and to establish state police force and to administer it. (See Articles 51-52.)

II. Of the Federation

Ethiopia's is a *devolutionary federalism*. But because of the sovereignty that was arrogated to ethnic groups for a short while prior to the adoption of the constitution, one might argue that Ethiopia's was hazily aggregative or integrative. Nonetheless, the fact that the country made a departure from a strong unitary past, which was in place at least for over a century, one can have no hesitation in reckoning the move to federalism as a move to devolution and consequent federal non-centralization. Hence one can surmise that Ethiopia's is more a "holding together" federalism than a "coming together" federalism (Stepan 1999). The accent put on ethnic sovereignty and the right of ethno-national communities to self-determination including secession in the text of the federal

constitution makes contemporary Ethiopia a composite of nine ethno-national states. The pattern followed for state formation is generally ethno-linguistic (Articles 46 and 48). The nine states thus established are: 1.Afar; 2.Amhara; 3.Benishangul/Gumuz; 4.Gambella; 5.Harari; 6.Oromia; 7.Somalia; 8.Southern Nations, Nationalities, and Peoples' State (SNNPRS); and 9.Tigray.

According to the text of the constitution, the states are called "*States*" although the term "*Regional State*" is also used as an infrequent variant. In practice, most political and legal actors frequent referring to them as "Regions". The latter term is understandably carried over from the name used to refer to the sub-national units during the Transitional Period (from 1991-1995).

Although the states have an ethnic configuration, none of them are totally homogeneous. Some are even extremely *heterogeneous*. The SNNPRS, having around 56 different groups, is so diverse and so complex that one is prompted to think of a form of "federation with in a federation". Benishangul/Gumuz and Gambella have 4-5 ethnic groups within their territory. Afar, Somali, and Oromia, which to many observers seem to be homogeneous also have pockets of non- Afar, non-Somali, and non-Oromo in their territory. Tigray, another state viewed as entirely homogeneous by many, is also a composite of the dominant Tigray, the Erob and the Kunama. The Amhara State has the Agaw, the Oromo and other minorities in addition to the dominant Amhara. The Harari State has a large number (conservatively estimated to be over 50% of the total) of Oromo inhabitants thereby necessitating the formation of a coalition (of consociational) government at the state level. In this way, Ethiopia's constitution makers have tried, or so they claimed, to forge a type of multi-ethnic federation.

The *working language* at the federal level is Amharic although all languages are declared equal. States have the liberty to choose their own working languages within their own territory. Thus Tigray has chosen Tigrigna; Oromia has chosen Oromiffa; Somalia has chosen Somali; Harari has chosen Harari, Oromiffa and Amharic. Afar has chosen Amharic in pro tem, until its own Afar language is developed in its script form to effectively meet the needs of the bureaucracy. Benshangul/Gumuz, Gambella and SNNPRS have chosen Amharic as their working language at the state level primarily because Amharic is more neutral to all of the diverse groups inhabiting their states. In all of these states ethnic groups are free to use their own languages in schools, local councils, courts, administration and of course in their dealings with the federal government. (It's important to note that every ethnic group has the right to self-governance (Article 39) and as a result have the right to institute its own local government in its territory where, among other things, it can use its language.)

As has been hinted at earlier on, *the states have equal power and rights* irrespective of the glaring numerical or economic disparity among them. (It is important to note that the economic and population size of the regions is very uneven.) This is perhaps because the makers have intended to redeem a past that has been riddled with inter-ethnic discrimination, oppression, and marginalization. Whether that objective is attained or not

is of course a matter that is largely dependent on the trend the political and legal practice takes and on how far that practice conforms to the text of the constitution.

The above, it is hoped, describes some of the features of the Ethiopian federal system in a more general and fragmented manner. In addition to the more general features that characterize federal polities anywhere, Ethiopia's has some *peculiar features* such as: the use of ethnicity to determine the state boundaries; the arrogation of sovereignty [albeit arguably only internal] to ethnic groups; the explicit guarantee of the right of secession to sub-national entities; the fact that the Upper House, i.e., the HOF, has little part in lawmaking in addition to its being less counter-majoritarian; the absence of judicial review power; and the lack of an explicit provision to establish the principle of federal supremacy and the consequent confusion in the hierarchy of laws; etc. These distinctive features are viewed by some as factors accentuating the delicacy and fragility of the federal union while also being considered by others as innovations in constitutional design.

The major *challenges* the Ethiopian "brand" of federalism has posed to legal and political actors in contemporary Ethiopia include: a) the threat of secession and internal fragmentation; b) managing extreme inter-state imbalances; c) the task of state-building especially in the economically impoverished and historically underserved states; d) power-sharing in the executive offices; e) choice of capital cities (both at the federal level and at the state level); f) the quest for having more than one working languages at the federal level; and g) the promotion of a uniform human rights standard in the face of an intensely pluralized legal system (Regassa 2002). In the face of a progressively centralizing federal state (which has recently promulgated the highly obtrusive Federal Intervention Act of 2003) the challenge of maintaining state autonomy and ensuring self-rule at the state level is a yet other challenge that constitutional lawyers and political actors have to reckon with.

II. Of State Constitutions

All of the nine states in Ethiopia have their own constitutions. Most of them had it in force since 1995 although the state of Afar formally adopted its constitution only in 1998. The fact that they have their own constitution is not only in line with the principle of self-rule inherent in federalism, but also had a root in the federal constitution itself which explicitly recognized the right of the states to make and implement their own constitution. Thus according to Article 52(2)(b) of the federal constitution, "*States shall have the ...power to enact and execute the State constitution and other laws.*" Although the states have already had the experience of having to make and execute laws in their own territory during the pre-constitutional times of the Transitional Period, they came to enjoy establishing their own constitution only after the adoption of the federal constitution.

In their **making**, most of the state constitutions hardly had an elaborate procedure. Unlike the federal Constitution, which had to pass through the conventional stages of *drafting* [by a drafting commission established by law], *deliberation* [by the public and later in the

Constitutional Assembly] and *adoption* [by the Constitutional Assembly], the state constitutions were simply adopted by the state legislatures after being drafted by the legal standing committees of the respective states. According to the preambles of most of the constitutions, the makers are “We the people of...” or as in the case of multi-ethnic states as SNNPRS, “ We the Nations, Nationalities and Peoples of....”

In **size**, most of these constitutions are very compact, clear and precise. Most of them, in their old version (i.e., before most of them were revised in 2001), were shorter than the federal constitution. Thus the constitution of Afar had 98 articles. That of Amhara and Oromia had 101 articles. Benshangul/Gumuz had 99; Gambella had 101; Harari had 42 articles. (Harari’s was strikingly the shortest.) SNNPRS had 102 articles; Somali had 96 articles; Tigray had 100 articles. After the revision in 2001, most have come to have a longer text than the one that had been in operation until then. Thus, SNNPRS came to have 128 article, by far the longest so far. Oromia’s has moved up to 113. Amhara has a text of 119 articles. Somalia’s has 115. Most others, e.g. Gambella, Harari, and Benshangul/Gumuz, have not finalized the revision or have not promulgated the revised version as a result of which the official version could not be made available to the public yet. It is very striking that before the revision in 2001, all of the constitutional texts were shorter than the federal constitution whereas all of them, or at least all of those that are finalized, are longer than the federal constitution. It is also interesting that after the revision, there started for differences to be seen among the state constitutions. The difference can be explained by the fact that the constitution designers were now taking more and more of the specific local situations into account as they rewrote their constitutions.

In **form**, both in the legal/political vocabulary used and in the drafting techniques and styles, there was similarity not only between the state constitutions and the federal constitution but also among the state constitutions themselves. The usual pattern is that the preamble comes first, to be followed by general provisions, to be further followed by provisions pertaining to basic principles, human rights, state organs (Legislature, Executive, Judiciary), local government, policy objectives, amendment, etc. The glaring exception is the case of Harari, which doesn’t follow this pattern perhaps owing to its uniqueness in many respects. (This similarity might have resulted from the fact that most states used a model draft prepared by the then States’ Affairs Desk of the Office of the Federal Prime Minister.)

In **function**, the state constitutions in Ethiopia are not much different from their equivalents in other federal system. It is generally established that the function of state constitutions is 1) to allocate power among state organs and power centers; 2) to limit powers of government; 3) and to guarantee protection for rights of citizens (See for example Marks and Cooper 1988). In Ethiopia, on top of these general functions, the state constitutions serve as a symbol of local or sub-national sovereignty. Moreover, they also regulate and guide the behavior of state governments. Mostly state constitutions have also served to reaffirm state powers enumerated in the federal constitution and to further articulate them in a way that concretely fits the local situation. Further, State constitutions have also helped to make a clear division of powers between state governments and local

governments. The human rights provisions also help see the limits to the power of state governments. It is interesting to note that some of the state governments used their constitutions in order to argue for preservation of state autonomy, which they felt was threatened by the Federal Intervention Act of 2003.

The constitutions enjoy **supremacy** in the hierarchy of laws in the states. Their relation vis-à-vis ordinary federal law (issued by the federal parliament) is not clear yet because of the fact that the principle of federal supremacy is not spelt out. Nevertheless, because not many people were aware of their being in operation, it wasn't usual to see legal arguments framed on the basis of their texts. Consequently, for the large part, state constitutions have been documents invoked rather ceremonially to conduct the rituals of state politics such as nomination and appointment of state officials, inauguration of the state parliaments' annual "business", etc, etc. That said, however, the constitutions are used routinely to regulate the relations between the various organs of state or to guide the behavior of various state and local governmental institutions. (The fact that, to date, there is no Law School that offers courses in State Constitutional Law and that there is little publicity given to state constitutions [None of the civic education books of grade schools make reference to the state constitutions, for instance] is a cause for their languishing under oblivion except among a few state politicians and legal actors.)

In their **content**, most are similar. The human rights provisions of most are also similar, sometimes even identical, to those of the federal constitution. The earlier chapters deal with things relating to nomenclature of the states, flags, anthem and emblems, etc. Almost all of them restate the basic principles of the federal constitution including the principles of secularism even when they are a state almost exclusively of Muslim inhabitants (e.g. Afar, Somalia). Of course, they all recognize, also in consonance with the federal constitution, the application of religious and customary laws on matters pertaining to family and personal law as a result of which Sharia (both the law and the court) is operative in almost all of the states.

Most all constitutions deal with the *powers and organizational set up of the local governments (Zones, Wereda, and Special Wereda, etc)* after restating the stipulations of the federal government regarding the powers of the state governments. The provisions on state and local government powers are more detailed and extensive than the federal constitution—although one cannot gainsay the fact that even the latter does explicitly recognize local government at the Wereda level. Thus one can easily gather that, among others, the legislative, executive and judicial powers of the local government are stated with a degree of detail and comprehensiveness in all state constitutions. Because there was almost no separation of powers between the state level legislatures and executives in the pre-2001 times, there weren't many provisions devoted to the state executive. Also, because the extent of ethnic heterogeneity varied from state to state and because, as a consequence of the recognition of the right of each ethnic group to have self-governance at least at the local level, the SNNPRS had to have larger number of provisions dealing with local government and the relationships between local and state governments.

In the states, the legislatures, called “*State Councils*” invariably, were the supreme political organs. The speakers of the Councils were also the *Presidents* (the equivalents of State Governors of the USA) of the states. These presidents and the other members of the state executive, called “*Executive Committee*”, are elected by the council of which they are already members by virtue of popular election every five years. The councils, of course, have the decisional, representative and control powers at the state level. But the fact that the president is also the Speaker and chairperson of the Council made it difficult to keep the executive accountable to the Council. (It is interesting that one of the reasons given to justify the revision of the constitutions in the states in 2001 was that there was no healthy separation of powers that can help ensure accountability in the states.)

Besides, in all states the legislature was the ultimate interpreter of the state constitutions. In its act of *constitutional interpretation*, it was to be assisted by the state Council for Constitutional Inquiry, a council of notable legal experts who examine cases of constitutional disputes and send their recommendations to the legislative councils. Moreover, because it was a *unicameral legislature* (except in Harari state), there was no mechanism to ensure protection of minorities through a counter-majoritarian Upper House—especially in the face of the fact that judicial review power is denied the courts. This resulted in a continual call for constitutional amendment especially in the heterogeneous state of the SNNPRS.

All the state constitutions in Ethiopia are generally *rigid*. They have a complex mode of formal amendment. (Perhaps this will induce informal amendment mechanisms, which tends to develop through a practice that may deviate from, or ignore the specific details of, a constitutional provision.)

The **constitutional revision** process that took place in 2001 did not follow the amendment procedure set out in the state constitutions. [In most of them amendment is supposedly to be effected only if the proposed amendment is approved by three-fourths majority vote of the legislature. The procedure for initiating an amendment (by whom, when, how) is not provided for. It appeared like all amendment was expected to be initiated in the state parliaments.] The federal government, particularly the office of the Prime Minister, prompted the massive revision. Consequently, we now have separation of powers in the states. Thus, the presidents of the states are no more speakers of the Council. Speakers are elected from the Council. The Presidents nominate their cabinet members from within the council or from without and seek approval by the councils. In SNNPRS the council has become bi-cameral thereby creating an analog of the HOF within the state. The second house, called “House of Nationalities”(HON) is composed of members representing ethnic groups albeit unevenly. Its major task is constitutional interpretation. In other states, a separate institution, called “Constitutional Interpretation Commission”, has been constitutionally established. In all of the states these interpretive institutions are assisted by the Constitutional Inquiry Council of the states.

As a result of the revision, another layer of local government is recognized. Normally, the Wereda government was the level of government that existed next to the state government. After the revision, the existence of *zonal government*, an intermediary

between state and Wereda government, was recognized. This level of government is especially important in the heterogeneous states such as SNNPRS to contain the intra-state inter-ethnic competition with regard to self-rule at the local level. In Amhara state, a peculiar local administrative unit, roughly translated as “*Administrative Unit of Nationalities*”, is established apparently to protect minorities and allow self-rule rights to them (Articles 45 and 71-80).

Also, the revision made the constitutions even more rigid than they used to be. In some, it is almost impossible to amend the constitutions. But because the procedures for formal amendment vary from state to state, and it appears that this is the area at which the states came to have the largest difference.

State constitutions’ closeness to the local has forced the issue of **minorities** upon them. Although the protection of minorities is enunciated clearly and boldly in the federal constitution (for example in Article 39 but also in various parts through out the constitution), it has become gradually clear that the state constitutions can be the locus of innovation by drawing out the specific concrete methods and approaches to handling inter-ethnic competitions and the consequent tensions. While all ethnic groups, whether minorities or otherwise, are granted the right to self-determination (ranging from local self-rule to the right of state formation and even secession) under the federal constitution, it is in the state constitutions that the procedures for exercising these rights are clearly laid down*. The creation of the category of “Zones” as a form of local government and “Special Wereda” for minority ethnic groups in the SNNPRS; and of the “Administrative Unit of Nationalities” in Amhara state for purposes of ensuring minority self-rule in the state are only examples of matters over which state constitutions could help articulate in a manner that is relevant to the immediate context. (It is also hoped that some of the issues that have come to the attention of the interpretive institutions of the federal constitution over the years can be heard in the interpretive institutions of the states.)

IV. Conclusion

By way of a recap, let it be restated that Ethiopia is a country of devolutionary federalism with nine states as its members. The states, the sub-national units of the Ethiopian federation, have their own constitutions. These constitutions establish the organs of state and regulate their relationships. They also reaffirm the powers of state vis-à-vis the federal government as well as fundamental rights and freedoms of citizens. It is also noted that they serve as a symbol of sovereignty. All of these constitutions enjoy supremacy in the states. Most were shorter in length than the federal constitution until a revision in 2001 made them longer. As has been hinted at at different places above, most are similar to the federal constitution in form, in drafting techniques and in style. They also tended to be similar to each other in many respects other than form. But there are also areas where they differ both from each other and from the federal constitution.

FINALLY: It is fair to say that states in Ethiopia enjoy a degree of autonomy. This can be clearly seen from the textual fact that sub-national entities are entitled to their right of self-determination in all its forms. Consequently, they have an “internal” sovereignty that

entitles them to a full-measure of self-governance. The state constitutions that are put in place since 1995 are instrumental in ensuring this self-government (which is also part of the federal principle of self-rule and shared rule) of which they are also a symbol. These constitutions have helped the states to reaffirm their power as inscribed in the federal constitution. They have also helped states design diverse forms of local government with ways of dealing with local ethnic diversity. Furthermore these constitutions have helped articulate the specific ways of holding state governments accountable by adopting the principle of separation of powers. By restating the human rights values that are also granted an elevated position in the federal constitution, they have made it possible for citizens to claim their rights at least at two levels.

Nevertheless, the delicate balance that has to be maintained between state autonomy and federal union is far from being completely established in Ethiopia. The fact that an ever centralizing government is in power at the federal level and the fact that the states, owing to low level of economic development, depend much on the federal government resources has made it unclear as to how far the federalism has managed to strike a fair balance between state autonomy and the need to preserve unity of the polity. As Andreas Eshete (2003) has aptly observed recently, states' dependence on federal finance and absence of political party pluralism [save for the small opposition parties that contend with the dominant coalition of ethnic parties, EPRDF] make it difficult to assess the success or failure of Ethiopia's "experiment" with ethnic federalism.

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