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Policy Studies Institute (PSI)

Federalism and Diversity Management Policy Studies Center

# **FDRE Constitution after three decades: Inquiring into whether and what to amend**

**A RESEARCH REPORT**

**October, 2022**

**Addis Ababa**

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## EXECUTIVE SUMMARY

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### **I. Purpose of the study & Methodology**

Since its adoption in 1994, the Constitution of Ethiopia has been a controversial document and it has been subjected to serious criticism both from within academic circles and from a wide range of political parties. The main criticism has been directed at, what we will call in this study, the “ethnic provisions” of the Constitution: the provisions that constitutionalize the recognition and institutional entrenchment of Ethiopia’s ethnic diversity. It is well-known that Ethiopia’s population is highly diverse in terms of language, culture, socio-economic activities, religious beliefs, and governance traditions, to mention some of the major diversity markers. The ethnic aspects of this diversity (mainly language and culture) have been approached by the Constitution as the prime aspects of Ethiopians’ identity that require accommodation. This approach has resulted in notable constitutional provisions such as the ones in the preamble that assume that all Ethiopians can be categorized as members of ethnic groups (“nations, nationalities, and peoples”, in the constitutional vernacular), such as Article 8 that grants sovereign and constituent power to these ethnic groups, and such as Article 39 that grants an unconditional right to self-determination (including secession) to all ethnic groups. These provisions constitute the foundations of the ethno-territorial federal structure, which is also designed by the Constitution.

For its supporters, these provisions of the Constitution have transformed Ethiopia from a “prison house of nationalities” into a country that accommodates the ethnic diversity of its people. On the other hand, these constitutional provisions and arrangements have been seriously criticized from within different influential sectors of Ethiopian society, and this criticism has nothing but increased over the past years. The crux of the criticism is that the institutionalization of ethnicity through an ethno-territorial federal system is dangerous since it leads to societal division along ethnic lines and to the concomitant weakening of inter-ethnic social bonds and societal cohesion. It produces atomized groups that are inward-looking and do not engage in the intercultural communication necessary for the building of healthy communities that, in their turn, support harmonious societies and stable states. Hence, the institutionalization of ethnicity and the resultant ethno-territorial federal model are recipes for the disintegration of Ethiopian society and state. This criticism has been further fueled by the increase in inter-ethnic violence the country has faced in recent years.

It is not our objective here to assess the validity of the above-mentioned criticisms on the Constitution, although this is surely necessary to provide an adequate diagnosis of the constitutional pathology, but to highlight that the Constitution has been widely blamed for it should be reformed and, if so, which of its aspects should be reformed, and in what way – both substantively and procedurally. The study investigates the desire for constitutional change of the Ethiopian nations, nationalities, and peoples from the grassroots. The study had the following specific objectives.

- i. To examine a public desire for the amendment of the current constitution of Ethiopia
- ii. To assess provision of FDRE constitution that can be subject for amendment
- iii. To investigate the social and political factors that necessitate amendments
- iv. To predict the factors that may facilitate or obstruct the amendment process
- v. To comprehend constitutional amendment experience of selected countries.

To address these objectives, the study employed both survey and qualitative approaches. First, 41 of the 83 ethnic groups listed in the last census of Ethiopia were selected by a systematic random sampling, and ethnic communities in all regions of Ethiopia except Tigray where the security situation didn't allow a fieldwork participated. A total of 564 interviewees participated for all ethnic groups evenly distributed for each ethnic group, except for Oromo and Amhara who had quadrupled and tripled size of interview participants respectively taking into account their population size. In addition to selected ethnic groups, Addis Ababa was included into the study on special consideration to take into account the view of community in these cities.<sup>1</sup> The survey method reached 1123 survey respondents in all study areas which is 98.5% of the response rate. A due consideration was given to diversity interview participants from the differ walks of life.

## **II. Findings**

### **1. How much the research participants believe how much they know the constitution**

Based on self-rated opinion, an overwhelming number of research participants in either qualitative or survey data collection are confident with the familiarity with the Constitution of Ethiopia. For the three-level rating question, of all 1123 survey participants, 80% of them believe they are “somehow familiar” and 11% responded they are “very much familiar”. Only 9% of all survey research participants declared they are “unfamiliar”. The qualitative research findings also confirm results obtained through survey method. A large majority of qualitative study participants confirmed they are familiar with the constitution. The level of familiarity across the regions is almost consistent.

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<sup>1</sup> Research was also conducted in Dire Dawa within the Somali.

## **2. Whether the constitution should be changed**

At least 75 % of survey respondents believe that the current constitution of Ethiopia should be changed. Only 18% of the respondents believe the constitution should remain intact while the rest are neutral. The qualitative research participants also almost invariably argued that the constitution needs to be changed. There is no disparity across ethnic groups on this response as well. The overwhelming reason is that the constitution has become divisive, thus became source of conflict among ethnic communities and has been used as a political tool for manipulation by politicians.

## **3. What kind of change: amendment or revision?**

Again regardless of ethnic background, a large majority of research participants chose amendment instead of revision. The survey data shows that about 77% of all respondents “agree” or “strongly agree” with amendment while only about 5% of respondents seek the other mechanism of constitutional change, which is revision. Those qualitative informants who are in favor of the amendment have put forward their reason stating that the constitution has several strengths that need to be continued, such as the international standards of the human rights and recognition of diversity. In the qualitative study, there was no a single informant who have dissenting opinion demanding for revision.

## **4. Challenges to constitutional amendment process**

Again regardless difference in ethnic background, an overwhelming majority of survey respondents expected a certain disagreement on the agenda of constitutional amendment. For a “yes” or “no” question as to whether the respondents expect disagreement, 91% of them answered to the affirmative. The question was straight forward to qualitative research participants as well, as they immediately answered disagreement is inevitable. Most of them even expect a dispute and even a conflict as result of a purpose and a process to changing the constitution. Research participants expected disagreement among elites representing ethnic communities as well as between Ethio-nationalists and ethno nationalists.

## **5. Level of optimism**

Of 1123 survey respondents, 55% are optimistic to the above question while 25% said are not 20% said “I don’t know”. Qualitative study results show that even those “yes” answers are highly qualified, informants gave such an answer with conditions. The desire of the public may be served from the amendment process and outcome if there is enough public participation, if political powers could balance their individualistic or groups desires to a collective and national desire.

## **6. Whether amendment should be made to the preamble**

There are two phrases on the preamble investigated in this research: the phrase “we the nations, nationalities, and peoples of Ethiopia” and historically “unjust relationship”. Both of these phrases are unanimously rejected by the Amhara and Awi respondents and by the respondents from several ethnic groups in the south, such as the Ari, Arbore, Sheka, Hamar, Hadya, and Gamo. These respondents argue that the terms are divisive and undermine the concept of Ethiopian national identity. They propose that the phrase "nations, nationalities, and peoples" be replaced with something like "We, the People of Ethiopia" or "We, the Ethiopian People”. With regard to the historically “unjust relationships” found in the preamble, the respondents point out that there have been no unjust relationships between different ethnic communities but rather between elites and the people. Hence unjust relationships were characterized by class rather than ethnic divisions. Furthermore, these kinds of statements give too much emphasis to the past, while constitutional provisions should be future-oriented. The preamble should therefore be reformed since in its current form it emphasizes division instead of unity. On the other hand, respondents from such communities as the Benishangul, Oromo, Somali, Komo, Kambata, Harari, and Gurage, appreciate the preamble in its current form. They point out that it signifies respect and an affirmation of equal status for the different ethnic communities. Many ethnic groups seem to have a mixed opinion on this. For instance, the respondents from Addis Ababa expressed very diverse views on the matter using the pro and contra arguments as mentioned above. The same arguments are also made by respondents from the Bench, Majang, Wolayita, Yem, Basketo, and several other ethnic communities.

## **7. National emblem**

As the survey results indicate, the opinion on this is divided, with, on the one hand, more than 40% of the respondents either strongly opposing or opposing an amendment to the national emblem and, on the other hand, close to 40% supporting or strongly supporting such an amendment. A relatively large number of respondents (11%) have a neutral stance and neither support nor oppose such an amendment. The results of the qualitative study are also mixed. There is disparity of results across ethnic groups. While 81% of respondents from Amhara region “strongly support” changing the emblem, 91% of respondents from Oromia “strongly oppose” or “oppose” amendment to the emblem. Overwhelming majority of ethnic groups from the south, and some from Afar have the same opinion as Amhara region respondents while Somali region respondents have the same idea as respondents from Oromia region.

## **8. Article 8**

The opinion on Article 8 is generally aligned with the opinion of the respondents on the preamble. This is not surprising since Article 8 is the logical consequence of the preambular statements on “nations, nationalities, and peoples”. Consequently, the

respondents who supported the preambular reference to “nations, nationalities, and peoples” also support the provisions of Article 8, which grant sovereign and constituent power to these same nations, nationalities, and peoples. They argue that this is an adequate response to a history of ethnic subjugation and marginalisation. They also support the importance of ethnic representation, as is expressed by the third sub-article of Article 8. However, many of the respondents express their frustration that Article 8 has not led to their genuine empowerment, to a meaningful expression of their sovereignty. They claim that they still do not have genuine representatives elected through a free and fair electoral process and thus demand an effective implementation rather than an amendment of this article. Several respondents make an argument for the organization of free and fair elections, for an enhanced democratic process, and for a more effective implementation of the federal system. To the contrary, the ones who consider the use of the three terms divisive, express the same criticism towards Article 8. They furthermore argue that, in the same way as the preamble, Article 8 forces people to identify with a specific ethnic identity, which is difficult for those with racially or ethnically mixed ancestry or unacceptable for those who do not want to be identified as such. This raises questions about the latter individuals’ constitutional position. Accordingly, the opponents of the current phrasing of Article 8 recommend an amendment that would henceforth grant sovereign power to the “Ethiopian People”. The reference to “Ethiopian People” would arguably express an inclusive, non-ethnic national identity. It would also lead to ethnically inclusive political representation since elected representatives would no longer represent the different ethnic groups but rather the Ethiopian people or citizens.

### **9. Have more working languages for the federal government?**

An investigation is also made whether, in addition to Amharic, other languages should be added as federal working languages and, therefore, whether Article 5 of the Constitution should be amended. This is another issue on which opinion is highly divided. A similar number of respondents either “strongly oppose” or “oppose” (44%) such a constitutional reform while 48% “support” it. The rest are neutral or do not know. An overwhelming majority of support for additional language comes from survey respondents from Oromia (76%), Somali (90%), Dire Dawa (96%), and Harari (94%) regions. The largest three oppositions to additional language comes respectively from SNNPRS (59%), Sidama (58%), and Afar (56%). Most of the qualitative research participants however rejected additional working language for the federal government as they believe that the decision will aggravate completion, domination and conflict. Besides, having more working language is economically costly. The current federal language, Amharic, is already a *lingua franca* for all Ethiopians.

### **10. Ethno-territorial federalism**

Ethno-territorial federalism is one of the most controversial elements of the FDRE Constitution. It has strong supporters and many detractors. In fact, the survey data shows that a majority of the respondents (54%) advocate a reform to the ethno-territorial system. Still, a non-negligible minority of 38% of the survey respondents argue that the current system should be kept intact. The largest of survey respondents favoring the current ethno-territorial system comes from Oromia (91%), Somali (66%), and the third from Benishangul Gumuz region (64%). The largest three communities against the current ethno-territorial system thus seeking amendment are Amhara (78%), Afar (77%), Sidama (71%) and Southwest (70%). The qualitative result has also a similar pattern of supporters and detractors of ethnic based territorial system. Those against it see that ethno-territorial system has become a source of conflict and competition. Those supporting it argue that it is an expression of the sovereignty of nations, nationalities and peoples, so should be kept intact.

### **11. Article 39**

The research also focused on the three dimensions of Article 39 of the Constitution: (1) the language rights and cultural rights; (2) the right to territorial self-rule; and (3) the right to secession. The survey data unequivocally indicates that a large majority of the respondents (close to 70%) favor the language rights and cultural rights and therefore oppose an amendment to Article 39(2) including these rights. There is much more opposition to the territorial self-rule component, as only 53% of all respondents either supporting or strongly supporting an amendment to Article 39(3) containing the right. Another important finding is that there is overwhelming support for an amendment to Article 39(4) containing and guiding the implementation of the right to secession. More than 75% of the respondents either support (22%) or strongly support (53%) an amendment to this provision. Less than 20% of the respondents oppose (10%) or strongly oppose (9%) such an amendment. The tendency to support all of these provisions is highest among Somali and Oromia region participants while the tendency to oppose is higher among respondents from Amhara region, SNNPRS, and Afar. But, it is only from the Somali region that the majority of participants supported the right to secession should be kept intact. 52% of Somali survey participants want the secession clause intact.

### **12. Ethnic parties**

There is generally a negative perception of political parties that are organised along ethnic lines. Most informants and respondents were of the view that as part of the constitutional amendment, a provision banning the formation of ethnic-based parties. Most of the informants held the view that ethnic parties are exclusionary and divisive and harm national cohesion. Close to 70 percent of all respondents expressed support for a constitutional amendment leading to the insertion of a provision banning the formation of ethnic-based political parties and 73% of them support a provision requiring political parties to have



multi-ethnic membership. Yet, a significant number of respondents from Somali (71%) and Oromia (65%) support the ethnic parties and area against amendment of the constitution to ban them.

### **13. The status of Addis Ababa**

The majority of qualitative informants strongly support Addis Ababa to continue holding its current status as a city under the jurisdiction of the federal government. Most of the informants oppose the suggestion to put the city under the jurisdiction of anyone state. So many informants disapproved of a constitutional amendment altering the current status of Addis Ababa. The survey result also shows that over 60 percent of the respondents are in favour of maintaining the current constitutional status of Addis Ababa. Yet, Indeed, this view was not shared by everyone. Informants from Hareri were in favour of joint administration of the city by the Oromia state government and the federal government. This view was supported by over 80% of the respondents from the Hareri community are in favor of joint administration between Oromia region and the federal government; 70 percent of Somali informants held the view that Addis Ababa belonged to Oromos and should be within the jurisdiction of Oromia; over 70 percent of the Oromo respondents also supported changing the constitutional status of Addis Ababa in favour of making it within the jurisdiction of Oromia.

### **14. Challenges, opportunities and the way forward to a constitutional amendment**

#### *Opportunities*

Most informants have expressed the view that a constitutional amendment cannot be properly conducted with the current political and security context of the country. There is war in the northern part of the country and in parts of Oromia creating a less than conducive environment for a constitutional amendment. There were indeed a few informants who thought the very fact that there is a desire among the populace for a constitutional change in and of itself creates a conducive environment for a constitutional amendment. There were also informants who considered the political crisis in the country and the growing recognition that the constitution is the primary cause of the crisis creates an opportunity for introducing a constitutional change. The formation of the National Dialogue Commission was also mentioned as a factor creating a conducive environment for a constitutional amendment.

#### *Challenges*

Several potential challenges that can make the constitutional amendment process were mentioned by the informants. The first and most mentioned challenge is the poor security situation in the country. Almost every informant mentioned the security condition as a major challenge negatively affecting the constitution-making process. Other challenges

were mentioned, which include: narrow ethnic interest, lack of awareness about constitution and constitutionalism among the populace, the tendency to decide in a group, certain groups are uncompromising in their position on some of the most controversial provisions of the constitution is likely to make compromises that are essential for a constitutional amendment extremely difficult

#### *Way-out*

Several solutions were suggested to overcome the challenges that may arise before a constitutional amendment process is initiated, including:

- Restoring peace and order before embarking on a constitutional amendment project.
- Holding a national dialogue on contested issues
- Participatory and inclusive (involving technical experts, political parties, elders, religious leaders, as well as the public at large) amendment process
- Giving adequate time for consultation and not rushing the process
- A bottom-up approach for a constitutional amendment
- Conducting evidence-based studies and disseminating the study results

### **III. Conclusion and recommendations**

#### **1. Conclusion**

- A constitution is adopted with a degree of presumed permanency in the sense that it is assumed that the constitution will not be changed frequently and easily. This does not, however, mean that a constitution is immutable. Countries introduce changes to their constitutions whenever the need arises and the political context allows. The change so introduced may range from a minor amendment to a complete overhaul of the constitutional document. Indeed, seldom do constitutions, if at all, allow or contain provisions providing for a procedure for their own replacement. However, almost all constitutions contain a provision providing for their amendments.
- It has been over three decades since the FDRE Constitution was adopted. In the last 30 years, the constitution has transformed the country in so many ways. It has redefined the identity of the state; a state that defined itself as a nation-state now identifies itself as a multinational state. In a country where claiming ethnic identity was seen disapprovingly, ethnicity has become the core factor of state organisation and political mobilisation. It has transformed a once unitary state with an extremely centralised system of government into a federal country.
- Like any other constitution that introduced such a radical change, the FDRE constitution has been a controversial document since the day it was adopted. For some, the manner of its adoption - a process that was dominated by a political party that came

out victorious in the 17 years of civil war against the Derg-was problematic and has rendered it a constitutional document of the victors imposed on the country. Besides, the party made sure its political aims and goals found their way into the constitution. For others, the very contents of the constitution are problematic; its focus on ethnicity in reorganising the state's territorial and political structure in particular was a major issue of contention at the time of its adoption and since then. Many view the constitution as a kind of document that would bring about what Steiner calls 'a counter-ideal' of accentuating divisions, legitimising separateness, alienating groups from one another, making social cohesion unattainable, enfeebling a 'sense of common humanity'<sup>2</sup> and, finally, destroying 'all unifying elements.'<sup>3</sup> Yet there is a large segment of the population that regards the constitution as a sacred document of emancipation. For these groups of people, the constitution halted ethnic-based political and social exclusion, recognised the right to self-determination of hitherto marginalised communities, and provided territorial and institutional space for every community to protect and promote its cultural and linguistic identity.

- Despite being such a controversial document, the constitution remains almost unchanged for over three decades. Now there is a growing demand for some form of constitutional change since the sorry state of the country's political life is, in one way or another, linked to the constitution. Now the question this research aimed to answer was whether the demand for a constitutional change is a popular demand or one pushed by narrow groups of political elites. Is there a popular desire to see a constitutional change? Which parts of the constitution are to be changed?
- There is a remarkable awareness of the constitution among the participants of the research. They showed a great deal of awareness about the controversial provisions in the constitution and their political implications. The awareness and interest in the constitution among ordinary members of every community provide the necessary context for a participatory constitutional amendment.
- There is also virtually no disagreement among the research participants that there is a need for constitutional change. Yet, the reason why different individuals seek a constitutional change is different. There is almost a consensus among key informants and respondents that there is no desire for a complete revision of the constitution. The respondents and the informants believe that save for a few provisions, the constitution is a good document that does not need a complete revision. The kind of constitutional

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<sup>2</sup> Steiner J H (1991) 'Ideals and counter-ideals in the struggle over autonomy regimes for minorities' 66 *Notre Dame Law Review* 1539-1560

<sup>3</sup> Monteux C A (2006) 'Decentralisation: The new delusion of ethnic conflict regulation?' 2006 8(2) *International Journal on Multicultural Societies* 162-182

change which is supported almost by every informant and respondent is a constitutional amendment.

- There is a general optimism that a constitutional amendment will bring about a more legitimate constitution and some positive changes in the country's politics. This is based on the assumption that the political situation is directly linked to the constitution and fixing the constitution would fix the politics.
- Research participants understand, regardless of ethnic background that cultural and linguistic rights of ethnic communities should be observed and the constitution does not need amendment in that regard. The most divisive provisions the secession clause of Article 39 and the sovereignty of nations, nationalities and peoples. While the overall result shows that majority of research participants support amendment to these clauses, there is a division along major ethnic groups. While overwhelming majority of research participants from Oromia and Somali regions desire these constitutions should remain intact, other ethnic groups like Amhara, Afar, SNNPRS, Sidama, and Southwest overwhelming desire the amendment. Similar pattern is also seen for the ethnic parties, the status of Addis Ababa, and additional working language for the federal government.
- The current political system has both challenging enabling conditions for a constitutional reform. The war in northern Ethiopia and ethnic conflicts at any other part of the country will hinder extensive public consultations for a reform. At the same time, the current political problems, largely rooted on and manifested through ethnic conflicts and ethnic politics can be used as a proof to come to terms than we need revise the constitution to resolve at least some of the problems that have an implicit or explicit constitutional backup.

## **2. Recommendations**

- The research data unequivocally demonstrate support for constitutional reform and indicates that such a reform should mainly focus on the 'ethnic provisions' of the Constitution. Provisions that are a candidate for debate and dialogue leading to a constitutional amendment are unsurprisingly those that are linked with the management of diversity. These include, the preamble, article 8, national symbols, federal languages, the ethnic-based territorial arrangement, article 39, in particular, the secession clause, and the status ethnic-based parties. The research found out that these provisions are highly divisive across ethnic groups and which implies that a well-accepted public dialogue is necessary to amend these provisions. Even if we can learn from the research results that at least a little majority of the respondents can be identified in favor or against these provisions, they remain most divisive and the pattern of division being

clear between Amhara, Afar, SNNPRS, and the like on the side and mainly Oromo and Somali on the other hand. A reform process requires knowledge of this pattern.

- If all these provisions are somehow affected by the constitutional amendment process, can the end result could be considered a constitutional revision rather than a constitutional amendment? It was argued in the literature review that a considerable reform of these ethnic provisions could amount to a constitutional revision rather than to an amendment since some of the ethnic provisions constitute the basic principles and foundations of the existing constitutional order. Yet, we have also pointed out that whether a constitutional reform would amount to an amendment or to a revision – which qualification is determined by the degree of substantive change effected to the existing constitution – is not that relevant in the Ethiopian context. Whereas in some countries, revising the constitution through the constitutionally prescribed constitutional reform procedure is prohibited, revising the constitution is permitted in others, though the applicable procedure is more stringent. In Ethiopia, the constitutional reform procedures entrenched in Articles 104 and 105 of the Constitution do neither prohibit a constitutional revision nor contain a specific procedure for it. This means that both amendments and revisions can be effected through the use of the constitutionally prescribed procedure. Nonetheless, we have also pointed out that in the case of a complete overhaul of the existing constitutional order, a participatory and inclusive reform process is all the more important.
- Reforming the existing constitution, either through amendment or revision, by using the constitutionally prescribed reform procedure is recommended. It has the advantage of legal continuity: the new legal arrangement is not constituted *ex nihilo*, which evokes an attachment to the values of legality and the rule of law since it demonstrates that all actors, including constitution-makers, are subject to the law. In this scenario, the existing/constitutionally constituted political institutions (including the House of People’s Representatives, the House of the Federation, and the regional State Councils) would be in charge of the process (both its initiation and the final approval of the constitutional reform). Yet, although a constitutional reform procedure needs to have a degree of rigidity, the Ethiopian procedure is too rigid when it comes to the reform of the human rights provisions, including Article 39 on the right to self-determination. Any reform of the latter provision – and the study has indicated that there is overwhelming support for amending the secession provision included in Sub-article 4 of Article 39 – requires the unanimous approval of the regional State Councils, which seems an insurmountable impediment, particularly in the current political context. Does this make reform of this provision currently impossible? In this regard, research has shown that a lot of constitution-making in other jurisdictions has taken place outside the bounds of the constitutionally prescribed procedure. The legal reasoning legitimating

such *extra-constitutional constitutional reform* is that the constituent power (these are the nations, nationalities, and peoples in the Ethiopian case) is not bound by the existing procedures since the latter are merely constituted by the former. The constituent power cannot be restricted by constituted procedures. This argument implies that all provisions of the current Ethiopian constitution could be reformed without following the procedures of Articles 104 and 105. Yet, in such a scenario, the constituted political institutions would have to cede their role to the constituent power. To be concrete, a constitutional reform effectuated extra-constitutionally could only be approved by the constituent power itself through a referendum or through institutions representing the constituent power, such as a constituent assembly, elected for the specific purpose of constitutional reform.

- Whether constitutional reform will take place using or outside the existing procedure, we emphasized the importance of a participatory and inclusive reform process. The importance of a constitutional reform process with these characteristics is also underscored by many research respondents. The respondents highlighted that constitutional reform in Ethiopia is mainly called for because of its anticipated contribution to ending violent conflicts and supporting sustainable peace. The achievement of this objective does not only require the design of adequate constitutional provisions that can bridge or mitigate ethnic divisions and tensions, but also a reform process that offers meaningful and adequate opportunities for popular participation and societal inclusion. Not only does such a process offer a forum for societal, including inter-ethnic and political, dialogue that may produce a shared understanding, it will also benefit the societal legitimacy of the constitution. A participatory and societally inclusive constitutional reform process thus benefits national unity and constitutionalism.
- Nonetheless, the literature study has cautioned that a participatory reform process risks deepening ethnic cleavages because it enables and encourages discussion on highly divisive issues, a concern shared by many respondents in the study. That is why several respondents underscore the importance of embedding the constitutional reform process into the ongoing national dialogue, which aims to reduce political and ethnic polarization and rebuild trust and social capital, as such creating a more fertile environment for constructive constitutional reform discussions. Popular participation can take a variety of forms and take place throughout the reform process: before, during, and after the drafting stage. Although the referendum is the archetypical form of popular participation, it doesn't seem to be a preferred option in the Ethiopian context. Since it could not be avoided that many voters would lack an adequate understanding of the constitutional draft, voters could be easily manipulated by self-interested actors who misrepresent the constitution or focus on contentious issues only. Carefully crafted

compromises that are the result of difficult inter-ethnic and political negotiations may thus unravel, and the organization of a referendum may therefore undo the unifying effects of the national dialogue in which the constitution was drafted. It may consequently re-invigorate ethnic and political tensions. While it is encouraging that the public be aware of the various provisions of the constitution and conscious of their political implication, a constitutional amendment should be preceded with massive awareness creation and debate on various aspects of the constitution.

- While at some point, political dialogue should begin that leads to a constitutional amendment, the process should not be rushed. Unrealistic timelines and deadlines should not be used.

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**PART 1**

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**INTRDUCTION**

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## INTRODUCTION

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### 1. Background

A constitution is the supreme law of a state. As is the case for the Chinese Constitution or for the constitutions of several European countries in the pre-WWII era, constitutions may be merely aspirational documents, outlining what a nation aims to be and aspires to achieve. However, in most cases, it is a legally binding document. It is a constitutive act since it sets out “How all the elements of government are organised and how power is carved up among different political units. It contains rules about what power is wielded, who wields it and over whom it is wielded in the governing of a country. And, as a kind of deal or contract between those in power and those who are subjected to this power, a constitution defines the rights and duties of citizens, and the devices that keep those in power in check.”<sup>4</sup>

A constitution is commonly expected to define the territorial boundaries of a state and it identifies the political community, determines where political sovereignty lies, and what the values and political, economic, and social aspirations of the political community are. It thus provides whether the state is religious or secular, whether it is a democracy, mono-party democracy or multi-party democracy, whether it opts for a parliamentary or presidential form of government, and whether it is a unitary or federal state. A constitution furthermore establishes political and judicial organs and arranges for their composition, functions, and powers. By the way, a written and legally binding constitution is one of the most defining features of a federal system.

Since a constitution is the supreme law of the state, it needs to have a certain degree of permanency since it should not be subject to the whims of the political majority of the day. Constitutional reform should therefore not be easy, but rather be subject to a rigid procedure.

However, the importance of a stable constitution does not mean that a constitution should never be changed. Constitutional reform should be possible, and even in countries with very rigid reform procedures, which typically characterize federal states, constitutional reform does occur. It suffices to mention that the US Constitution, whose reform is subject to a very rigid procedure, has been amended 27 times since its adoption in the 18<sup>th</sup> century.

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<sup>4</sup>Constitutional Court of South Africa, <https://www.concourt.org.za/index.php/constitution/what-is-a-constitution> (last accessed on 18 September 2022).

## 2. Statement of the Problem

The current Ethiopian Federal Constitution is the fourth written constitution in Ethiopia's political history. The first constitution was adopted in 1931. It provided the constitutional foundation for an absolute monarchical system and centralized power in the person of the Emperor. The 1931 Constitution was revised in 1955, which mainly aimed to align the constitution with the constitution of Eritrea, which had joined Ethiopia through a federal arrangement a few years earlier. The 1987 Constitution, which was adopted 13 years after the *Derg* had assumed power, formally transformed the country into a socialist republic. In 1991, the *Derg* was overthrown by a coalition of liberation movements dominated by the EPRDF (Ethiopian Peoples' Revolutionary Democratic Front), and the 1987 constitution was suspended. The EPRDF and its allies argued that Ethiopia's political ills could be attributed to the mismanagement of the ethnic diversity of the Ethiopian people by successive political regimes. It was therefore little surprising that the national conference, which was organized under the auspices of the EPRDF in July 1991, generally accepted and condoned this analysis. The conference adopted a transitional charter – designed to serve as the supreme law of the land until the coming into effect of a new constitution – that acknowledged the ethnic diversity of the Ethiopian population and recognized a comprehensive right to self-determination of Ethiopia's "nations, nationalities and peoples". This ethnic program was incorporated into and further developed by the current FDRE Constitution, which was adopted by a Constituent Assembly in December 1994.

Since its adoption in 1994, the Constitution has not been formally reformed. This doesn't mean that there has been no societal pressure to do so, rather the opposite is true: from the time of its adoption, the Constitution has been a controversial document and it has been subjected to serious criticism both from within academic circles and from a wide range of political parties. The main criticism has been directed at, what we will call in this study, the "ethnic provisions" of the Constitution: the provisions that constitutionalize the recognition and institutional entrenchment of Ethiopia's ethnic diversity.

It is well-known that Ethiopia's population is highly diverse in terms of language, culture, socio-economic activities, religious beliefs, and governance traditions, to mention some of the major diversity markers. The ethnic aspects of this diversity (mainly language and culture) have been approached by the Constitution as the prime aspects of Ethiopians' identity that require accommodation. This approach has resulted in notable constitutional provisions such as the ones in the preamble that assume that all Ethiopians can be categorized as members of ethnic groups ("nations, nationalities, and peoples", in the constitutional vernacular), such as Article 8 that grants sovereign and constituent power to these ethnic groups, and such as Article 39 that grants an unconditional right to self-determination (including secession) to all ethnic groups. These provisions constitute the

foundations of the ethno-territorial federal structure, which is also designed by the Constitution.

For its supporters, these provisions of the Constitution have transformed Ethiopia from a “prison house of nationalities” into a country that accommodates the ethnic diversity of its people. On the other hand, these constitutional provisions and arrangements have been seriously criticized from within different influential sectors of Ethiopian society, and this criticism has nothing but increased over the past years. The crux of the criticism is that the institutionalization of ethnicity through an ethno-territorial federal system is dangerous since it leads to societal division along ethnic lines and to the concomitant weakening of inter-ethnic social bonds and societal cohesion. It produces atomized groups that are inward-looking and do not engage in the intercultural communication necessary for the building of healthy communities that, in their turn, support harmonious societies and stable states. Hence, the institutionalization of ethnicity and the resultant ethno-territorial federal model are recipes for the disintegration of Ethiopian society and state. This criticism has been further fueled by the increase in inter-ethnic violence the country has faced in recent years.

### **3. Research Objectives**

It is not our objective here to assess the validity of the above-mentioned criticisms on the Constitution, although this is surely necessary to provide an adequate diagnosis of the constitutional pathology, but to highlight that the Constitution has been widely blamed for it should be reformed and, if so, which of its aspects should be reformed, and in what way – both substantively and procedurally. The study had the following specific objectives.

1. To examine a public desire for the amendment of the current constitution of Ethiopia
2. To assess provision of FDRE constitution that can be subject for amendment
3. To investigate the social and political factors that necessitate amendments
4. To predict the factors that may facilitate or obstruct the amendment process
5. To comprehend constitutional amendment experience of selected countries.

Of course, several academic studies have assessed various aspects of the Constitution – and particularly its ethnic dimensions – and suggested a wide range of reforms. Although these studies could serve as a basis and inspiration to reform the current Constitution, it has to be pointed out that academia is highly divided on these issues. Although there is a general agreement that constitutional reform should aim to mitigate ethnic antagonisms and conflicts and bring about stronger societal cohesion, sustainable peace, and democratic security, there is surely no agreement on the nature of the reforms needed to achieve these objectives. Some scholars support multinational federalism and argue for its stronger

implementation; others argue for its amendment; and still others go in a completely different direction and advocate for a state structure that is not at all based on ethnicity, that avoids or even bans references to ethnic identity, and that prioritizes universal rights over group-specific ones. However, which of these constitutional options should ultimately be entrenched in the reformed constitution should not be decided by scholars but by the Ethiopian population at large, which is endowed with the so-called constituent or constitution-making power.

Indeed, it is the people or, in the case of Ethiopia, the nations, nationalities, and peoples that have the sovereign power and the constitution is an expression of their sovereignty (see Article 8 of the FDRE Constitution). This is not to say that a constitution should be drafted by the people – this is obviously the role of technical experts – but rather that the people should meaningfully participate in the process of constitutional reform and that the role of legal experts should mainly include the transformation and integration of popular choices into workable and technically adequate legal provisions. As we will see in section 4.2, popular participation can take various forms and occur at various stages of the constitutional reform process, but an important first step is to assess popular attitudes toward the need for, and if such a need is acknowledged, the type and substance of constitutional reform.

The acknowledgement of the importance of popular participation – even before a formal constitution reform process is initiated – constitutes the background to the current study. This study is mainly based on a comprehensive opinion survey and hundreds of qualitative interviews that tried to assess and measure the opinion of the nations, nationalities, and peoples (designated as the constituent powers by the current constitution) on the need for constitutional reform and the nature such a reform should assume. Based on the observation that the “ethnic provisions” of the Constitution are its most contested ones, the quantitative and qualitative analysis also aimed to measure and analyze popular opinion on the need for a reform of these provisions and, in case reform is supported, on what such a reform should look like substantively. Since this study acknowledges and emphasizes the importance of process in addition to substance, it also inquired about its respondents’ perspectives on the challenges a constitutional reform process in Ethiopia might face in the current social and political context.

Before delving into the results of the qualitative and quantitative analysis, the next section elaborates on the methodology and continues in section 3 with a conceptual clarification of types of constitutional reform illustrated with a number of comparative examples. Section 4 offers theoretical and comparative insights with regard to constitutional reform processes relevant to the Ethiopian process. Section 5 briefly reflects on the ramifications of these theoretical and comparative insights for the Ethiopian case. The study’s attention given to

process is legitimated by the understanding that no constitutional reform, particularly not one that involves highly contested issues, will be able to serve its objectives unless the substantive reforms are supported by a wide societal consensus, which can only come about as a result of a participatory and inclusive process.

## **4. Methodology**

### **4.1. Scope of the study**

This research was conducted at a national level. It aspired to study the views of ‘nations, nationalities, and peoples of Ethiopia’ through a sampling mechanism explained below to cope with time and resources constraints. However, Tigray region was not included due to the current security problem in that part of the country. Conceptually, this study focused on examining current popular desire for FDRE constitution amendment. Besides, the constitution amendment may be formal or informal. The formal amendment is made based on the procedures that are provided within the existing constitution. On the other hand, informal amendment occurs *de facto* amendments due to change in society or changes through constitutional interpretation or by legislation. Having these two ways of amendment, this research will take into account the formal process of constitution amendment.

The study has used ‘nations, nationalities, and peoples’ as a framework based on which we will select representative participants to the research. This approach, we believe, has a double advantage: it caters the representation of research participants diverse in place of residence (rural urban) and ethnic groups, or nations, nationalities, and peoples which are the sovereign entities of the constitution.

### **4.2. Research Approach**

Both quantitative and qualitative research approaches were used in this study. The qualitative research approach was used to have in-depth insights of the informants on the issue of the amendment of the FDRE constitution which was collected by semi structured interviews and desk reviews. The purpose of quantitative research approach was to find out the perception of the study participant regarding the amendment of FDRE constitution which was collected by a survey method.

#### ***a) Qualitative approach***

For a qualitative research approach to gather relevant information, the research applied probability purposive techniques. The focus of the qualitative research was to have personal perspectives of the informants on the constitutional amendment. Hence, a purposive sampling technique was used to identify knowledgeable informants for the interview from the target research sites. The snowball sampling technique was applied for those issues that involve identifying people with relevant characteristics while data

collectors directly contacted informants having a specific position such as in government offices.

### *b) Survey method*

Simple random sampling technique was used to collect quantitative data through survey questionnaire. Two stage stratified random sampling technique was used to select survey participants. Since it is not possible to include all nations, nationalities, and peoples to this research for reasons of resource shortage, first, the fifty percent of the eighty six nations, nationalities and peoples of Ethiopia were selected based the last census of the country conducted in 2007. A systematic random sampling resulted in the list of ethnic groups shown on the table of contents.

Second, from each of the forty three selected nations, nationalities and peoples, equal respondents of **20** people were allocated. Moreover, to increase the representation of the major nations, i.e., Oromia and Amhara, additional three and two towns<sup>5</sup> were selected, respectively and Addis Ababa and Dire Dawa were purposefully selected to represent the view of community living in a non-ethno-territorial administrative unit. The total number of ethnic groups was thus forty three.

In order to determine sample size, the study will use Fisher et al. (1998) as follows:

$$n = (z^2 pq) / d^2$$

Where:

- n= the desired sample size (when the population is greater than 10,000)
- z= the standard normal deviation, usually set at 1.96 which corresponds to 95 percent confidence level;
- p= the proportion of the target population having particular characteristics;
- q= 1.0-p; and
- d= the degree of accuracy desired, this is usually set at 0.045

Using the above sample size formula, the sample size is 475. Considering the twenty percent non response rate and the design effect of 2 will give us the sample size of 1140 respondents. This sample size was distributed equally for each nation, nationality and people using equal proportion stratified sampling method. In order to represent all voices of nation, nationalities and peoples, half of the 86 nations, nationalities and peoples were taken using systematic random sampling. Then, as mentioned above, 20 respondents were drawn from each nation, nationality and people as well as two and three additional places were selected for Oromia and Amhara respectively. For Addis Ababa, 220 respondents

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<sup>5</sup> Adama, Sebeta, Jimma, and Ambo for Oromia and Bahir Dar, Woldiya, and Debre Birhan were selected to represent Amhara.

were selected taking into the diverse nation, nationalities and peoples representation in the city. Trained enumerators gathered through survey questionnaire using tablet and mobile phone to ensure data quality and timeliness. Of the 1140 total sample size calculated for the survey respondents the return became 1123 questionnaires were filled and returned, which means that the return rate is 98.5%. The demographic characteristics of the 1123 of the survey respondents are as follows.

**Table 1 Socio-demographic characteristics of survey respondents**

Characteristics		Percent
Residence	Rural	21
	Urban	79
Sex	Male	64
	Female	36
Religion	Orthodox Christian	40
	Muslim	18
	Protestant	40
	Others	2
Marital status	Married	77
	Single	20
	Divorced	2
	Widowed	1
Educational level	Cannot read and write	5
	Only read and write	4
	Primary (1-8)	10
	Secondary (9-12)	13
	TVET	6
	Certificate/diploma	15
	BA/BSC	36
	MA/MSc	11
PhD	0.36	
Primary occupation	Farmer	13
	Pastoralist	14
	Government employee	43
	Private employee	10
	NGO employee	2
	Own business/trade	8
	Daily laborer	2
	Unemployed	4
Student	3	

### 4.3. Data processing and analysis method

Thematic analysis was used to analyze the qualitative data. Qualitative data was transcribed and then first stage thematic analysis made per ethnic group. A thematic analysis was also made for all respondents. For quantitative data analysis, the perception of the respondents

was asked to indicate the extent of the constitutional amendment desire in Ethiopia based on Likert scale. These quantitative data was analyzed using STATA 16. The result of quantitative data is presented integrated with the qualitative results.

#### **4.4. Ethical Considerations**

The researchers took all the necessary ethical issues into account during the interaction between the research team and individuals who directly or indirectly participate in the study process. Protecting informants from any possible present or future threats for the data they provide for this research was one of the prior ethical issues. The respondents were informed the purpose of the study and the reasons why they are included in the study. Accordingly, their formal consent to participate in the study was requested. Besides they were treated in due respect and dignity as well as their identity will be keep confidential for their security and safety. Respondents were informed to have the right to withdraw from the interview at any time if they feel discomfort. Further, the information provided by informants were analyzed and presented without any distortion and misinterpretation. Finally, all the materials that are cited or quoted in the study are acknowledged properly.

### **5. Conceptual and theoretical underpinnings**

#### **5.1. Constitutional Reform: Amendment or Revision?**

Constitutional reform can serve a wide range of objectives, such as responding to social changes brought about by processes of globalization (for instance, constitutions may be reformed to take stock of and reflect global developments in the area of human rights); addressing institutional or structural deficiencies; trying to forge stronger national identities; clarifying mandates of and relations between governmental levels and institutions; reflecting and expressing substantial political and policy dynamics; or enabling more popular input into the constitutional substance.<sup>6</sup>

From the outset, the constitutional reform process needs to ensure an agreement on these objectives since they will determine both the substance and process of the intended reform. For instance, if the amendment aims to ensure a more effective federal system, the reform may focus on the constitutional provisions related to the powers and responsibilities of the federal and constituent unit governments, and if it wants to bring about stronger national identities, the reform may focus on constitutional provisions related to citizenship. Different goals can obviously be combined in order for constitutional reform to respond to a political community's changing social, economic, and political needs. Considering the importance of an agreement on constitutional reform objectives, the interviews conducted

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<sup>6</sup>H. Lerner and D. Landau, "Introduction to *Comparative Constitution Making: The state of the field*", in D. Landau and H. Lerner (eds.), *Comparative Constitution Making* (Cheltenham, UK/ Northampton, MA, USA/ Edward Elgar, 2019), pp. 4-5; G.L. Negretto, "Constitution-making in comparative perspective", in *Oxford Research Encyclopedia of Politics* (Oxford University Press, 2016).



for the purpose of this study started with the question of whether the respondents acknowledged a need for a reform of the Ethiopian Constitution and, if so, what objectives they thought such a reform should serve. In this regard, it is important to point out that constitutional reform objectives can either be limited in scope and focus on selected aspects of the existing constitution or be comprehensive, even to the extent of a complete overhaul of the existing constitutional order.

In the first scenario of limited constitutional reform, the constitutional reform process is usually designated as “amendment” while in the second scenario of comprehensive overhaul, it is commonly identified as “revision”. The qualification of a given constitutional reform process as “amendment” or “revision” is not so much determined by the number of constitutional provisions involved but rather by the degree of substantive change effected to the existing constitution. In this regard, an amendment can be seen as a reform within the bounds of the existing constitution; it includes additions, deletions, or other adjustments while respecting the existing constitution’s foundations. Unlike amendment, revision aims to reform the constitutional order itself and basically entails an unmaking of the existing constitution. Of course, it is often difficult to draw a clear dividing line between the two, so that a reform that is presented by concerned political actors as a mere amendment in order to facilitate its adoption may actually amount to a revision.<sup>7</sup>

Constitutions commonly prescribe the procedure for amendments. Constitutionally prescribed amendment procedures identify the individuals, institutions, or bodies authorized to propose and approve a constitutional amendment, determine the required voting thresholds, and stipulate other procedural requirements. The procedures for constitutional amendment are traditionally more rigid than those for amending ordinary legislation. Contrary to the latter, which usually requires an ordinary parliamentary majority, constitutional amendment is typically dependent on the fulfilment of such requirements as qualified majorities, direct and indirect participation of federated units in the case of federal states, direct popular approval through referendum, etc.<sup>8</sup> We will illustrate this in the next paragraph by providing an overview of the constitutional amendment procedures included in selected constitutions. Considering the federal nature of the Ethiopian state, the focus is on constitutions of federal countries.

Pursuant to Article 79(2) of the German Constitution, any amendment requires a two-thirds majority in the Bundestag (the first chamber of the federal parliament) and a two-thirds majority in the Bundesrat (the second chamber, representing the federated units or *Länder*).

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<sup>7</sup> R. Albert, “Amendment and revision in the unmaking of Constitutions”, in D. Landau and H. Lerner (eds.), *Comparative Constitution Making* (Cheltenham, UK/ Northampton, MA, USA/ Edward Elgar, 2019), p. 117.

<sup>8</sup> Elkins, Ginsburg, Melton, 2009).

The participation of the federated units in the amendment of a federal constitution (either through their representation in the federal chamber or through their councils) is one of the most basic features of a federal system. The participation of the federated units also characterizes the constitutional amendment procedure in India. Article 368 of the Indian Constitution endows the bi-cameral federal parliament with the constitutional amendment power. Yet, it provides two distinct procedures dependent on the substance matter subject to the amendment. In all cases, a constitutional amendment proposal must be submitted in either of the two houses of parliament. Subsequently, the amendment has to be approved by each house, by a majority of the total membership of that house (hence, by a so-called “absolute majority”) and by a majority of not less than two-thirds of the members of that House present and voting. Yet, for the amendment of some (constitutionally listed) parts of the Constitution, the approval by the parliaments of at least half of the regional states is additionally necessary. Mandatory participation of the regional states also characterizes the procedure to amend the US Constitution. Article 5 of the US Constitution prescribes two alternative procedures for constitutional amendment. Constitutional amendments have to be ratified by the legislatures of three fourths of the regional states, or alternatively, by conventions in three fourths of the regional states. It has to be pointed out that the convention procedure has never been used. In Switzerland, any amendment to the Federal Constitution has to be approved by referendum.<sup>9</sup>

Revisions, on the other hand, are not always possible and are sometimes explicitly constitutionally proscribed. For instance, although Article 79 of the German Constitution contains the procedure for constitutional amendment, Sub-article 3 of Article 79 stipulates that the constitutional provisions prescribing the division of the federation into *Länder*, their participation in the legislative process, or the list of principles laid down in Articles 1 and 20 of the Constitution cannot be amended. What this means is that the foundations of the constitutional order, such as federalism and human rights, cannot be replaced following the constitutionally prescribed amendment procedure; such a replacement would constitute a revision, not an amendment. A similar rule of unamendability is incorporated into the Constitution of the Czech Republic, whose Article 9(2) stipulates that “Any changes in the essential requirements for a democratic state governed by the rule of law are impermissible.” Such changes would therefore amount to a revision of the Constitution, which cannot be effected through the use of the amendment procedure.<sup>10</sup>

On the other hand, there are constitutions that explicitly provide opportunities for both amendment and revision and prescribe different procedures for both. Article 192(1) of the Swiss Constitution stipulates that the Federal Constitution may be “totally” or “partially” revised. The procedures for total and partial revision are included in Articles 193 and 194

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<sup>9</sup>Article 140(1) of the Constitution of Switzerland.

<sup>10</sup>R. Albert, “Amendment and revision in the unmaking of Constitutions”, see *supra* note 3, pp. 121-122.

respectively. While total revision is only constrained by the obligation not to violate the mandatory provisions of international law, partial revisions must additionally respect “the principle of cohesion of subject matter” and “the principle of consistency of form”.<sup>11</sup> In a similar vein, the Constitution of Costa Rica, in Latin America, includes a procedure for “partial” reform of the Constitution (included in Article 195) and “general” reform (in Article 196). General reform may only be approved by a constituent assembly.

The procedure for constitutional reform prescribed by the Ethiopian Constitution (this procedure is entrenched in Articles 104 and 105 of the Constitution) does not exempt certain provisions from constitutional reform; all provisions can be reformed, although different procedures are applicable to the reform of different provisions. Article 104 provides by which bodies and through which modalities a constitutional amendment proposal can be submitted. The article provides that a constitutional amendment can be initiated by the House of People’s Representatives (with a two-thirds majority vote), by the House of the Federation (with a two-thirds majority vote), or by one third of the regional state councils (with a majority vote in each of the councils). The constitutional amendment proposal is subsequently submitted “for discussion and decision to the general public and to those whom the amendment of the Constitution concerns”, which prescribes an element of direct popular participation in the drafting process. Although popular participation includes “discussion” as well as “decision”, Article 105 clarifies that the final power of approval does not lie directly with the people but with the federal and regional parliaments.

Article 105, which provides the modalities of approval, contains two different procedures dependent on the provisions subject to reform. The most stringent procedure is prescribed for amendments to the human rights chapter (chapter three of the Constitution) and to the provisions for constitutional amendment themselves (that is, Articles 104 and 105). These provisions can only be amended if the following conditions are cumulatively fulfilled:

- (a) When all State Councils, by a majority vote, approve the proposed amendment;
- (b) When the House of People’s Representatives, by a two-thirds majority vote, approves the proposed amendment; and
- (c) When the House of the Federation, by a two-thirds majority vote, approves the proposed amendment.

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<sup>11</sup> “Cohesion of subject matter” means an intrinsic connection between the individual parts of the reform proposal. There is “consistency of form” when a proposal is couched exclusively in the form of a general proposal or of a specific draft provision.

A relatively more flexible procedure is prescribed for the amendment of all other provisions. These can be amended:

- (a) When the House of People’s Representatives and the House of the Federation, in a joint session, approve a proposed amendment by a two-thirds majority vote; and
- (b) When two-thirds of the Councils of the member States of the Federation approve the proposed amendment by majority votes.

Articles 104 and 105 only refer to “amendment” and, hence, do not contain a distinct procedure for a “revision” of the Constitution. Nonetheless, one could justifiably argue that certain constitutional amendments, for instance, amending Article 8 by henceforth allotting sovereign power to the Ethiopian “people” rather than to the “nations, nationalities and peoples”, would impact the foundations of the Constitution and would in fact constitute a constitutional “revision”. Changes to some of the other “ethnic” provisions, for instance, replacing the current ethno-territorial federal system by a so-called “territorial” one, would similarly have such a profound impact on the current constitutional order that they would also be justifiably designated as a revision of the existing constitutional order. Although the Ethiopian Constitution thus allows for a wholesale replacement of the existing constitutional arrangement through the constitutionally prescribed procedure, it is to be expected that what would practically amount to a constitutional revision would face more societal contestation than a mere amendment.<sup>12</sup> This is why a change to the “ethnic provisions” makes a participatory and inclusive reform process all the more important. In this regard, it can be recalled that in Switzerland and Costa Rica, a constitutional revision can only be approved by the people (through referendum) or by a constituent assembly.

Reforming the existing constitution, either through amendment or revision, by following the constitutionally prescribed procedure has the advantage of legal continuity: the new legal arrangement is not constituted *ex nihilo*, which evokes an attachment to the values of legality and the rule of law since it demonstrates that all actors, including constitution-makers, are subject to the law. Since the reform is effected through the existing constitutional procedure, the existing political institutions (such as the House of People’s Representatives, the House of the Federation, and the regional state Councils in the Ethiopian case) would have a central role in the process.<sup>13</sup> But what if the constitutionally mandated procedure for constitutional amendment is so rigid that widely supported and much-needed constitutional reform initiatives cannot be carried out? As a matter of fact, this scenario seems to be particularly relevant to the Ethiopian case. Although it is relatively easy to initiate a constitutional reform process (it requires either a two-thirds

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<sup>12</sup>R. Albert, “Amendment and revision in the unmaking of Constitutions”, see *supra* note 3, p. 130.

<sup>13</sup>G.L. Negretto, “Constitution-making in comparative perspective”, see *supra* note 2, p. 7.

majority in the House of People’s Representatives, a two-thirds majority in the House of the Federation, or the approval of one-third of the State Councils), that is surely not the case for the approval of particular constitutional reforms. For instance, an amendment to the rights and freedoms listed in Chapter Three of the Constitution requires the approval of all regional state councils. This means that the amendment of one of the core and highly contentious ethnic provisions, Article 39, containing the multidimensional right to self-determination, also requires the approval of all regional state councils. It goes without saying that the current political context in the country would make such an amendment a very difficult feat indeed. The question is then whether constitutional reform may also take place outside the bounds of the constitutionally prescribed procedure. Of course, many constitutions have been adopted in such a manner, hence extra-constitutionally. This is true for constitutions enacted by newly independent states, such as states established in the context of the 20<sup>th</sup> century decolonization process, which did not have an existing constitution to guide the process; a process aptly described by Tushnet as “constitution-making in a vacuum”.<sup>14</sup> The same is true for constitutions enacted in the wake of political revolutions that suspended the existing constitutions, such as the 1987 Derg Constitution or the current 1995 FDRE Constitution. The rigid procedure prescribed for amending Article 39 should therefore not constitute an absolute impediment to its reform. Yet, in the scenarios where there is no applicable constitutional reform procedure or where the existing constitutional reform procedure is not adhered to, one observes that the constitution is not adopted by the existing institutions (that is, the institutions constituted by the preexisting constitution, such as the legislature), but by special constituent conventions or assemblies, bodies established specifically for the purpose of constitutional revision. The legal reasoning behind it is that these bodies, which claim constituent power, are not bound by existing procedures; existing procedures are merely constituted by the constituent power, which can therefore not be bound or restricted by them. According to Tushnet, “the constituent power always retains the power to reconstitute the constitution on its own terms; that is, on terms set at any time by the constituent power as it is.”<sup>15</sup> Bringing this understanding to the Ethiopian context, it would imply that all provisions of the current Constitution could be amended without following the procedures of Articles 104 and 105, albeit that such amendments could not be approved by the existing/constituted institutions (such as the aforementioned parliamentary institutions at federal and regional levels) but only by the constitution power directly (through referendum) or through institutions representing the constituent power, such as a constituent assembly, elected for the specific purpose of constitutional revision. It can be noted that the approval of the FDRE Constitution was done by such a constituent assembly in December 1994.

## **5.2. The Constitutional Reform Process: Theoretical and Comparative Perspectives**

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<sup>14</sup>M. Tushnet, “Constitution-Making: An Introduction”, *Texas Law Review* Vol. 91(7) (2013), p. 1989.

<sup>15</sup>*Ibid.*

### 5.2.1. Constitutional Reform Objectives and Constitutional Reform Process

We already mentioned in section 3 that constitutional reform – be it through amendment or revision – can serve a wide range of objectives. Nonetheless, considering the context of Ethiopia, it is important to emphasize the potential role of constitutional reform in ending violent conflicts and contributing to sustainable peace. The introduction to this study pointed out that many of the conflicts currently disturbing peace and security in several parts of the country are fueled by ethnic narratives and demands, which inevitably raises questions about the possible role of the ethnic provisions of the Constitution in founding, enabling, and invigorating ethnonationalist narratives, objectives, and actions. This explains why the current call for a constitutional reform process in Ethiopia is mainly driven by the ambition to end violent conflicts and support sustainable peace.

While this objective will, once a constitutional reform process is initiated, determine the selection of constitutional provisions and arrangements for reform – acknowledging the potential of constitutions to be symbols and instruments of national unity in deeply divided societies<sup>16</sup> - the same objective should also be considered while developing the constitutional reform process. In this regard, it is argued that constitutional reform can contribute to conflict resolution not only by designing constitutional arrangements that bridge or mitigate ethnic divisions and tensions and thus support national unity, but also by following a process that offers adequate opportunities for popular participation and societal inclusion. It is important to point out at this juncture that popular participation and inclusion are not identical concepts; a participatory process does not necessarily entail an inclusive one. For instance, there may be a high degree of popular participation combined with a lack of participation of political opponents or other marginalized segments of society, such as persons with disabilities, youth, women, ethnic minorities, and indigenous peoples.<sup>17</sup> Such non-inclusive participation may exacerbate rather than reduce the societal divisions and tensions; thus, the importance of both participation and inclusion.

A participatory and inclusive reform process can provide a forum where social and political grievances and demands are expressed, political discussions take place, dialogue and mutual understanding can be realized, a sense of shared identity and purpose can be nurtured, and difficult compromises can be worked out, thus contributing to ethnic and political reconciliation.<sup>18</sup> The end product, the reformed constitution, will accordingly be

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<sup>16</sup>M. Tushnet, "Constitution-Making: An Introduction", see *supra* note 10, p. 1984.

<sup>17</sup>H. Lerner and D. Landau, "Introduction to *Comparative Constitution Making: The state of the field*", see *supra* note 2, p. 12.

<sup>18</sup>J. Wallis, "Constitution making and state building", in D. Landau and H. Lerner (eds.), *Comparative Constitution Making* (Cheltenham, UK/ Northampton, MA, USA/ Edward Elgar, 2019), p. 285; M. Brandt, J. Cottrell, Y. Ghai, and A. Regan, *Constitution-making and reform – Options for the Process* (Interpeace, 2011), p. 108.

an exercise of constituent power by the political community and, hence, an expression of national unity.

In a country such as Ethiopia, where a national dialogue process has been initiated to mitigate political and ethnic violence and bring about sustained peace and democratic security, constitutional reform can be an important part of the dialogue process in parallel with the application of other mechanisms such as “criminal trials, truth commissions, reparations, rehabilitation, and indigenous peace initiatives”.<sup>19</sup> Of course, for the anticipated benefits of a constitutional reform process to materialize, the process should not only enable popular participation and inclusion, but it further needs to be developed in a manner that is adapted to a country’s specific social and political realities, and it needs to be sufficiently flexible to respond to societal dynamics. In other words, although there are guiding principles and best practices, there is no universally applicable blueprint for a constitutional reform process.<sup>20</sup>

Scholarship emphasizes the importance of constitutional reform in bridging inter-ethnic divisions by facilitating comprehensive and inclusive discussions that lead to widely supported constitutional arrangements that are expressions of national unity. Widely supported and thus societally legitimate constitutional arrangements that are designed to bring about conflict-mitigating effects will also be more effective due to a stronger commitment to their implementation. This argument is based on the assumption that legitimate – as opposed to imposed – constitutional arrangements serve constitutionalism and the rule of law. Even so, the same scholarship also warns that constitutional reform in a climate of heightened ethnic polarization risks having the opposite effect and thus deepening inter-ethnic cleavages. In deeply divided societies marked by ethnic and political conflicts, it may be unrealistic to bring together highly polarized and antagonistic actors and expect them to engage in constructive dialogue based on mutual respect. Rather, by enabling and stimulating discussion on highly divisive constitutional issues, a constitutional reform process risks invigorating rather than mitigating ethnic and political divides and, consequently, destabilizing the polity even more.<sup>21</sup> Although this risk cannot be an argument for avoiding discussions on reforming contentious constitutional issues, it does call for a careful design of a constitutional process based on a thorough understanding and consideration of a given country’s peculiarities. It is important to underscore that the latter caveat should not be understood as a call for rushed constitutional amends through a non-participatory and non-inclusive process. The constitutional product resulting from such a top-down and elitist process would lack the societal legitimacy facilitating its

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<sup>19</sup> J. Wallis, « Constitution making and state building », see *supra* note 14, pp. 285-286.

<sup>20</sup> M. Brandt, J. Cottrell, Y. Ghai, and A. Regan, Constitution-making and reform – Options for the Process, see *supra* note 14, p. 32.

<sup>21</sup> H. Lerner and D. Landau, “Introduction to *Comparative Constitution Making*: The state of the field”, in D. Landau and H. Lerner (eds.), Comparative Constitution Making, *supra* note 2, at p. 14.

implementation and would, therefore, not be able to achieve the reform’s objectives. This kind of constitutional reform could only be enforced through repression, which, by itself, would violate the rule of law and constitutionalism and increase the societal turmoil it was set out to remedy. Rather, incorporating constitutional reform into a national dialogue process that aims to reduce political and ethnic polarization and rebuild trust and social capital is the preferred option in highly divided polities such as Ethiopia.

### **5.2.2. Popular Participation and Inclusion**

In section 4.1, we underscored the importance of popular participation and inclusion in the constitutional reform process in order to bring about a constitutional text that has societal legitimacy, which considerably increases its chances of being voluntarily complied with. In highly divided societies such as Ethiopia, a constitutional reform process that lacks these features and is, to the contrary, the result of a top-down and exclusivist endeavor would invigorate rather than mitigate the existing societal divisions, tensions, and conflicts. Even well-crafted and theoretically adequate constitutional provisions and mechanisms would not be effective – in the sense of achieving their objectives – in such a scenario. While one may question the adequacy of certain provisions of the FDRE Constitution, there is little doubt that the dearth of societal legitimacy of this constitution has seriously affected its implementation and has contributed to the lack of constitutionalism in the country. Indeed, although the process that led to the enactment of the current Constitution in 1994 did offer opportunities for popular participation, these were controlled by the then ruling party, EPRDF, and, although the constitutional drafting process started in a relatively inclusive political environment, it became increasingly dominated by the incumbent.<sup>22</sup>

Apart from these instrumental reasons that advocate a participatory and inclusive constitutional reform process, the latter is also mandated by the notion of the people (or the nations, nationalities, and peoples, in the Ethiopian context) as the holders of sovereign and constituent power and by the right of the people to participate in public affairs.<sup>23</sup> By implication, as Tushnet rightly points out, the process that led to the adoption of the US Constitution in the 18<sup>th</sup> century, which was drafted by an elitist group behind closed doors, would not be acceptable today.<sup>24</sup>

Popular participation in a constitutional reform process can take a variety of forms. In the event that constitutional amendments need to be approved by elected councils (as is the case in Ethiopia), one may argue that people indirectly participate through their election of

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<sup>22</sup> C. Van der Beken, Unity in Diversity – Federalism as a Mechanism to Accommodate Ethnic Diversity: The Case of Ethiopia (Zürich/Münster: Lit Verlag, 2012), pp. 120-126.

<sup>23</sup>M. Brandt, J. Cottrell, Y. Ghai, and A. Regan, Constitution-making and reform – Options for the Process, see *supra* note 14, p. 15.

<sup>24</sup>M. Tushnet, “Constitution-Making: An Introduction”, see *supra* note 10, p. 1994.



the councilors.<sup>25</sup> However, in this text, we refer to “popular participation” in the sense of the direct participation of the citizens in the constitutional reform process. Direct popular or citizen participation has traditionally referred to the approval of a constitution by referendum, but it is much more encompassing than that. Popular participation can alternatively or additionally entail such activities as public consultations with questions on process as well as substance, public debates, and the submission of constitutional reform proposals during the drafting process. Different forms of popular participation can also take place at different stages of the process: before, during, and after the drafting stage. In this regard, it is important to point out that meaningful popular participation requires civic education efforts so that constitutional options for the development of a draft are sufficiently understood.<sup>26</sup>

A constitutional reform process ideally starts with an agreement on the need for, the process, and the objectives of the reform. Popular participation can already be organized at this stage, through the organization of public consultations (the present study is a good example of this), inquiring and trying to assess popular opinion on these issues. Once such an agreement is reached, the drafting process will start, and popular participation at this stage can entail the submission of substantive constitutional reform proposals, filling out questionnaires prepared by a constitutional commission, commenting on the text of a draft constitution, or a combination of all these. Submission of reform proposals by citizens has recently been part of a number of constitutional reform processes in Africa, most notably in South Africa in 1993, Ghana in 1991–1992, and Kenya in 2009–2010.<sup>27</sup> Recent examples of constitution-making reveal that the number of people participating through the submission of reform proposals can be very high. In Iceland, for instance, every citizen had the right to submit proposals for constitutional reform through social media platforms utilized by the constitution-revision body.<sup>28</sup> Although proposals submitted by citizens can be very valuable, it goes without saying that the ultimate drafting of the constitution, which implies the selection, coordination, and crafting of a wide array of constitutional options and provisions, has to be done by a body of technical experts, such as a constitutional commission. The importance of popular participation should not downplay the role of technical experts. Popular participation may – and is likely to – give rise to reform proposals that are undemocratic, mutually inconsistent, or beyond the scope of what should be included in a constitution, and it is the role of legal experts to select and draft mutually supportive, congruent, and legally sound provisions.<sup>29</sup> Once the draft has been prepared,

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<sup>25</sup>G.L. Negretto, “Constitution-making in comparative perspective”, see *supra* note 2, p. 14.

<sup>26</sup>M. Brandt, J. Cottrell, Y. Ghai, and A. Regan, Constitution-making and reform – Options for the Process, see *supra* note 14, p. 91.

<sup>27</sup>G.L. Negretto, “Constitution-making in comparative perspective”, see *supra* note 2, p. 15.

<sup>28</sup>M. Tushnet, “Constitution-Making: An Introduction”, see *supra* note 10, pp. 1995-1996.

<sup>29</sup>M. Brandt, J. Cottrell, Y. Ghai, and A. Regan, Constitution-making and reform – Options for the Process, see *supra* note 14, p. 27.

popular participation can take the form of electing representatives to a constituent assembly or the organization of a referendum to ratify the draft constitution.

In order for popular participation to have the before-highlighted salubrious effects, it is important that the participation is genuine and goes beyond window-dressing, which means that popular views need to be seriously considered in the constitutional reform process. Not only do popular opinions need to be considered, they must also be seen to be considered. This requires popular opinion to be adequately recorded and analyzed as well as the drafting body to report on how popular views were taken into account.<sup>30</sup>

A referendum to ratify or reject the constitutional reform, as is required in Switzerland for all constitutional reforms, has become a common method of constitutional enactment, particularly in the post-WW II era.<sup>31</sup> It is the archetypical example of a mechanism enabling effective and direct popular participation and is therefore expected to strengthen the legitimacy of the constitution. However, a constitutional referendum entails a number of substantial risks as well, particularly in highly polarized societies. First, many voters may not comprehend the constitution. Although popular participation in suggesting constitutional provisions is important, at the end of the day, the constitution is a technical legal document drafted by legal experts. The risk is, therefore, that a significant number of voters do not sufficiently comprehend the constitution they are supposed to approve or reject. This knowledge gap creates opportunities for self-interested actors to manipulate voters by focusing on and misrepresenting specific aspects of the constitution or by campaigning on issues only remotely related to it. Difficult compromises that are the result of tedious inter-ethnic and political negotiations may thus unravel, and the organization of a referendum may therefore undo the unifying effects of the national dialogue in which the constitution was drafted. It may consequently re-invigorate ethnic and political tensions, which highlights that a referendum can be deeply divisive.<sup>32</sup>

### **5.2.3. Drafting the Constitution**

Notwithstanding the importance of an inclusive and participatory constitutional reform process, which benefits national unity and constitutionalism, we pointed out before that a constitution is not and cannot be drafted directly by the people. Drafting includes both the process of writing the constitution and the final decision-making on the content of the constitution.<sup>33</sup> Both activities may be, but are not necessarily carried out by the same bodies. Constitutional reforms are traditionally debated and adopted by legislative councils (this is, for instance, the case in Germany, the USA, Ethiopia, and India) or constituent

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<sup>30</sup>*Ibid.* p. 139.

<sup>31</sup> G.L. Negretto, “Constitution-making in comparative perspective”, see *supra* note 2, p. 16.

<sup>32</sup>M. Brandt, J. Cottrell, Y. Ghai, and A. Regan, Constitution-making and reform – Options for the Process, see *supra* note 14, p. 302.

<sup>33</sup>*Ibid.*, p. 28.

assemblies (for instance, in Costa Rica, that is for constitutional revisions). As discussed in section 4.2, the approval by the legislatures is often followed by a second phase of approval through a referendum. Although the draft can be written by a parliamentary committee, in the case of considerable ethnic and/or political divisions, literature recommends the establishment of a distinct constitutional commission charged with the task of preparing the draft text (this was the process followed for the current FDRE Constitution). The commission, once it has completed the draft, will send it to the legislature or a constituent assembly for debate and approval. A constitutional commission is recommended in societies with deep cleavages because it is supposed to be apolitical, technocratic, and primarily interested in national rather than sectarian interests – albeit that the occurrence of these qualities will highly depend on the selection process of the commission members.<sup>34</sup>

A constitutional commission will organize inclusive popular participation throughout the drafting process. To this extent, as an expert body, it can, amongst others, organize or supervise civic education on constitutional matters as well as manage the submission and analysis of popular views on constitutional reform and of constitutional proposals. As pointed out before, in order to ensure meaningful popular participation, these views and proposals should be genuinely considered by the constitutional commission in setting the agenda for reform and in designing specific constitutional provisions. In fact, the present study could be a useful tool for agenda-setting and for the suggestion of specific reforms in the event that constitutional reform in Ethiopia were to be formally initiated. A constitutional commission should furthermore carry out or support studies to adequately diagnose the ills of the existing constitutional framework – a task particularly important in the Ethiopian context as well.<sup>35</sup>

### **5.3. Opportunities and Challenges for Constitutional Reform in Ethiopia**

In this section, we will briefly reflect on the implications, on the lessons learnt, so to speak, of the theoretical and comparative discussion in sections 3 and 4 for a constitutional reform endeavor in Ethiopia.

At the outset of a constitutional reform process, it is important to have an agreement on the objectives of the reform. This explains why the interviews conducted in the context of this study inquired whether the respondents acknowledged a need for a reform of the Ethiopian Constitution and, if so, what objectives they thought such a reform should serve. The reform objectives could either be limited in scope – that is, reforming some provisions within the bounds of the existing constitution – or ambitious, even to the extent of a complete replacement of the existing constitutional order. The first type of reform is called “amendment”, while the second type is designated as “revision”.

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<sup>34</sup>*Ibid.*

<sup>35</sup>*Ibid.*, p. 265.

We have argued that particular reforms of the existing “ethnic provisions” of the Constitution – the provisions that are the subject of this study – would in fact amount to a constitutional revision since they would alter the basic principles and foundations of the existing constitutional order. Whereas in some countries, revising the constitution through the constitutionally prescribed constitutional reform procedure is prohibited, revising the constitution is permitted in others, though the applicable procedure is more stringent. In Ethiopia, the constitutional reform procedures entrenched in Articles 104 and 105 of the Constitution do neither prohibit a constitutional revision nor contain a specific procedure for it. Hence, even constitutional revisions can be effected through the use of the constitutionally prescribed procedure. Nonetheless, we have also pointed out that in such a scenario, a participatory and inclusive reform process is all the more important.

Reforming the existing constitution, either through amendment or revision, by using the constitutionally prescribed reform procedure is recommended. It has the advantage of legal continuity: the new legal arrangement is not constituted *ex nihilo*, which evokes an attachment to the values of legality and the rule of law since it demonstrates that all actors, including constitution-makers, are subject to the law. In this scenario, the existing/constitutionally constituted political institutions (including the House of People’s Representatives, the House of the Federation, and the regional State Councils) would be in charge of the process (both its initiation and the final approval of the constitutional reform).

Yet, although a constitutional amendment procedure needs to have a degree of rigidity, the Ethiopian procedure is too rigid when it comes to the reform of the human rights provisions, including Article 39 on the right to self-determination. Any reform of the latter provision requires the unanimous approval of the regional State Councils, which seems an insurmountable impediment, particularly in the current political context. Does this make a reform of this provision currently impossible? In this regard, research has shown that a lot of constitution-making in other jurisdictions has taken place outside the bounds of the constitutionally prescribed procedure. The legal reasoning legitimating such extra-constitutional constitutional reform is that the constituent power (these are the nations, nationalities, and peoples in the Ethiopian case) is not bound by the existing procedures since the latter are merely constituted by the former. The constituent power cannot be restricted by constituted procedures. This argument implies that all provisions of the current Ethiopian constitution could be reformed without following the procedures of Articles 104 and 105. Yet, in such a scenario, the constituted political institutions would have to cede their role to the constituent power. To be concrete, a constitutional reform effectuated extra-constitutionally could only be approved by the constituent power itself through a referendum or through institutions representing the constituent power, such as a constituent assembly, elected for the specific purpose of constitutional reform.

Whether constitutional reform will take place using or outside the existing procedure, we emphasized the importance of a participatory and inclusive reform process. A constitutional reform in Ethiopia is mainly being called for because of its anticipated contribution to ending violent conflicts and supporting sustainable peace. The achievement of this objective does not only require the design of adequate constitutional provisions that can bridge or mitigate ethnic divisions and tensions, but also a reform process that offers meaningful and adequate opportunities for popular participation and societal inclusion. Not only does such a process offer a forum for societal, including inter-ethnic and political, dialogue that may produce a shared understanding, it will also benefit the societal legitimacy of the constitution. A participatory and societally inclusive constitutional reform process thus benefits national unity and constitutionalism. Nonetheless, the research has also indicated that a participatory reform process risks deepening ethnic cleavages because it enables and encourages discussion on highly divisive issues. This is why it will be important to incorporate the constitutional reform process into the ongoing national dialogue, which aims to reduce political and ethnic polarization and rebuild trust and social capital as such creating a more fertile environment for constructive constitutional reform discussions.

Popular participation can take a variety of forms and take place throughout the reform process: before, during, and after the drafting stage. Although the referendum is the archetypical form of popular participation, it doesn't seem to be a preferred option in the Ethiopian context. Since it could not be avoided that many voters would lack an adequate understanding of the constitutional draft, voters could be easily manipulated by self-interested actors who misrepresent the constitution or focus on contentious issues only. Carefully crafted compromises that are the result of difficult inter-ethnic and political negotiations may thus unravel, and the organization of a referendum may therefore undo the unifying effects of the national dialogue in which the constitution was drafted. It may consequently re-invigorate ethnic and political tensions.

## PART 2

### RESULTS FOR ALL COMMUNITIES

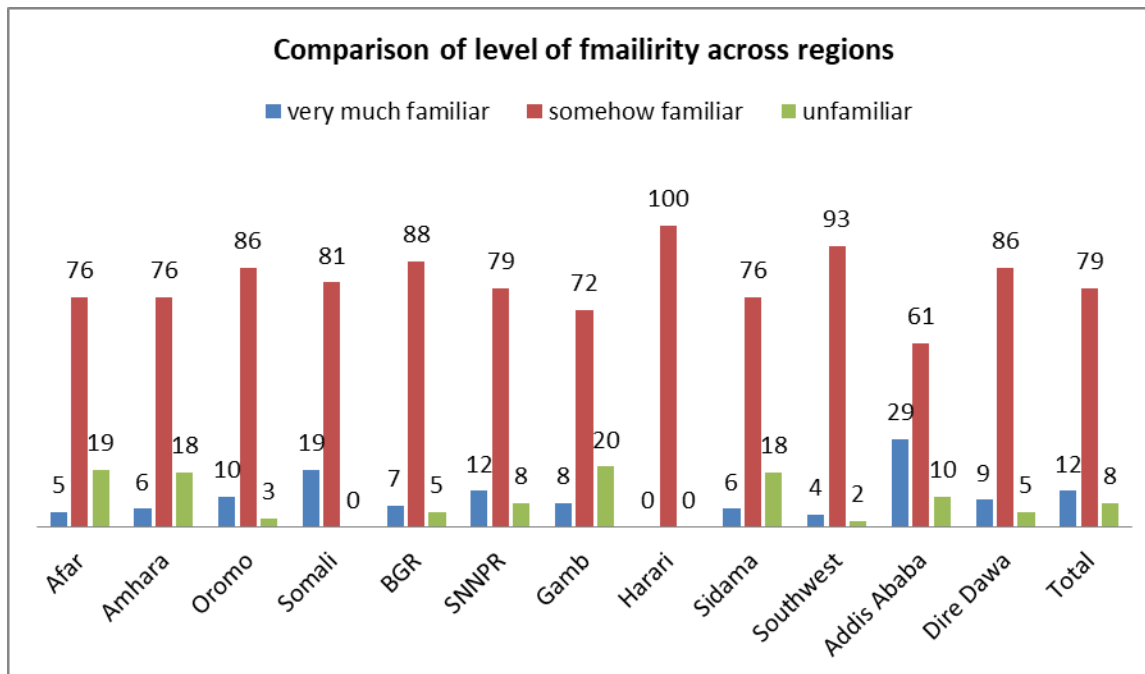
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## I. INVESTIGATING THE POPULAR DEMAND AND FACTORS

### 1. Whether the FDRE Constitution should be changed

Based on their self-rated opinion, an overwhelming number of research participants in either qualitative or survey data collection are confident with the familiarity with the Constitution of Ethiopia. For the three-level rating question, of all 1123 survey participants, 80% of them believe they are “somehow familiar” and 11% responded they are “very much familiar”. Only about 9% of all survey research participants declared they are “unfamiliar”. The qualitative research findings also confirm results obtained through survey method. A large majority of qualitative study participants confirmed they are familiar with the constitution. As the diagram below shows, the level of familiarity across the regions is almost consistent.

Figure 1 Comparison of level of awareness of survey respondents across regions



However, data collection for this study didn't rely merely on the awareness of research participants to respond to the research questions. All research participants are not expected to know enough about technical legal issues. In order to minimize the lack of legal expertise on the part of the research participants when they answer research

questions, data collector were carefully selected (some of the have a legal background), and they were given a two-days training on the research before data collection. The enumerators assisted the research participants in explaining technical concepts, but without influencing research participants.

Regarding “How much do you agree the Constitution of Ethiopia should be kept as is (there is no need to change it)”, 18% of survey research participants “agree” or “strongly agree” with keeping the constitution intact. As the table below shows, a large majority of respondents (75%) “Strongly disagree” or “disagree” with keeping the constitution intact, which means that they need the constitution to be changed.

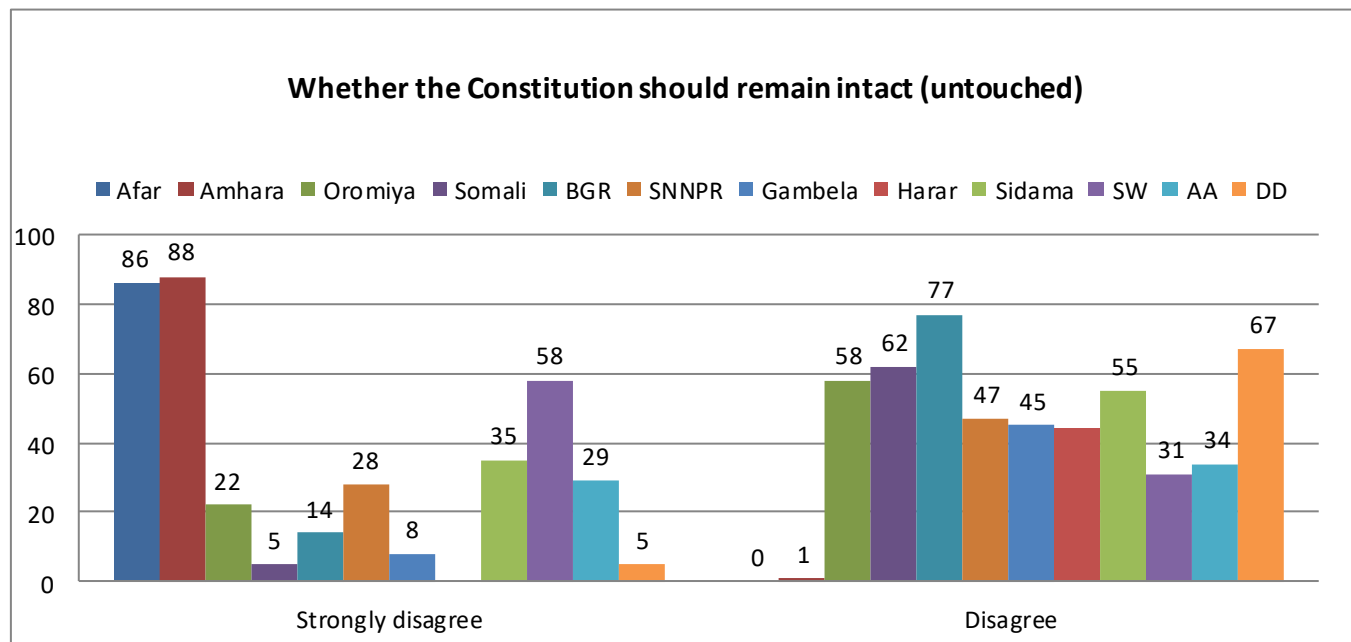
**Table 2 Level of agreement to change the constitution (for all respondents)**

Depending on your familiarity, how much do you agree the Constitution of Ethiopia should be kept as is (there is no need to change it)	Percent
Strongly disagree	34
Disagree	41
Neutral	4
Agree	13
Strongly agree	5
Refused	0.36
I don't know	2.76
Total	100.00

The reasons forwarded qualitative informants as to why they say the constitution should be changed are also more or less common. Some of them questioned legitimacy of the constitution (it does not represent them), others said the constitution has stayed too long in force, and even it has become a breeding ground for ethnic based conflicts as it encourages completion, exclusion and division.



Figure 2 Whether the constitution should remain intact (for all respondents)



From the above graph, we can see that Amhara region has the largest number of people who strongly disagreed with keeping the constitution unchanged. The second one is Afar, and the third one Southwest region.

## 2. Amendment or revision?

Again a large majority of research participants chose amendment instead of revision. The survey data shows that about 77% of respondents “agree” or “strongly agree” with amendment while only about 5% of respondents seek other mechanism of constitutional change, which is revision. Those qualitative informants who are in favor of the amendment have put forward their reason for amendment stating that the constitution has several strengths that needs to be continued, such as the international standards of the human rights and recognition of diversity. In the qualitative study, there was no a single informant who have dissenting opinion demanding for revision.

## 3. Expected disagreements

An overwhelming majority of survey respondents expected a certain disagreement on the agenda of constitutional amendment. For a “yes” or “no” question as to whether the

respondents expect disagreement, 91% of them answered to the affirmative. Only 5% said they don't expect disagreement 4% answered "I don't know". The question was straight forward to qualitative research participants as well, as they immediately answered disagreement is inevitable. Most of them even expect a dispute and even a conflict as result of a purpose and a process to changing the constitution.

#### 4. Level of optimism

A desire to constitutional amendment or revision is one thing and whether the desired outcome will be realized is another. This research also investigated the level of optimism that the research participants believe the desired constitutional amendment or revision will happen. The question is not only whether a constitutional change would occur; more important is whether the change would reflect the public desire. The survey result shows that the majority of the respondents are optimistic. Of 1123 survey respondents, 55% answered answer affirmatively while 25% said they don't believe amendment would reflect public desire and 20% said "I don't know".

The survey result, as put above, shows a little more than half of survey respondents are optimistic, which is almost half of the research participants. Qualitative study results show that even those "yes" questions are highly qualified, informants gave such an answer with conditions. The desire of the public may be served from the amendment process and outcome if there is enough public participation, if political powers could balance their individualistic or groups desires to a collective and national desire.

## II. PROVISIONS FOR AMENDMENT

### 1. On the general dimensions

The overall dimensions of a federal system were investigated in this study to see how much the public opinion is supportive of the federal system itself. As the table below shows, about 71% of respondents are in favor of a federal system that caters diversity in some way. At the same time, the majority of respondents do not support the constitutional role of ethnicity. Respondents also do not agree that the future constitution has to do away with any form of federalism.

**Table 3 Respondents attitude towards overall the federal system (for all respondents)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	Refused	I don't know
Some version of a federalism that seeks to	10	9	4	44	27	1	2

cater ethnic diversity is appropriate (%)							
There is no need to take ethnicity as factor in the country's constitutional (%)	13	24	4	27	29	1	1
Federalism is too divisive and leads to conflicts; there is no need to any form of federalism	28	39	7	11	10	/	5

From the above results, what one can learn is the research participants' need federalism, and even need the kind of federalism that entertains diversity in some way. However, they do not want ethnicity to be the ultimate constitutionally guiding political principle.

**2. The Preamble**

The preambular references to “(w)e the nations, nationalities and peoples of Ethiopia” and “historical unjust relationships” are unanimously rejected by the Amhara and Awi respondents and by the respondents from several ethnic groups in the south, such as the Ari, Arbore, Sheka, Hamer, Hadya, and Gamo. These respondents argue that the terms are divisive and undermine the concept of Ethiopian national identity. They propose that the phrase "nations, nationalities, and peoples" be replaced with something like "We, the People of Ethiopia" or "We, the Ethiopian People”. With regard to the “unjust relationships”, the respondents point out that there have been no unjust relationships between different ethnic communities but rather between elites and the people. Hence unjust relationships were characterized by class rather than ethnic divisions. Furthermore, these kinds of statements give too much emphasis to the past, while constitutional provisions should be future-oriented. The preamble should therefore be reformed since in its current form it emphasizes division instead of unity.

On the other hand, respondents from such communities as the Benishangul, Oromo, Somali, Komo, Kambata, Harari, and Gurage, appreciate the preamble in its current form. They point out that it signifies respect and an affirmation of equal status for the different ethnic communities, particularly for those who were marginalized in the past. Recognizing and respecting diversity does not endanger but rather strengthens societal unity. Nonetheless, several respondents in this category state that the meaning of the three different terms is not clear to them and, therefore, recommend a constitutional clarification in this regard. The preambular provisions mentioning the “historical unjust relationships” are also valued since they provide an adequate narration of the past as perceived by the respondents. More specifically, the respondents argue that this provision rightly evokes and acknowledges a past assimilationist process of nation-building characterized by the

dominance of one culture, language, and religion. Acknowledging past realities is necessary for coming to terms with them, achieving inter-ethnic reconciliation, and laying the groundwork for a peaceful and stable polity. Nonetheless, it is notable that several respondents point out the risk that, although they underscore that this provision has been instrumental in assuring the acceptance of the Constitution at the time – since many liberation movements had an ethno-nationalist agenda – it may not be conducive to supporting the objective of living together and a “common destiny” and should therefore be deleted or rephrased in a future constitutional reform process. The same respondents would rather argue in favor of provisions emphasizing and supporting the unity of the Ethiopian ethnic groups. This evokes the opinion that although the constitutional acknowledgement of past oppression served a transitory objective, it is now time to look to the future and forge a common destiny.

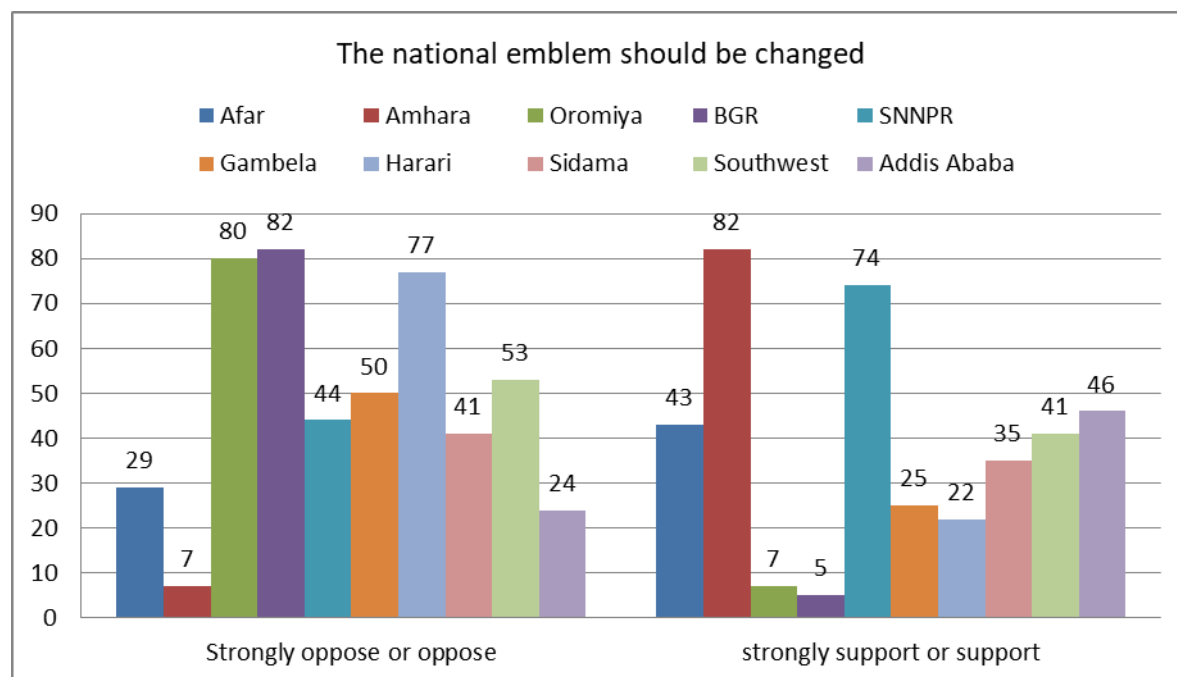
Many ethnic groups seem to have a mixed opinion on this. For instance, the respondents from Addis Ababa expressed very diverse views on the matter using the pro and contra arguments as mentioned above. The same arguments are also made by respondents from the Bench, Majang, Wolayita, Yem, Basketo, and several other ethnic communities.

### **3. National Emblem**

As the survey results indicate, the opinion on this is divided, with, on the one hand, more than 40% of the respondents either strongly opposing or opposing an amendment to the national emblem and, on the other hand, close to 40% supporting or strongly supporting such an amendment. A relatively large number of respondents (10.60%) have a neutral stance and neither support nor oppose such an amendment.

The opposition to the emblem is strong among such ethnic groups as the Awi and Amhara. One of the arguments raised by the opponents of the current emblem is that it was imposed by the EPRDF and, hence, is devoid of wide societal support. Opponents also see it as a symbol designed to divide the Ethiopian people, as lacking inclusivity, or even as something inspired by satanism. Other ethnic groups, such as the Benishangul, Oromo, Wolayita, and Somali largely support the emblem. Supporters of the emblem underscore its importance in representing national diversity as well as expressing unity and solidarity between nations, nationalities, and peoples. It evokes and acknowledges a history of ethnic and religious marginalization while offering the hope of remedying this through emphasizing equality and unity; it is, therefore, a symbol of unity in diversity. According to the Somali proponents of the existing emblem, the ones who oppose it are “extremist unitary groups” or “Abyssinians” who want to restore a unitary and assimilationist past. Many ethnic groups are also divided on the issue, with their respondents using the above mentioned arguments to legitimize their respective positions.

**Figure 3 Whether the national emblem should be changed (for all respondents)**



#### 4. Article 8

The opinion on Article 8 is generally aligned with the opinion of the respondents on the preamble. This is not surprising since Article 8 is the logical consequence of the preambular statements on “nations, nationalities, and peoples”. Consequently, the respondents who supported the preambular reference to “nations, nationalities, and peoples” also support the provisions of Article 8, which grant sovereign and constituent power to these same nations, nationalities, and peoples. They argue that this is an adequate response to a history of ethnic subjugation and marginalisation. They also support the importance of ethnic representation, as is expressed by the third sub-article of Article 8. However, many of the respondents express their frustration that Article 8 has not led to their genuine empowerment, to a meaningful expression of their sovereignty. They claim that they still do not have genuine representatives elected through a free and fair electoral

process and thus demand an effective implementation rather than an amendment of this article. Several respondents make an argument for the organization of free and fair elections, for an enhanced democratic process, and for a more effective implementation of the federal system.

To the contrary, the ones who consider the use of the three terms divisive, express the same criticism towards Article 8. They furthermore argue that, in the same way as the preamble, Article 8 forces people to identify with a specific ethnic identity, which is difficult for those with racially or ethnically mixed ancestry or unacceptable for those who do not want to be identified as such. This raises questions about the latter individuals' constitutional position. Accordingly, the opponents of the current phrasing of Article 8 recommend an amendment that would henceforth grant sovereign power to the "Ethiopian People". The reference to "Ethiopian People" would arguably express an inclusive, non-ethnic national identity. It would also lead to ethnically inclusive political representation since elected representatives would no longer represent the different ethnic groups but rather the Ethiopian people or citizens.

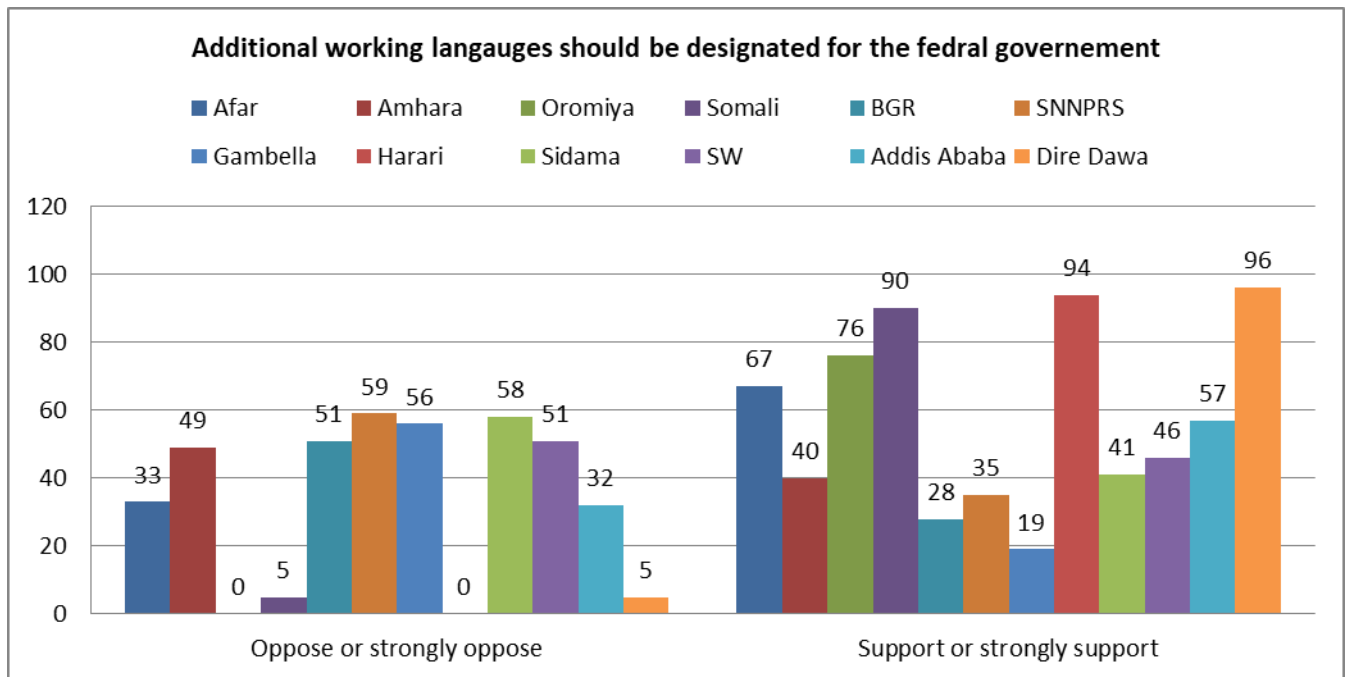
## **5. Federal Working Language**

The constitutional issue here is whether, in addition to Amharic, other languages should be added as federal working languages and, therefore, whether Article 5 of the Constitution should be amended. This is another issue on which opinion is highly divided. A similar number of respondents either strongly oppose (20.66%) or oppose (23.33%) such a constitutional reform and support (23.86%) or strongly support (24.49%) it.

The respondents favoring an amendment to Article 5 point out that the dominance of Amharic is due to the assimilationist nation-building policies of the past. This is no longer acceptable today in a constitutional system that recognizes diversity and promotes inter-ethnic equality, so that additional languages should be added as federal working language. Since the introduction of the federal system, a number of additional languages have been developed (i.e., they have served as regional working languages, as mediums of instruction in the education sector, etc.), which dynamics should be reflected through constitutional reform. The languages that are commonly suggested as additional working languages are Oromo, Somali, Afar, and Tigrigna, a recommendation supported by recent Prosperity Party policies as well. English is also recommended by some respondents. Multilingualism strengthens inter-ethnic communication, understanding, and the creation of social bonds. Furthermore, it will enable a larger number of Ethiopian citizens to get public services in their own languages. Yet, for such an arrangement to work, respondents point out that it is mandatory for people to be provided with the necessary incentives and opportunities to learn additional working languages.

The opponents of an amendment to Article 5 argue in favor of the continuation of the existing arrangement: hence, the exclusive use of Amharic as federal working language. The main arguments are that the use of Amharic as a federal working language has a long history, that the language is widely spoken across the country by people with different ethnic identities, that it is a unifying factor, and that language is merely a conveyor of ideas. The adoption of additional languages as federal working languages may complicate communication and inter-ethnic contact and may thus have a disintegrative effect. Opponents of additional working languages also draw attention to the high cost implications, which allegedly make the use of multiple working languages not feasible in the Ethiopian context. Other concerns relate to the selection of additional working languages; in the absence of objective selection criteria, increasing the number of federal working languages may result in a proliferation of demands, and refusal to meet such demands may result in new tensions and conflict.

**Figure 4 Whether additional working languages should be designated to the federal government (for all respondents)**

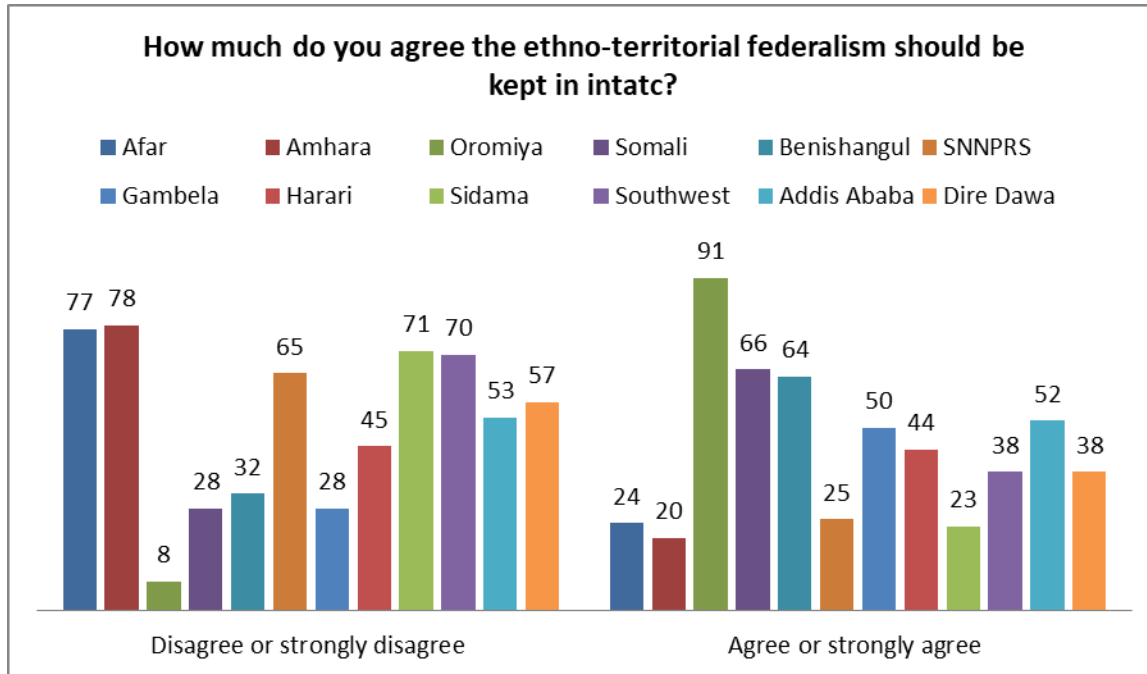


## 6. Ethno-territorial Federalism

Ethno-territorial federalism is one of the most controversial elements of the FDRE Constitution. It has strong supporters and many detractors. In fact, the survey data shows that a majority of the respondents (54.14%) advocate a reform to the ethno-territorial

system. Still, a non-negligible minority of 38% of the survey respondents argue that the current system should be kept intact.

**Figure 5 Whether the ethno-territorial system should be kept intact (for all respondents)**



As can be inferred from the survey data, strong support for the ethno-territorial federal system can be found amongst such ethnic groups as the Benishangul, Oromo, Somali, and Yem. The respondents who prefer the current system to continue underscore the historical reasons behind the introduction of the system, it is an attempt to address historical oppression and marginalization. The ethno-territorial arrangement enables nations, nationalities, and peoples to exercise their right to self-rule, to protect their identities, and to participate in public decision-making. Dividing ethnic groups into different regions would gradually encourage the disappearance of those groups. The proponents of the ethno-territorial federal arrangement argue that the problems currently confronting the country are due to maladministration rather than caused by the federal system. They also argue that the system is aligned with human nature, which is prone to give more attention and feel more sympathy for closely related people. Ethnic-based administration leads to better policy-making since the administrators are more familiar with the needs and interests of the administered. Furthermore, the system does not create division but has the potential – through its emphasis on reciprocal respect – to bring about societal cohesion and integration. Respondents also caution that any attempt to dissolve the current federal



arrangement would provoke a big crisis in the country since many people have benefited and continue to benefit from the exercise of self-rule at regional and local levels.

Opposition to the ethno-territorial system is prevalent among such ethnic groups as the Awi, and Amhara, among the residents of Addis Ababa, and among several ethnic groups in the south, such as the Arbore, Ari, Basketo, Dawuro, Gamo, Gurage, Hadya, Sheka, and Wolayita. The opponents of the ethno-territorial system argue, amongst others, that it has brought division to the country, that it does not consider people of mixed ancestry, that it has negatively impacted national cohesion and Ethiopian civic identity, and that the free movement of Ethiopian citizens has been impeded; it is, in other words, a source of conflict. Respondents also mentioned political and social disempowerment on the basis of ethnic identity in particular ethnic-based administrations. Respondents in this category do not necessarily reject federalism but recommend the reform of the system into a geographical federation that would create cross-cutting cleavages and have less disintegrative potential.

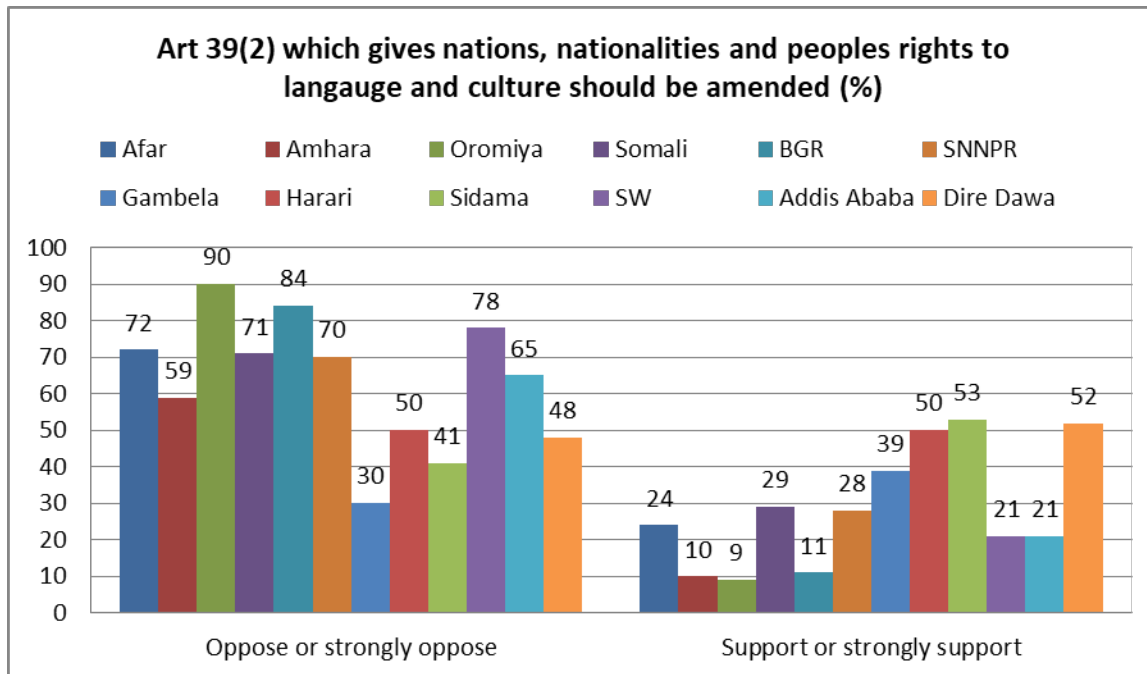
## **7. Article 39**

Respondents were asked to comment on three dimensions of the right to self-determination of nations, nationalities, and peoples, enshrined in Article 39 of the Constitution: (1) the language rights and cultural rights; (2) the right to territorial self-rule; and (3) the right to secession.

The survey data unequivocally indicates that a large majority of the respondents (close to 70%) favor the language rights and cultural rights and therefore oppose an amendment to Article 39(2) including these rights.

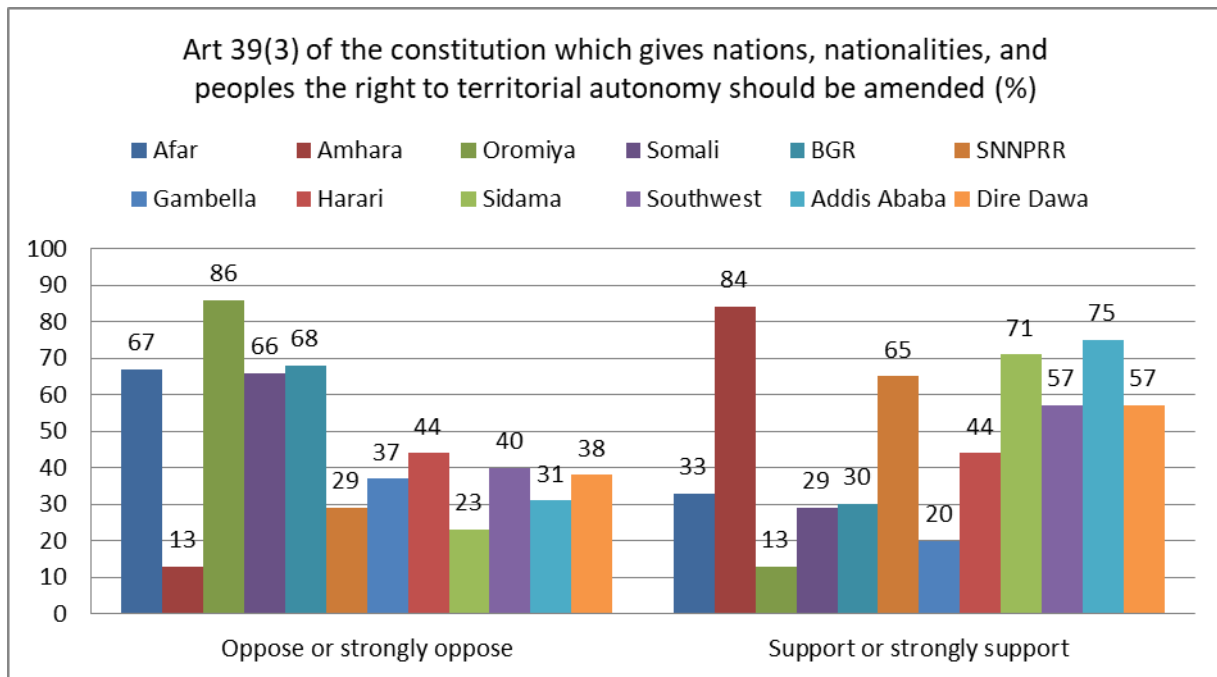
There is much more opposition to the territorial self-rule component, with 53% of all respondents either supporting (25%) or strongly supporting (28%) an amendment to Article 39(3) containing the right. This is hardly surprising since Article 39(3) is the constitutional foundation of the ethno-territorial federal system, which is also rejected by 54% of the respondents. The comparison of results for regions is shown below.

**Figure 6 Whether Art 39(2) (language and cultural rights of nations, nationalities, and peoples) should be amended (for all respondents)**

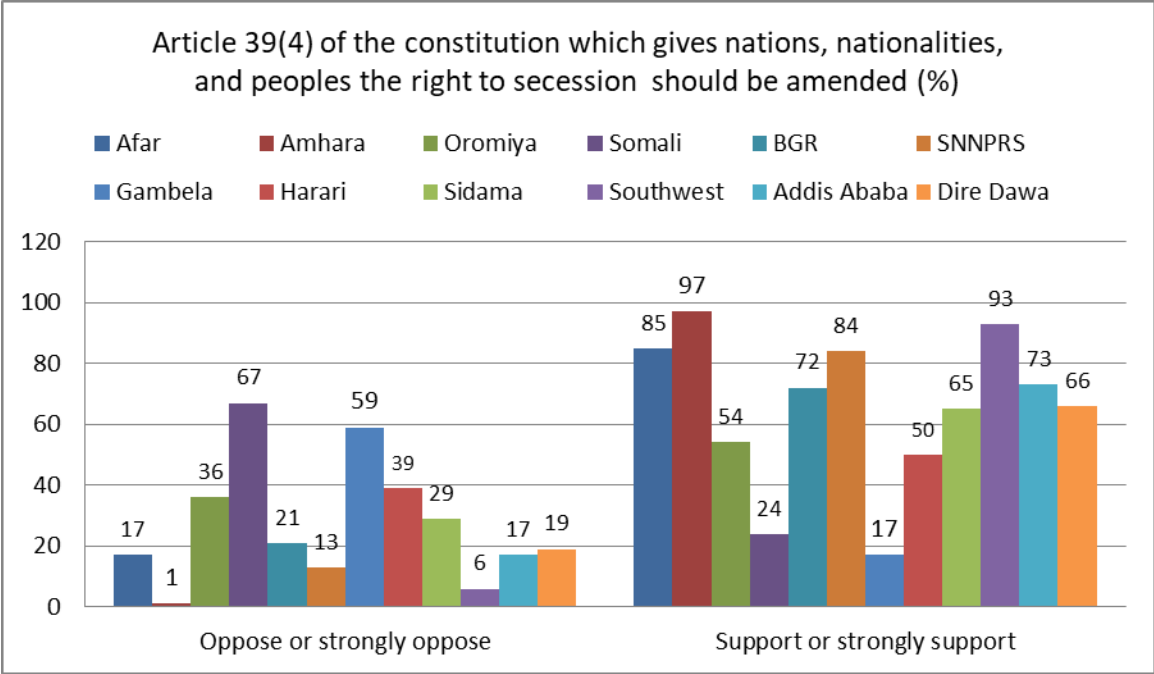


Another important finding is that there is overwhelming support for an amendment to Article 39(4) containing and guiding the implementation of the right to secession. More than 75% of the respondents either support (22%) or strongly support (53%) an amendment to this provision. Less than 20% of the respondents oppose (10%) or strongly oppose (9%) such an amendment.

**Figure 7 Whether Art 39(3) (the right to territorial autonomy) should be amended (for all respondents)**



**Figure 8 Whether Art 39(4) secession right should be amended (for all respondents)**



**8. Ethnic parties**

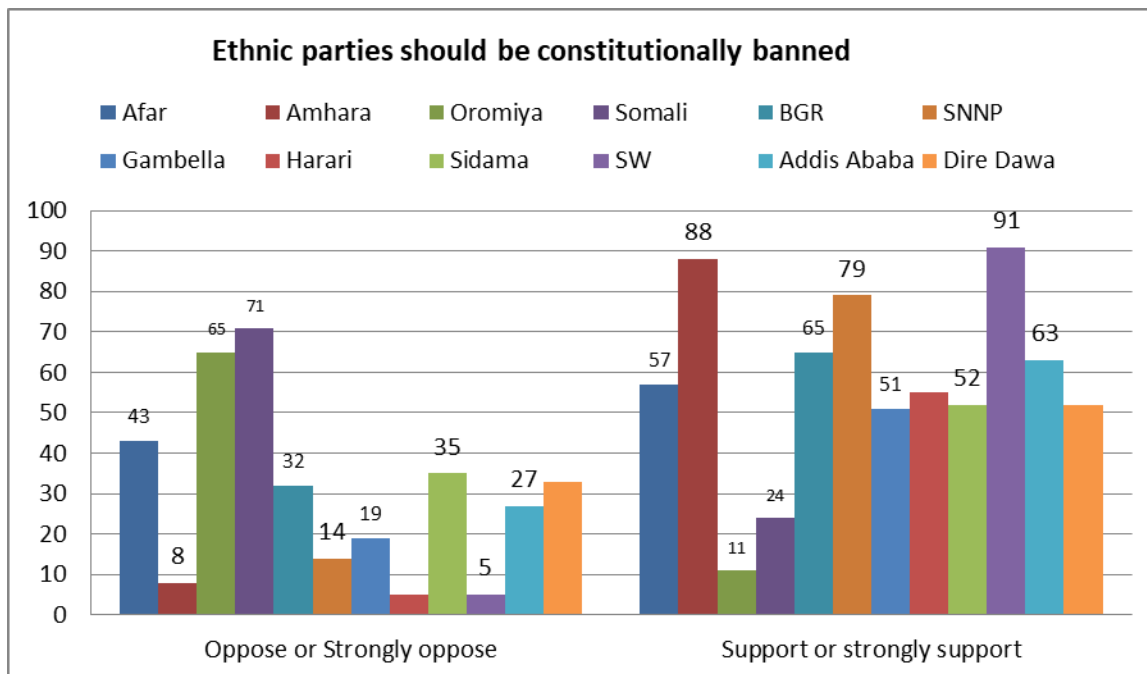
There is generally a negative perception of political parties that are organised along ethnic lines. Most informants and respondents were of the view that as part of the constitutional amendment, a provision banning the formation of ethnic-based parties. Most of the informants held the view that ethnic parties are exclusionary and divisive and harm national cohesion. They blame such parties for the inter-ethnic strife and growing mistrust among communities. There were also those who described the role of ethnic-based political parties only as instruments for ethnic elites to access power and resources despite having no political programme beneficial for the relevant ethnic community. Informants from communities, such as Konta, lamented the fact that ethnic parties did not deliver what they promised to the communities they were supposed to represent. So many informants were thus in favour of a constitutional provision requiring the formation of national parties which have multi-ethnic membership. The survey also shows there is a general agreement to the proposition that ethnic parties should be constitutionally banned. Close to 70 percent of all respondents expressed support for a constitutional amendment leading to the insertion of a provision banning the formation of ethnic-based political parties and 73% of them support a provision requiring political parties to have multi-ethnic membership.

Not everyone was, however, in favour of putting a constitutional ban on ethnic-based political parties. There were respondents, especially from Oromo, Afar, Somali, and Nuer communities and several communities in SNNP, Benishangul-Gumuz, and Gambella (the

Nuer respondents) who strongly argued against banning ethnic-based parties which are fighting for the political rights of the ethnic groups which were ‘historically marginalised’. They feared that banning ethnic-based political parties would bring the prospect of small ethnic communities being politically excluded and dominated by relatively large communities. They hence opposed the suggestion of constitutionally banning ethnic-based political parties. The survey also shows that 21% of all the respondents, a non-negligible percentage, oppose the banning of the formation of political parties along ethnic lines. The majority of the informants and respondents from certain communities also oppose the banning of political parties even though most all the respondents and informants were in favour of it. For instance, most of the Oromo informants were, for instance, against the banning of ethnic-based parties. The survey among Oromo and Somali respondents also show that the majority, 57% and 69%, respectively, opposed a constitutional amendment leading to the banning of ethnic-based parties.

The following diagram shows comparison among responses by ethnic communities.

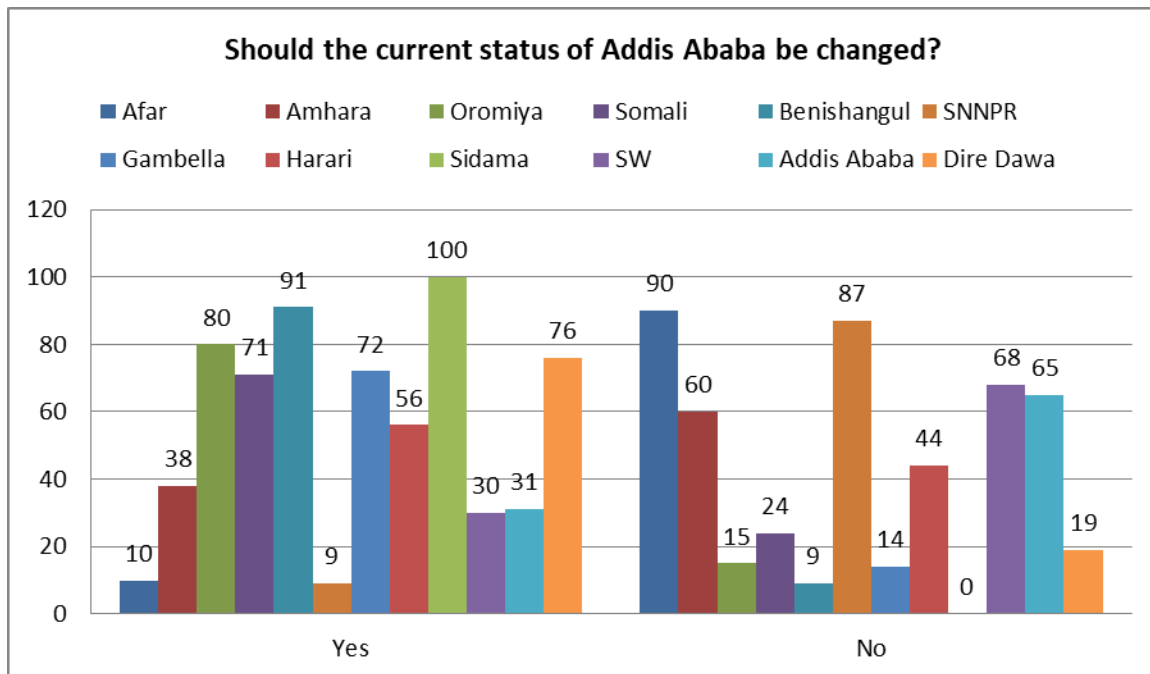
**Figure 9 Whether ethnic parties should be constitutionally banned (for all respondents)**



## 9. The status of Addis Ababa

The great majority of qualitative informants strongly support Addis Ababa to continue holding its current status as a city under the jurisdiction of the federal government. Most of the informants oppose the suggestion to put the city under the jurisdiction of anyone state. So many informants disapproved of a constitutional amendment altering the current status of Addis Ababa. The survey result also shows that over 60 percent of the respondents are in favour of maintaining the current constitutional status of Addis Ababa. Indeed, this view was not shared by everyone. Informants from Hareri were in favour of joint administration of the city by the Oromia state government and the federal government. This view was supported by over 80% of the respondents from the Hareri community. Somali informants also held the view that Addis Ababa belonged to Oromos and should be within the jurisdiction of Oromia even though the survey show close to 70 percent of the respondents reject this view. Likewise, the majority of Oromo informants strongly argued that the constitution should be amended to make Addis Ababa within the exclusive jurisdiction of Oromia. Over 70 percent of the Oromo respondents also supported changing the constitutional status of Addis Ababa in favour of making it within the jurisdiction of Oromia.

**Figure 10 Whether the current status of Addis Ababa should be changed (for all respondents)**



The interest of those who sought the status of Addis Ababa should be changed is reflected as follows.

Figure 11 Whether Addis Ababa should be a separate regional state (for all respondents)

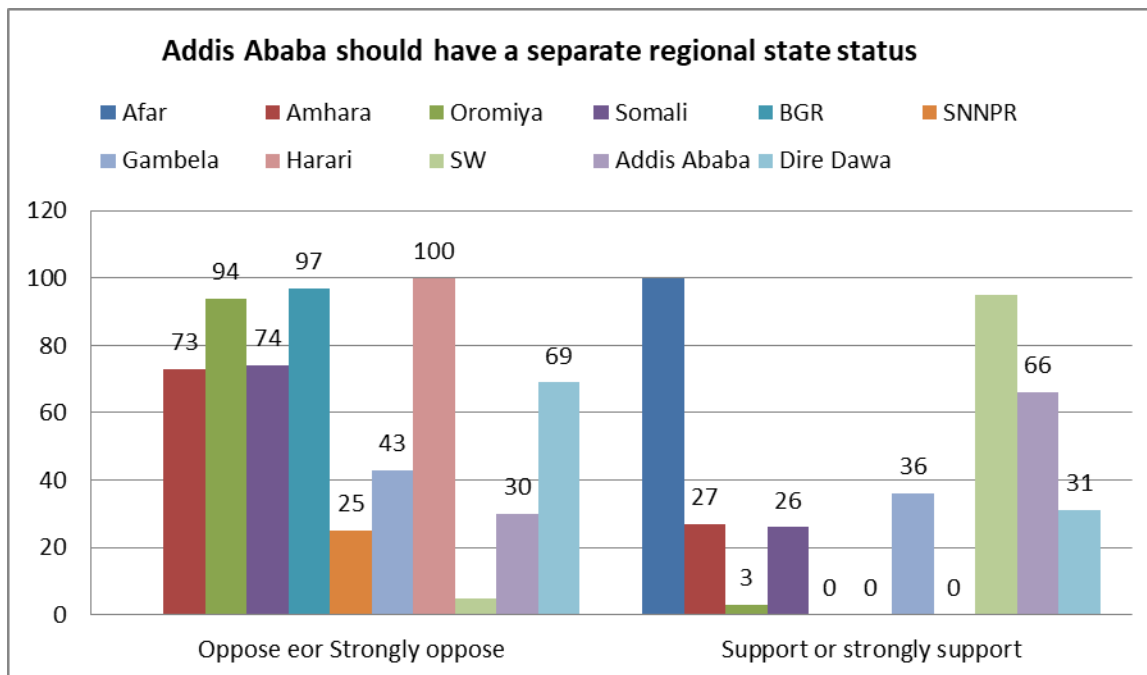


Figure 12 Whether Addis Ababa should be under the jurisdiction of Oromia region(for all respondents)

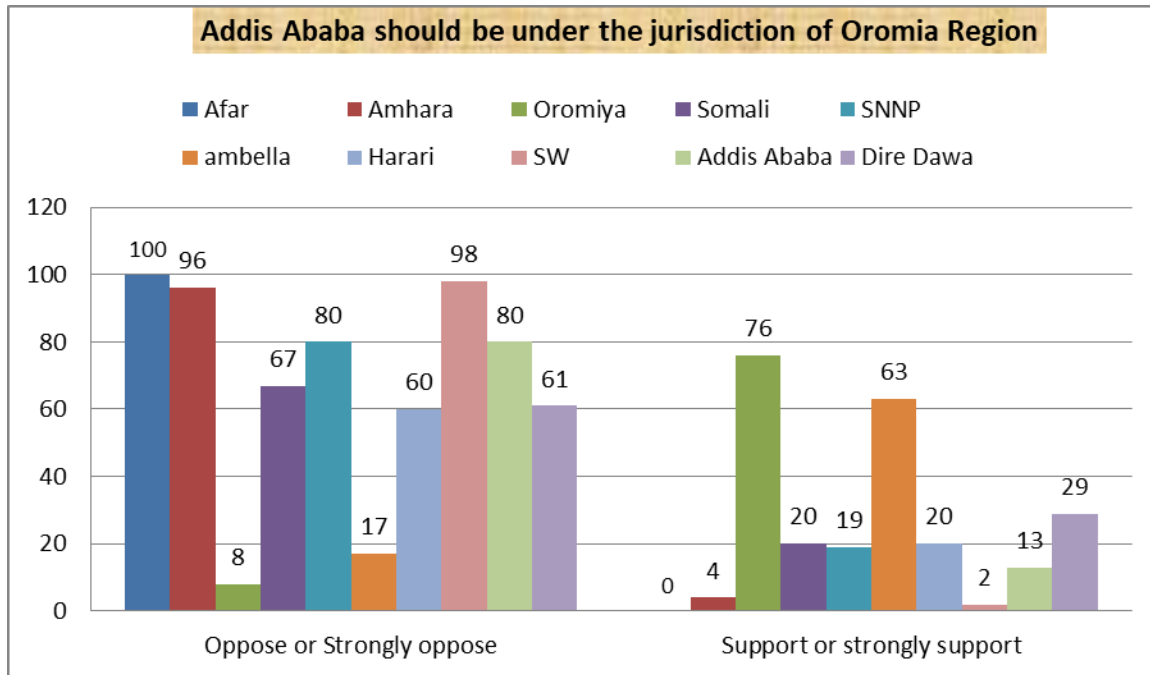
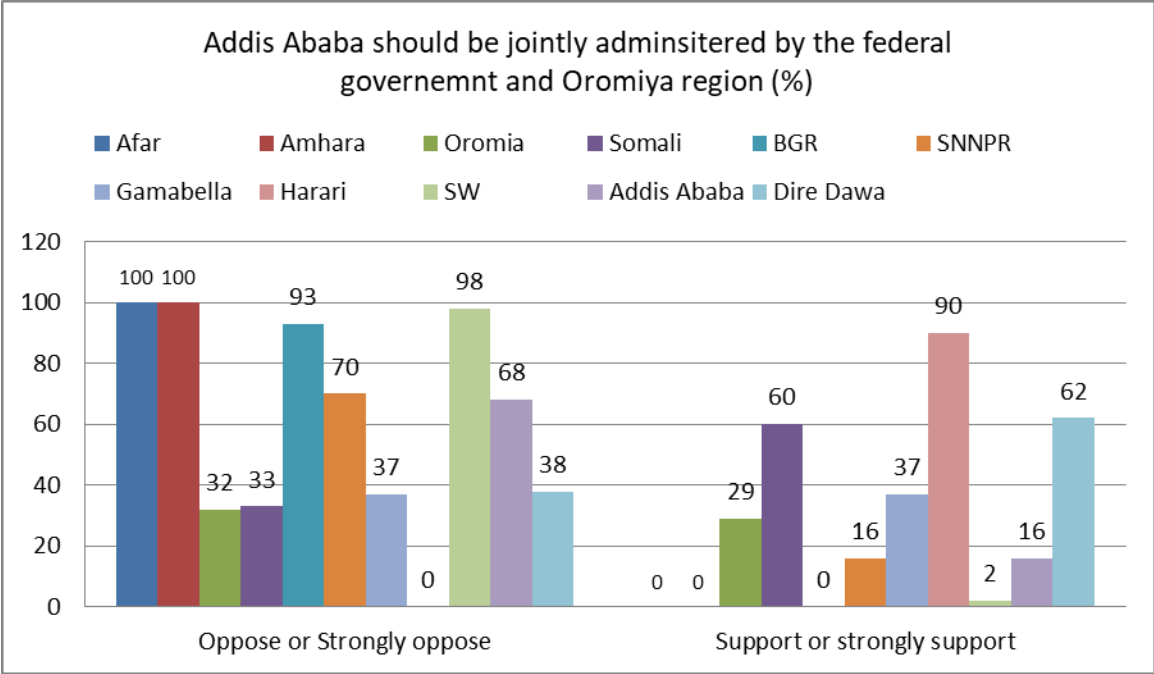


Figure 13 Whether Addis Ababa should be jointly administered the federal government and Oromia region (for all respondents)





**III. OPPORTUNITIES, CHALLENGES, AND WAY-OUTS**

**1. Opportunities**

Most informants have expressed the view that a constitutional amendment cannot be properly conducted with the current political and security context of the country. There is war in the northern part of the country and in parts of Oromia creating a less than conducive environment for a constitutional amendment.

There were indeed a few informants who thought the very fact that there is a desire among the populace for a constitutional change in and of itself creates a conducive environment for a constitutional amendment. There were also informants who considered the political crisis in the country and the growing recognition that the constitution is the primary cause of the crisis creates an opportunity for introducing a constitutional change. The formation of the National Dialogue Commission was also mentioned as a factor creating a conducive environment for a constitutional amendment.

**2. Challenges**

Several potential challenges that can make the constitutional amendment process were mentioned by the informants. The first and most mentioned challenge is the poor security situation in the country. Almost every informant mentioned the security condition as a major challenge negatively affecting the constitution-making process. Other challenges were mentioned, which include:

- Narrow ethnic interest,
- Lack of awareness about constitution and constitutionalism among the populace
- The tendency to decide in a group
- Certain groups are uncompromising in their position on some of the most controversial provisions of the constitution is likely to make compromises that are essential for a constitutional amendment extremely difficult

### **3. Way-out**

Several solutions were suggested to overcome the challenges that may arise before a constitutional amendment process is initiated, including:

- Restoring peace and order before embarking on a constitutional amendment project.
  - Holding a national dialogue on contested issues
  - Participatory and inclusive (involving technical experts, political parties, elders, religious leaders, as well as the public at large) amendment process
  - Giving adequate time for consultation and not rushing the process
  - A bottom-up approach for a constitutional amendment
  - Conducting evidence-based studies and disseminating the study results
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## **PART 3**

### **RESULTS PER ETHNIC COMMUNITY**

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#### **ADDIS ABABA**

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## **I. INVESTIGATING THE POPULAR DEMAND AND FACTORS**

### **1. Whether the FDRE Constitution should be changed**

The large majority of the respondents in the qualitative interviews expressed the need for constitutional reform. This is also confirmed by the quantitative data generated by the survey, which indicates that more than 80% of the respondents favor constitutional reform.

Nonetheless, a few respondents (about 10%) opined that constitutional reform was not necessary. One such respondent pointed out that the problem was not the constitution as such – since it contains many valuable provisions, for instance on human rights – but the lack of its implementation – the lack of constitutionalism, therefore. The same respondent did not completely deny the importance of constitutional updates to align the text with societal dynamics, but rather argued that it was too soon in the Ethiopian context, and that such reform should be done on the basis of an adequate assessment of the existing constitutional framework, which, as per this respondent’s opinion, had not yet been done. Another respondent argued in favor of the existing constitution because of its recognition of the rights of nations, nationalities, and peoples, and the resultant federal system. The respondent appreciated the break with the unitary state made by the current constitution. Although several respondents expressed their support for the ethnic provisions of the constitution – as we will see further – this nonetheless constituted a minority position in the study area.

Among the respondents who advocated a reform of the constitution, there were a number of them who pointed out the importance of the constitutional reform process, arguing that the process that led to the adoption of the 1995 Constitution was not participatory and inclusive since it was dominated by the then incumbent EPRDF and did not include all sections of the polity. This, according to these respondents, has affected the popular acceptance and legitimacy of the current constitution (something that we also pointed out in the theoretical sections of this study). The observation that weak constitutionalism in the country is partly due to the lack of consensus on the constitutional substance constitutes both an argument for the reform of the existing constitution as well as for a participatory process in case such reform were to be initiated: there is a need for a new social contract, as one respondent framed it. It can be recalled that we also highlighted the importance of a participatory and inclusive process in the theoretical sections of this report.

In addition to making the point that the constitution needs to be updated to take stock of and respond to societal developments, several respondents argued that the need for an amendment is also necessitated by the current “ethnic provisions” of the constitution since some of these are to be blamed for conflict, violence, and societal disintegration. There is, therefore, a need for a constitutional reform that encourages civic nationalism, or

“Ethiopianness”. The constitutional provisions that are mentioned in this regard largely include those that are also the focus of this study, such as provisions on the flag, language, self-determination, secession, ethno-territorial federalism, the status of Addis Ababa, and the concept of “nations, nationalities and peoples”, which some respondents called ill-defined.

Some of the respondents also mentioned issues that are not explicitly regulated in the constitution, but the respondents apparently expect constitutional reform to address them, such as the demarcation of administrative boundaries.

## **2. Amendment or Revision?**

Many respondents did not really answer the question of what type of reform they expected or recommended, but rather continued to reflect and elaborate on specific provisions of the constitution.

Yet, most of the respondents who did answer the question argued in favor of a constitutional reform that does not entail a complete overhaul of the constitutional order, but rather prefer an amendment to some of the more controversial provisions, such as the ones mentioned in section 1 above. One of the reasons mentioned is that a revision of the constitution is a leap in the dark and is likely to lead to societal turmoil.

Nonetheless, a few respondents opined that a revision rather than an amendment would be preferable. One of these respondents argued that this was necessary because of the many defects in the current constitution. Others pointed out that the stringent amendment rules mandated by the current constitution make an amendment to some of the provisions (such as the ones on human rights, included in chapter three) very difficult. We have indeed pointed out before that the Ethiopian Constitution prescribes a very rigid procedure for an amendment to some of its provisions, raising questions about the possibility of extra-constitutional reform (that is, outside the bounds of the mandated procedure) of the constitution. Respondents arguing in favor of revision also emphasised that the replacement of the existing constitution would require as well as enable considerable direct participation of the people in the constitutional drafting process so that the legitimacy problems of the current constitution could be addressed.

## **3. Expected Disagreements**

Several respondents expressed that it would not be easy to reform the constitution since some influential political actors are strongly attached to it. For instance, ethno-nationalist political actors attach great value to the ethnic provisions mentioned in section 1, so that it would be difficult to reach consensus on their reform. The secession provision is one of the prominent provisions mentioned in this regard. As some respondents pointed out, an

amendment to this provision would be unacceptable to such political actors as the OLF and TPLF. Furthermore, as this research also reveals, this political support for the ethnic provisions is shared by considerable segments of Ethiopian society. This is illustrated by the conflicting attitudes towards the ethnic provisions of the respondents interviewed in Addis Ababa. While some respondents (the majority) vilify them, a considerable minority see them as essential conditions for the continued existence of the Ethiopian state. For instance, the survey results indicate that more than 30% of the respondents in Addis Ababa either agreed (20.33%) or strongly agreed (12.09 %) that the current ethno-territorial federal system should be kept intact.

Hence, although most respondents agreed on the need for constitutional reform, there is, therefore, surely no consensus on the kind of substantive reform required. This explains many respondents' opinion that political actors are likely to exploit these divisions for their own short-term objectives, which may invigorate rather than mitigate existing tensions and make constitutional reform a very difficult endeavor indeed. Such manipulation would benefit from the lack of familiarity of many Ethiopian citizens with the constitution – an implied call for substantial civic education efforts.

#### **4. Level of Optimism**

As is confirmed by the survey, the opinion in this regard is divided. The survey results indicate that about an equal number of people feel either optimistic (36.26%) or pessimistic (35.16%) about the prospects of a constitutional reform process leading to a widely accepted and adequate, i.e. an effective constitution. Respondents who express optimism emphasize the importance of a participatory and inclusive process that identifies the contentious issues from the outset – a recommendation shared by the authors of this report. The public, a wide array of political parties, as well as academic experts, need to be consulted in such a process. If this is done, a constitution that satisfies the needs of (most of) the people can be adopted, although it is obvious that a constitution can never satisfy everyone. Again, respondents mention that the lack of a participatory and inclusive process for the drafting and enactment of the existing constitution has contributed to its weak legitimacy and its concomitant implementation problems. The need for the public to be educated on constitutional issues is also mentioned as a requirement to ensure meaningful popular participation. One respondent makes the point that the current difficulties the country is facing also create a sense of urgency amongst many societal actors, which may convince the latter to support and actively engage in a constitutional reform process. According to this view, the current challenges do, therefore, not only create impediments but also opportunities for a constitutional reform process.

Some of the respondents who hold pessimistic views argue that the disagreements and divisions mentioned in section 3 above are so profound that an agreement on constitutional

reform will not be reached. They are particularly wary of the role of political parties as potential spoilers of the process. The argument is that political parties pursue their own interests and are not committed to genuinely negotiating and compromising. The final product – if any – is not going to satisfy all societal segments, and political parties are expected to exploit this dissatisfaction. Others point out that the current tensions and conflicts in the country make a meaningful constitutional reform process impossible – although they see potential for the future with the rise of new political elites and novel ideas. Still others are sceptical about the meaningful impact of any constitutional reform since they do not believe that a mere textual reform is going to change the absence or dearth of constitutionalism in the country. The need for effective implementation and, therefore, constitutionalism is also mentioned by the respondents who are optimistic about a constitutional reform process. The latter respondents underscore that constitutional reform can only achieve its intended objectives if the implementation of the constitutional end product is supported by a wide range of societal actors.

Most of the respondents who express optimism about the constitutional reform process do acknowledge and point out that constitutional reform is not a magical solution to all problems, but is one of the steps towards bringing about such a solution. It should be part of a broader process to reduce tensions and polarisation in society. This recalls our recommendation that the constitutional reform process should not stand alone but be integrated into the national dialogue currently underway. Furthermore, as mentioned before, strict adherence to and implementation of the constitutional provisions – that is, constitutionalism – is also crucial. In this regard, some of the respondents rightly point out that although valuable human rights provisions are also included in the current constitution, they have not been respected or enforced.

## II. PROVISIONS FOR AMENDMENT

### 1. General Dimensions

An important finding is that only a minority of the respondents from Addis Ababa want to completely remove ethnicity from the country’s administrative structure. Only 15% and 20% “strongly disagree” and “disagree”, respectively, that some version of federalism that caters to ethnic diversity is appropriate (see table below).

**Table 4 Respondents' attitude towards adopting federalism as a governance system for Ethiopia (Addis Ababa)**

	<b>Strongly disagree</b>	<b>Disagree</b>	<b>Neutral</b>	<b>Agree</b>	<b>Strongly agree</b>
Some version of federalism that seeks to cater to ethnic diversity	14.84%	20.33%	6.04%	31.87%	13.19%

is appropriate (%)					
There is no need to take ethnicity as a factor in the country's constitutional order(%)	12.64%	34.07%	3.30%	24.73%	21.43%
Federalism is too divisive and leads to conflicts; there is no need for any form of federalism (%)	23.63%	39.01%	7.14%	12.64%	10.44%

In a similar vein, the survey data (as presented on the table above) indicates that only a minority (though a considerable one) of the respondents want to completely erase ethnicity from the country's constitutional order.

Let alone ethnicity, the survey data leaves no doubt that there is little support for a return to a unitary system of government. Indeed, several opponents of the current ethno-territorial arrangement advocate a geographical (non-ethnic-based) federal system of government, a system of administration that takes into account other elements than ethnicity, such as geography and administrative convenience.

## 2. The Preamble

The respondents' opinion is highly divided on the preamble, which reflects the absence of a national consensus, or a shared view, on Ethiopia's past and present.

For some, the preambular reference to "nations, nationalities and peoples" is merely an acknowledgement of Ethiopia's ethnic diversity, which, accordingly, constitutes a requirement for Ethiopia's stability and unity. It, moreover, signifies respect and an affirmation of equal status for the different ethnic communities, particularly for those who were marginalized in the past. Such respect constitutes a solid foundation for cohabitation. Deleting or reforming it may therefore have very negative (including violent and disintegrative) ramifications.

For others, the use of the terms "nations, nationalities and peoples" is highly divisive; it is the expression of ethnic politics that has contributed to the destabilization of Ethiopia. They suggest replacing the terms in the preamble with "Ethiopian People", "People of Ethiopia" or "Ethiopians", also because the definition of the three terms is very vague and, therefore, difficult to understand. It furthermore forces Ethiopian citizens to identify with a particular ethnic group, which is particularly problematic for children born out of inter-ethnic marriages.

The latter category of respondents also rejects the preambular reference to "historically unjust relationships," arguing that the unjust relationship was between the ruling class and the ruled, not between different ethnic communities; there was oppression by the ruling



class, not by specific ethnic groups; and all ethnic groups suffered under autocracy. The phrase is also retrograde, and the focus should rather be on a common destiny.

For other respondents, basically the ones that support the use of the terms “nations, nationalities and peoples”, the reference to historically unjust relationships is a constitutional acknowledgement of the historical experience of many. It tries to come to terms with as well as remedy a past of hierarchical ethnic relationships.

### **3. National Emblem**

The respondents are again divided on this issue, but the analysis of their responses also reveals that the national emblem is a less controversial issue than some of the other constitutional provisions, such as the preamble. A relatively large number of the respondents indicate that – although they do have their own opinion on the national emblem – they could simply accept whatever the people decide on this, which again emphasizes the importance of popular participation in the constitutional reform process. This opinion is also reflected by the survey data, which indicates that more than 20% of the survey respondents neither support nor oppose an amendment to the national emblem. The latter category of respondents rightly emphasizes that the national emblem should have the support of the political community at large; it should therefore be societally inclusive.

Nonetheless, the survey data also indicates that more than 45% of the respondents in the study area do want to see a reform of the national emblem (21.98% “strongly support” and 23.63% “support” such an amendment). One of the arguments raised by the opponents of the current emblem is that it was imposed by the EPRDF and, hence, is devoid of wide societal support. Opponents also see it as a symbol designed to divide the Ethiopian people, as lacking inclusivity, or even as something inspired by satanism.

Supporters of the emblem, on the other hand, underscore its importance in representing national diversity as well as expressing the unity and solidarity between nations, nationalities, and peoples; it is, therefore, a symbol of unity in diversity.

### **4. Article 8**

The opinion on article 8 (including its three sub-articles) is aligned with the opinion on the preamble – as discussed before.

This is not surprising since Article 8 is the logical consequence of the preambular statements on “nations, nationalities, and peoples”. Consequently, the respondents who supported the preambular reference to “nations, nationalities, and peoples” also support the provisions of Article 8, which grant sovereign and constituent power to these same nations, nationalities, and peoples. They argue that this is an adequate response to a history of

ethnic subjugation and marginalisation. They also support the importance of ethnic representation, as is expressed by the third sub-article of Article 8.

To the contrary, the ones who consider the use of the three terms divisive, express the same criticism towards Article 8. They furthermore argue that, in the same way as the preamble, Article 8 forces people to identify with a specific ethnic identity, which is difficult for those with racially or ethnically mixed ancestry or unacceptable for those who do not want to be identified as such. This raises questions about the latter individuals' constitutional position. Accordingly, the opponents of the current phrasing of Article 8 recommend an amendment that would henceforth grant sovereign power to the "Ethiopian People". The reference to "Ethiopian People" would arguably express an inclusive, non-ethnic national identity. It would also lead to ethnically inclusive political representation since elected representatives would no longer represent the different ethnic groups but rather the Ethiopian people or citizens.

## **5. Federal Working Language**

Most of the respondents in the qualitative interviews are in favor of amending Article 5 of the Constitution to increase the number of federal working languages. The survey respondents similarly expressed support for such an amendment (with 31.87% of these respondents "supporting" and 24.73% "strongly supporting" this).

These respondents emphasize the benefit of multilingualism in strengthening inter-ethnic communication, understanding, and the creation of social bonds. The languages that are commonly suggested as additional working languages are Oromo, Somali, Afar, and Tigrigna, a recommendation supported by recent Prosperity Party policies as well. Nonetheless, the proponents of multiple federal working languages also raise a number of concerns. One example is the selection of additional working languages; in the absence of objective selection criteria, increasing the number of federal working languages may result in a proliferation of demands, and refusal to meet such demands may result in new tensions and conflict. By the way, as the respondents point out, what kind of selection criteria could be developed in the face of the principle of equality of all nations, nationalities, and peoples and the equality of their languages? Is such equality compatible with the selection of some languages as federal working language while denying such status to others? Another concern is that people need to be provided with the necessary incentives to learn additional working languages.

Nonetheless, a considerable number of respondents of the qualitative interviews argued in favor of the continuation of the existing arrangement: hence, the exclusive use of Amharic as federal working language. It is noteworthy that this position is also supported by more than 30% of the survey respondents. The main argument is that the use of Amharic as

federal language has a long history, that the language is widely spoken across the country by people with different ethnic identities, and that language is merely a conveyor of ideas. One respondent, who principally argued in favor of multiple federal working languages, drew attention to the high cost implications, which allegedly makes such approach not feasible in the Ethiopian context.

## 6. Ethno-territorial Arrangement

Although the majority of the respondents in the qualitative interviews advocate a replacement of the existing ethno-territorial federal arrangement, a considerable number express support for it. This picture is confirmed by the survey data, which indicates that although a majority of the respondents disagree with the continuation of the ethno-territorial federal system (28.02% “strongly disagree” and 25.27 “disagree”), 12.09% strongly agree and 20.33% agree that the system should be kept intact.

The respondents who prefer the current system to continue underscore the historical reasons behind the introduction of the system. They also argue that the system is aligned with human nature, which is prone to give more attention and feel more sympathy for closely related people. Ethnic-based administration leads to better policy-making since the administrators are more familiar with the needs and interests of the administered. Furthermore, the system does not create division but has the potential – through its emphasis on reciprocal respect – to bring about societal cohesion and integration. The existence and implementation of the system for more than two decades has also created vested interests, making a complete change of the system a risky endeavor.

The opponents of the system, on the other hand, argue that it has brought division to the country, that it has negatively impacted Ethiopian civic identity, and that the free movement of Ethiopian citizens has been impeded; it is a source of conflict. Respondents also mention political disempowerment on the basis of ethnic identity in particular ethnic-based administrations.

## 7. Article 39

The majority of the respondents – both in the qualitative interviews and in the survey (see table below) – favor Article 39(2), which entitles the nations, nationalities, and peoples to language rights and cultural rights. Some of the respondents point out that although they agree with these rights, care should be taken that there is no imposition of a given language or culture: there shouldn’t be forced assimilation, therefore.

**Table 5 Whether and what aspects of Article 39 should be amended (Addis Ababa)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
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Sub article 2 of Article 39 which gives nations, nationalities, and peoples language rights and cultural rights should be amended (%)	26.92%	37.91%	6.04%	13.19%	7.69%
Sub article 3 of Article 39 which gives nations, nationalities, and peoples the right to territorial autonomy should be amended (%)	12.64%	18.13%	7.14%	34.62%	20.33%
Sub article 4 of Article 39 which gives nations, nationalities, and peoples the right to secede should be amended (%)	8.79%	8.79%	7.14%	32.42%	40.66%

There is, however, much more support for a constitutional amendment to Article 39(3), which endows nations, nationalities, and peoples with the right to territorial self-rule. This outcome is, of course, not surprising considering that the majority of the respondents also rejected the ethno-territorial federal system, which emanates from Article 39(3). As can be seen from the table below, 34.62% support and 20.33% strongly support an amendment to Article 39(3).

The respondents who support Article 39(3) argue that people should be administered by those who speak their own language. The opponents, on the other hand, argue that this article leads to division, affects the project of nation-building, and causes endless administrative fragmentation and conflict. It also marginalizes and politically disempowers people who belong to so-called intra-unit minorities, which are ethnic groups other than the territorially empowered one(s).

The support for an amendment to the secession provision included in Article 39(4) is even much stronger. The majority of the respondents of the qualitative interviews reject it as a tool for social division and disintegration of the country, as something that merely evokes ethnic self-interest – which is furthermore reflected by the unconditional nature of the right. The respondents in this category argue that the secession provision has been created by politicians with separatist objectives, and the role of the TPLF in this is mentioned a couple of times. The survey data also unequivocally shows the support for an amendment to this article in the study area; 40.66% of the respondents even “strongly agree” that this provision needs to be amended, indicating the intensity of the resistance to it.

Still, a number of respondents in the qualitative interviews defend secession as an ultimate guarantee of the rights of nations, nationalities, and peoples. They point out that it is not dangerous for Ethiopian unity since the right will only be exercised in the case of serious human rights violations. Nations, nationalities, and peoples will not secede as long as their rights are protected. It is therefore an important instrument for the protection of human

rights. One respondent also argues that deleting the provision from the Constitution will not by itself prevent secession – it may even make it more likely.

## 8. Ethnic Parties

The majority of the respondents in the qualitative interviews recommend a constitutional ban on ethnic-based political parties. Nonetheless, a non-negligible number of respondents support ethnic-based political parties. The survey data, on the other hand, reveals a strong demand for constitutionally banning ethnic-based political parties and for a constitutional provision requiring political parties to have a multi-ethnic membership (see table below).

**Table 6 Whether ethnic parties should be banned by the would-be amended constitution (Addis Ababa)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
The formation of political parties along ethnic lines should be constitutionally banned	11.54%	16.48%	6.04%	31.32%	31.87%
There should be a constitutional requirement for a party to have a multi-ethnic membership	7.69%	19.23%	6.04%	33.52%	24.73%

The proponents of ethnic-based political parties argue that it is inherent in human nature that people want to associate with other people who are closely related to them, and ethnic or kin ties are arguably closer than citizenship ones. Ethnic-based political parties are also better informed about the people (their language, culture, and socioeconomic activities) they claim to represent and are, therefore, in a better position to adequately respond to their interests, needs, and demands. Banning these political parties may also be considered a violation of the rights of persons to associate, which is an important human right and minority right. Some of the proponents do acknowledge the risk that ethnic-based political parties violate the rights of “others” but suggest the enforcement of a code of ethics rather than an outright ban to prevent and remedy this.

The proponents of a constitutional ban on ethnic-based political parties point out that ethnic-based parties undermine unity and disregard the interests of people with the “wrong” ethnic identities. Ethnic-based political parties are labelled as parochial since they do not focus on the interests of the citizenry as a whole. Political parties should adopt and develop ideologies and policies that are broader than ethnic objectives.

## 9. The Status of Addis Ababa

The majority of the respondents in Addis Ababa do not want an amendment to Article 49 of the Constitution regulating the status of Addis Ababa. The survey data reveals that 65.38% of the survey respondents want to keep the constitutional status quo in this regard. To support their position, respondents mention such issues as the international and diplomatic status of the city, and the fact that Addis Ababa is the city of all Ethiopians; it has been built by all Ethiopians, not only by those with Oromo identity. The respondents in this category argue that incorporating the city into the Oromia Region would reduce its international appeal and make it less attractive to domestic investors as well, which would have dire economic consequences. Nonetheless, intergovernmental relations between Addis Ababa and Oromia should be strengthened to ensure reciprocal advantages and mitigate or remedy detrimental impacts of Addis Ababa’s activities on the Oromia Region.

Although this did not come out strongly in the qualitative interviews, the respondents who favor an amendment to the constitutional status of Addis Ababa overwhelmingly support the city’s becoming a separate regional state. A few respondents recommend a joint administration of Addis Ababa by the federal government and the Oromia Region. Incorporating Addis Ababa into the Oromia Region is supported by few and strongly opposed by many (see table below). The few respondents who argue in favor of constitutionally incorporating Addis Ababa into the Oromia Region argue that Addis Ababa is a city in the heart of the Oromia Region and that the area was also traditionally the land of the Oromo people. They assert that there is no legitimate reason on the part of the other ethnic communities to resist this, apart from a lack of respect for the Oromo people. Oromo people have a long tradition of respecting the rights of other ethnic communities, so that the latter have nothing to fear.

**Table 7 How the status of Addis Ababa should be changed (Addis Ababa)**

	Strongly disagree	Disagree	Agree	Strongly agree
Addis Ababa should be a separate regional state in the Constitution	16.07%	14.29%	17.86%	48.21%
Addis Ababa should be jointly administered by the Federal government and Oromia regional state	44.64%	23.21%	12.50%	3.57%
Addis Ababa should be part of Oromia regional state in the Constitution	57.14%	23.21%	3.57%	8.93%

### III. CHALLENGES, OPPORTUNITIES AND WAYS OUT

## **1. Opportunities**

Almost all respondents in the qualitative interviews opine that it is not an opportune time to start a constitutional reform process.

## **2. Challenges**

Among the reasons supporting their opinion is the observation that some political parties do not want any constitutional reform and may thus spoil the process. On the opposite side of the political spectrum, there are political parties that want a complete overhaul of the current constitutional framework. This political context, characterized by polarization and uncompromising attitudes, needs to be improved first. In the absence of a more conciliatory political and social environment, a constitutional reform process holds significant conflict potential. The lack of peace and security in different parts of the country is also mentioned as an impeding factor, and respondents argue that a modicum of peace and stability has to precede the initiation of a constitutional reform process. In other words, the focus should first be on the creation of a more conducive political and social context, without which a constitutional reform process would be a mere waste of resources.

Apart from these general concerns, a number of specific reasons complicating or impeding a constitutional reform process at this time are mentioned. The position of the Tigray regional state is one of them; a constitutional reform process without the participation of this region would not be inclusive. Another is that, due to the aforementioned challenges, the country faces serious economic and concomitant financial problems, which may prevent adequate funding of the expensive endeavor that constitutes a constitutional reform process.

## **3. Ways Out**

Although the respondents do not think that the time is right to start with constitutional reform, they do emphasize that if such a reform were to be initiated, the process would have to be participatory and inclusive in order to lead to a legitimate constitution, something that we also highlighted in the theoretical sections of this report. Respondents assert that in order to have an inclusive process, technical experts, political parties, elders, religious leaders, as well as the public at large, need to be included and actively engaged in the process, which also constitutes an argument against a rushed constitutional reform process. Respondents also mention that public participation needs to start from the outset, for instance, to reach agreement on whether constitutional reform should start at all and, if so, what should be the process and objectives of the reform. The end product, the draft constitution, should be the outcome of this participatory and inclusive process, which will ensure its societal support and legitimacy. Our recommendation that the constitutional reform process should be part of the anticipated national dialogue is also made by the respondents.

## **AFAR**

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### **I. INVESTIGATING THE POPULAR DEMAND AND FACTORS**

#### **1. Whether the FDRE Constitution should be changed**



Nearly all informants (higher officials, the ruling and opposition party leaders, traders, teachers, farmers, and idir representatives) stated that the FDRE constitution needs to be changed since, according to them, it contains unnecessary provisions that are sources of conflicts and disputes. The state officials claimed that the provisions which are causes of contentions should be removed or changed and those that most people accept should be kept. They said the contentious constitutional issues could be identified during and through public consultations. One of the opposition party representatives stated that ‘the constitution has several provisions that many people have issues with. So, those provisions should be amended in a way that benefits the country and the people’. An informant from the PP strongly argued that ‘the constitution should be amended so that it would become our source of freedom and equality and that all Ethiopians would accept it as their own ‘.

In a survey conducted in the research area, the respondents were first asked if they were familiar with the FDRE constitution. A little over 76 percent of them said they were indeed familiar, while about 17 percent of them responded they were unfamiliar with the constitution. Asked, based on their familiarity with the constitution whether they would want the constitution to remain unchanged, over 82 percent responded they ‘strongly disagree’ implying that they would like to see some change in the constitution.

## **2. Amendment or revision?**

As stated above, all informants interviewed strongly maintain that constitutional provisions that are sources of disagreements and conflicts should be identified and changed and relevant provisions should be kept. The informant did not ask for the replacement of the constitution with a new one. They simply state that some parts of it need to be changed. As one informant, who is a representative of the ruling party stated, he ‘would be happy if the constitution was amended but not totally changed.’ He further said he would ‘support a constitutional amendment since there are provisions in the constitution that are outdated’. The quantitative data also supports the qualitative data. Over 82 percent of those surveyed responded that they strongly agree with the constitution being amended, while all of those surveyed showed some level of disagreement with the idea of completely revising the constitution.

## **3. Expected disagreements**

Key informants, which included a state official, a member of the opposition party, and a member of the PP, were also asked whether and which constitutional provision would be a cause for disagreement. The state official, who served as an informant, explained that ‘there are people who give priority to their ethnic identity rather than their national identity while there are others who hold the opposite view’. These groups of people would disagree, for instance, on whether Article 39 of the constitution should be repealed. The TPLF and OLF

are in favour of this provision. Likewise, one of the opposition party representatives mentioned Article 39 as the most contentious constitutional provision. He said 'different people hold the view that this provision will lead to the dismemberment of the country and that it should be removed. There are many people who maintain that this provision should remain unchanged. Similarly, one informant, who was a teacher, explained, "Article 39 is a controversial provision. There are some people that need it and consider it as a pillar for their survival. There are many people who argue that it dismantles the country and should be removed with no preconditions. Yet, an informant from the ruling party stated, 'Article 39 should be kept since it guarantees the survival of [Afar] as a distinct community'. If removed, it would mean that the central government seeks to oppress 'the nation, nationalities, and peoples of Ethiopia'".

Asked whether there would be a disagreement among the different sections (ethnicities, religious groups, age groups, regions, politicians) of the Ethiopian on a constitutional amendment, 100 percent of those surveyed responded in the affirmative. Close to 60 percent of those surveyed said there would be a disagreement on constitutional amendments among people of different ethnicity, educational background, and age group.

#### **4. Level of optimism**

Nearly half of the informants believe that an amendment process would lead to their desires being reflected in the constitution. The remaining informants fear that the amendment process would never reflect the desire of the public for various reasons. An informant from Afar People's Liberation Front (APLF) said: 'I think the final product of the amendment process would reflect the desire of the public at large if and only if public discussions are conducted about the different provisions in the constitution from the kebele to the federal level and if the options of the public are taken in to account in the amendment processes.' The informants from the PP optimistically stated 'the constitution will be amended with the participation of all Ethiopians and the final draft would reflect the desire of the public at large. And the people would feel that they amended the constitution and would consider it as their own constitution.' Another informant, a teacher by profession, who was uncertain about what the final draft would look like, cautiously responded by saying that 'it is difficult to predict the ultimate result of the amendment processes in this volatile political situation'. Those who took part in the survey were also divided on this specific issue. A little over 41 percent of those surveyed said they would expect the constitution they want to see adopted will come out of a constitutional amendment, while about 35 percent of the respondent held the opposite view. Some 23 percent responded they were not sure.

Almost all informants did not think that the amendment process alone will address all their concerns. An informant, a government official, stated 'the constitution can address certain

political problems of the country, but it can't be the solution for every problem'. Similarly, another informant, a teacher, replied: "Never! I don't think the constitution alone will address the various concerns of the people. Unless it is implemented properly, formulating an excellent constitution means nothing. Thus, first, the government should prepare a constitution that everyone accepts. Second, it must be properly implemented. Another informant from an Idir, said: 'the constitution is a lifeless document. For me to address the concerns of the Ethiopian people, first we need a free public conversation and the people should discuss issues openly. We will then be able to solve all the issues. 'Yet, an informant from Afar PP stated: 'yes, the amendment alone will address our concerns. Constitution amendment can help us solve the ongoing problems which will address the concern of many Ethiopians". An informant from the opposition party responded 'a constitutional amendment will stabilise the country to some extent serve as a starting point for dealing with other issues'.

## II. PROVISIONS FOR AMENDMENT

### 1. On the general dimension

It goes without saying the design of the Ethiopian federal system, which is predicted on accommodating ethnic differences, is the most debated constitutional issue in the country. Whether and how the federal design could be revised has been discussed extensively. The respondents in Afar were thus requested to answer some general questions regarding the federal system and their responses is summarised on the table below.

**Table 8 Respondents' attitude towards adopting federalism as a governance system for Ethiopia (Afar)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	29	-	-	35	35
There is no need to take ethnicity as factor in the country's constitutional (%)	24	18	6	6	47
Federalism is too divisive and leads to conflicts; there is no need to any form of federalism	53	35	6	6	6

As can be seen on the table above, over 70% of the respondents are in favour of a federal design that somehow caters to the ethnic diversity of the Ethiopian people. Again the

majority of the respondents (53%) seek ethnic diversity to be considered at least as one factor in the country's constitutional design. And close to 90 percent of the respondents reject the suggestion that a federal system, its design regardless, is divisive and it should not be implemented in the country.

## **2. Preamble**

The informants responded differently when asked what they think of the phrase 'we the nations nationalities and peoples 'in the constitution's preamble. A state official responded by saying, 'I don't have a problem with the phrase since it shows that Ethiopia is the mother of various ethnic groups. 'He added, 'it must be understood that these ethnic groups will not survive without Ethiopia''. Another informant, belonging to the opposition party, maintained that she fully agree with the idea of nations, nationalities, and peoples being the ones who made compact to live together. The preamble does not refer to only one ethnic group, rather it shows the diversity of all the nations and nationalities. The other part of the preamble of the constitution presented for discussion with the informants was the part that mentions past historical injustice: "Fully cognizant that our common destiny can best be served by rectifying historically unjust relationships and by further promoting our shared interests". One informant was the view that there was no unjust relationship in Ethiopia. He added:

'Our forefathers gave us a strong Ethiopia, but this generation has done nothing. We don't have the courage to condemn the previous political system and history. Better to magnify Ethiopianism rather than discourage it. Whenever there is a ruling class, it will hurt, harm, abuse, and exploit others (those who are outside the ruling class) irrespective of ethnicity. Individuals at different levels of political power abuse/exploits people, including their own ethnic members. Such types of exploitations still exist. However, there was no unjust relationship between different groups/ethnic groups.'

An opposition party representative maintained that 'there has indeed been historically unjust relationships or exploitations between peoples. However, for the sake of our future coexistence, we should not use this for retaliation or revenge. It should not be a source of conflict'. She added 'our politics should be built on ideas that people rather than on those that polarize people'. Likewise, an informant from the PP of the region noted that 'there were unjust relationships even if it was not at an ethnic level. Whatever it was, this should be removed from the preamble since it affects the future relationship between ethnic groups.'

## **3. National Emblem**

An informant, a teacher, maintained 'the emblem in flag should be removed and the green, yellow and red colour should be kept'. He added that most Ethiopians would like to see the

emblem removed. Likewise, a PP representative responded that the national flag should be common for all Ethiopians and must not be changed with the change of government. So the matter should be presented to the Ethiopian people to decide. An opposition party representative responded the Ethiopian flag was 'a flag brought by the blood of our forefathers.' A group of politicians should not be allowed to change it simply to push their own political views. Instead, it must be changed or remain as is after an inclusive public dialogue and discussions.

A farmer from the Afar ethnic community had a different view. He maintained that the current national flag should be kept as is since the previous flag belongs to the Orthodox Church. Reinstating the flag without the current emblem signifies that minority communities in the country would no longer be seen as equal. A state government official also opined:

'All previous regimes, including the Haile Selassie and the Derg regimes, had put their own symbols at the centre of the flags. So, what makes the current flag unique? For me, I don't care whether the star is removed, since a flag is just a symbol that represents our country. So, as long as it represents our country, I don't care about the type of symbol that is inserted into it.'

#### **4. Article 8**

An informant from the PP maintained that, as representative of the country, the holder of a sovereign power should be the federal government, not the ethnic groups. Article 8(2) must thus be amended and replaced with *the constitution is an expression of the sovereignty of Ethiopians*. Regarding 8(3) he explained: 'I doubt!. I don't think the representatives or delegates will express the sovereignty of Ethiopians. I don't think that there are strong representatives who can truly represent the people and address their concerns.'

Likewise, an informant from the Opposition party replied:

'Sovereignty shouldn't be given for ethnic groups. But I am happy on the rights of self-determination given to the regions". About 8(2) she said that "Yes, it expresses the right to self-administration for nations and nationalities. But it shouldn't express the right to cession". Regarding 8(3), she responded, "Yes, I agree with this. *Their sovereignty shall be expressed through democratically elected representatives. Because, it is one of the core elements of democracy*". The Teacher informant has also replied: regarding article 8 (1) "I understand that this means sovereign power *should not be given to nations, nationalities and peoples rather, super-rigidity* should be given only for the country Ethiopia'.

The survey shows there is almost equal support and opposition for the proposition of changing or removing the national emblem in the flag. Close to 30 percent of those surveyed said they oppose changing or removing the national emblem from the flag.

A little over 35 percent of them said they support changing or removing the national emblem. The rest neither supported nor opposed the proposition.

### **5. Federal working language**

An informant, a government official, replied that he would support adding another language as federal working language provided 'it would benefit the country'. He cautioned it should not be done with a sense of competition and with the intention of domination. He said we must first answer why we need to have an additional federal working language. A representative of the opposition party likewise said he would be happy to see an additional federal working language, since it would enable people to get public services in their own languages. Another informant, a teacher, stated that he had no problem even if all the languages spoken in the country become federal working languages. He is not however sure though that the necessary preparations have been made to introduce an additional federal working language.

The Idir leader informant was the view that there is a plan to make Afan Oromo a federal language. This should not be done in a top-down manner. The Ethiopian people should decide which language they would like to be the other federal working language. If that is not done legally, it will create another problem since everyone would seek to see his/her language being a federal working language.

Come to 70 percent of those surveyed expressed support for the proposition of introducing an additional federal working language. Less than 30 percent of those surveyed the idea of introducing an additional federal working language.

### **6. Ethno-territorial Arrangement**

An informant, who was a state official, stated that he did not like the structuring of the sub-national territorial units along ethnic lines. For him, this would lead to the disintegration of the country. It would force us to focus more on our ethnicity and harm national cohesion. He is thus the view that the subnational units should be restructured based on economic and other relevant considerations, not simply based on linguistic criteria. Likewise, another informant, a teacher, stated 'administrative boundaries should not be fixed but flexible. Different administrative units or regions can be merged or dissected when necessary. He was not sure what criteria should be used for doing so. He said this should be decided by the people.

The representative of an opposition political party stated that he was in favour of the current territorial arrangement. He used a metaphor to make his point and said 'unless your house and my house are separated by a kind of fence you may enter to my house and I may enter to your house easily. Or, it is like an open door and a closed door. So, such kind of

ethno-territorial arrangement is important to avoid such problems'. Similarly, the PP representative expressed his support for the territorial structure of the federation, which he said would help each ethnic community preserve its history, culture and keep its identity. Besides, it prevents minorities being assimilated and dominated by the communities which have been in the relative majority.

The quantitative data also shows a general opposition to the ethnic-based territorial arrangement. A little over 70 percent of those who were surveyed either disagree or strongly disagree with the ethnic-based territorial structure of the Ethiopian federal system. Close to 20 percent of those surveyed support the current territorial structure of the federation. Yet over 70 percent of surveyed are in favour of a federal or territorial arrangement that somehow caters to the ethnic diversity of the Ethiopian people. Yet 52 percent of all surveyed are the opinion that ethnic identity should not be the primary factor in the country's constitutional arrangement.

## **7. Article 39**

Most of the informants are in favour of retaining Article 39 of the constitution, even though they were divided into the secession clause. Only the state official was of the view that the provision was unnecessary since it implies that *linguistic and cultural rights had not been respected*. Regarding 39 (3), he notes that 'regions/ethnic groups shouldn't be given *the right to a full measure of self-government since this leads them to claim that they are independent state/country*. He further stated Article 39(4) must be removed because it leads to separation and disintegration. We have lots of resources. I prefer unity and cohesion rather than division and disintegration.

One of the opposition party representatives noted:

'I totally agree with 39(1) and I suggest it should be kept as is. It will help the different nations and nationalities to protect, develop and promote their culture, language and history. I also agree with 39(3) it enables people to administer their own regions, which is important for the development of the regions (in terms of infrastructure, job creation, etc). However, Article 39 (4) *must be removed since it causes the country to be dismantled.*'

Likewise, another informant, a teacher, said he was of the view that Article 39(1) should be kept as is since it would 'help the different nations and nationalities to protect, develop and promote their culture, language and history'. He said the rights recognised under Article 39(3) were being demanded since the time of the Ethiopian Student Movement of the 1970s. According to this informant, the recognition of the right to self-administration and self-government of communities would help fasten their economic and cultural development. However, he had reservations regarding secession. *He said, 'I totally*

*disagree with the concept of secession. Why are we going to be separated? Where are we going to be separated? This provision allowing secession is dangerous and thus should be removed from the constitution”.*

Yet other informants, a businessperson, a farmer, an idir leader and a PP representative, maintained that Article 39 should be kept as it is. For example, the idir leader said ‘for me, this article should be kept as it is because it is a guarantee for small regional states to maintain their autonomy’. The informant from the PP was against the idea of repealing the secession clause and said ‘when one region wants to become independent, that right has to be respected’.

The survey paints a similar picture. A little over 65 percent and close to 60 percent of those surveyed expressed opposition to the amendment of Article 39(2) and Article 39(3) of the constitution, respectively. Yet over 80 percent of those surveyed supported the amendment of Article 39(4) (the secession clause).

## **8. Ethnic parties**

The informants were divided on whether establishing ethnic-based political parties should be prohibited. One informant, a state government official, stated he was against the idea of establishing political parties along ethnic lines. He said we need ‘a party that represents the interest of all Ethiopians, not a single ethnic group’. Ethnic-based political parties should be banned in the constitution and national parties should be encouraged. He maintained establishing an ethnic-based political party is a shortcut for some elites to access political and economic benefits.

Another informant, a teacher, argues:

‘Before asking this question, it would be better to ask why different ethnic-based political parties are being established. What are the existing problems/pushing factors to establish ethnic-based political parties? Initially, addressing the pushing factors that lead people to establish ethnic-based political parties is important. It is because since it is not conducive for people to come together to struggle for a common agenda. What is the main reason that pushes the Afar people to establish their own ethnic-based political party? This must be addressed first’.

The informants from political parties, both PP and opposition, farmers, idir leaders, and traders maintained that ethnic-based political parties should not be banned. The informant from APLF argued that even if his party carries the name ‘Afar’, it was not working only for the Afar community, but also for all Ethiopians. He said the name Afar was included in the party’s name simply to ‘get supporters and followers’.



The survey also shows disagreement among the respondents on whether ethnic-based political parties should be banned. A little over 50 percent of those surveyed were of the view that ethnic-based political parties should not be constitutionally banned. Some 47 percent of them held the opposite view and strongly supported the idea of constitutionally banning ethnic-based political parties. When asked whether there should be a constitutional requirement for a political party to have a multi-ethnic membership, again 52 percent of those surveyed expressed their agreement while about 48 percent of them held the opposite view.

## **9. The Status of Addis Ababa**

All the informants were unanimous in their claim that Addis Ababa was the capital city of all the nations and nationalities and that it should not be considered as belonging to a single region or ethnic group. The city should continue enjoying autonomy while under the overall jurisdiction of the federal government. In this vein, a state official stated, 'Addis Ababa should administer itself by leaders who grew up in it with no interference. Likewise, a representative from the opposition party maintained, 'Addis Ababa is for all of us. Addis Ababa is the capital of the federal government and the hub of all regions or nations and nationalities. So, it must be kept as it is'. Another informant, a teacher, explained,

'Addis Ababa is for all of us. [It] is the capital of the federal government. It is also the hub of all regions or nations and nationalities. It is a socio-economic center of all of us since the previous time. Thus, it should be administered by people who represent all of us, not a single region. Those who have acceptance by all nations and nationalities should govern Addis Ababa. The city should be accountable to the federal government'.

Close to 90 percent of those surveyed opposed the amendment of the provision that makes Addis Ababa under the jurisdiction of the federal government. All of those who were in favour of the amendment of the provision suggested that the provision should be amended to make Addis Ababa a regional state, and opposed the suggestion that the city should be under the Oromia regional state.

## **III. OPPORTUNITIES, CHALLENGES, AND WAY-OUTS**

### **1. Opportunities**

Most of the informants noted that there is no fertile ground in Ethiopia today to introduce a constitutional amendment. Yet, the informants from opposition parties view the country's current political situation as an excellent opportunity for constitutional making changes. They said "the unique problems, including the war in the North and political instabilities here and there, is a splendid opportunity for making changes that would help overcome these problems. Another informant, a state official, replied that there was 'a conducive

environment for making constitutional changes. He admitted, though, that the war with Tigray negatively affects the amendment processes and the problem should be resolved before initiating any process towards a constitutional amendment.

## **2. Challenges**

Nearly all informants raised the current civil war with the Tigray region as the major challenge that affects the amendment process. A state official added individual interests would affect the amendment processes..

## **3. Way-out**

All the informants suggested for the amendment be conducted in stages. They said first peace and order should be restored. This should be followed by wide public dialogues on the amendment of the constitution. Finally, amending the constitution only based on the interests of the wider public, not based on the interests of the elites, will help the amendment process successful.

# **AWI**

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## **I. INVESTIGATING THE POPULAR DEMAND AND FACTORS**

### **1. Whether the FDRE Constitution should be changed**

All the informants are of the view that the constitution should be changed for various reasons. An Idir leader said it must be changed because it contains provisions that are sources of conflicts among ethnic groups. The power to administer land should have been

given to the federal government, not to regions. Besides, language and flag issues need to get solutions. Another Idir leader stated, 'the current constitution doesn't represent us. We were not represented when it was drafted'. An opposition party representative said 'the constitution has many important provisions and he would be glad it was amended rather than completely replaced. There are unnecessary provisions, such as Article 39, which need to be removed from the constitution. The other parts can be kept. A representative of the youth said, 'I'm one of those who want to see the constitution amended. It was written without considering the needs of the wider public.'

## **2. Amendment or revision?**

All the following informants believe that the constitution should be amended, not totally changed. Idir leader 1: I prefer amendment rather than revision/change. Provisions that are not accepted by the people should be removed, and those that are acceptable by the majority should be kept. Idir leader 2: I prefer amendment rather than revision/change. The constitution is not totally bad. There are good provisions and bad ideas in the constitution. So, those should be changed or removed. Youth: There are provisions regulating issues such as flag, that are a source of disagreement and should be changed during the amendment process.

In a survey conducted in the research area, 70% responded that they were familiar with the constitution. When asked if they would agree for the constitution to remain unchanged, 90% of them responded they would disagree, implying that they would like to see a constitutional change. The change they opt for, 100% of them showed, was a constitutional amendment, as opposed to a constitutional revision.

## **3. Expected**

Almost all informants mentioned provisions dealing with the national flag and Article 39 as provisions that need a revisit. Idir leader 1: the flag and the right to secede are the major sources of dispute among political parties and political elites. Idir leader 2: For example, the idea of nations, nationalities, and peoples, and secession would be points of disagreement between different groups like political parties and elites. Opposition party representative, from Ezema, said 'ethnic-based political party leaders and other groups and individuals who have been benefiting from this constitution will not accept the amendment of the constitution. For example, OLF and TPLF will firmly argue that Article 39 should be kept as it is. They were the ones who deliberately included Article 39 and other related provisions in the constitution. In contrast, Ezema and other national political parties will never agree to provisions. We are rather interested in unifying the people of Ethiopia. The representative of the youth said, 'there are lots of issues that would be a point of

disagreement, including flag, boundary, secession, language, etc. For example, during the amendment process, Amhara may stand on the opposite side regarding these issues.

#### **4. Level of optimism**

The informants are of the view that the final draft of the amendment process would reflect the desire of the public at large, except for some minority groups and opposition political parties. This is so because, according to Idir leader 1, there is a demand from most of the people for such changes. Idir leader 2 was also optimistic that the draft after the amendment process would reflect the desire of the public. Likewise, the informant from the opposition party said all people are interested in the constitution's amendment except those who have been influenced by the TPLF and the OLF. The informant is fairly certain the process will reflect the desire of the public at large, provided 'the government is committed enough and working hard to amend the constitution'. The informant from the youth group said 'if the people are involved in the reform, the final draft is likely to reflect the desire of the people'. If the revisions are made by individuals who speak for the people's concerns and interests, the final document might reflect the interest of the people. The survey shows a slightly different result with barely the majority (50%) saying they expect the constitutional amendment to result in the constitution they would like to see to be adopted. The rest were unsure (20%) or feel they do not expect the amendment to bring about the constitution they desire (30%).

Most of the informants were anyway the view amendment alone will never address their concerns. Both Idir leaders and the representative of the youth are of the view that the main point is not about preparing a great constitutional document but properly implementing it. The informants from the opposition party stated that 'with no doubt, the amended version of the constitution will help the county overcome many problems'. However 'the constitution alone will address all that concern the people. Thus, besides formulating a very good constitution,, there should be powerful institutions that can implement it'.

## **II. PROVISIONS FOR AMENDMENT**

### **1. On the general dimensions**

It goes without saying the design of the Ethiopian federal system, which is predicted on accommodating ethnic differences, is the most debated constitutional issue in the country. Whether and how the federal design could be revised has been discussed extensively. The respondents in Awi were thus requested to answer some general questions regarding the federal system and their responses is summarised in the table below.

**Table 9 Respondents' attitude towards adopting federalism as a governance system for Ethiopia (Awi)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	30	-	10	20	40
There is no need to take ethnicity as factor in the country's constitutional (%)	10	10	-	10	70
Federalism is too divisive and leads to conflicts; there is no need to any form of federalism	40	10	10	20	20

As can be seen in the table above, 60% of the respondents are in favour of a federal design that somehow caters to the ethnic diversity of the Ethiopian people while 30% of them oppose factoring in ethnic diversity in the design of the federal system. Again a great majority of the respondents (80%) seek ethnic diversity to be considered at least as one factor in the country's constitutional design. The respondents were divided when asked whether they thought a federal system was divisive and, if possible, should not at all be implemented. Barely the majority of the respondents (50%) reject the suggestion that a federal system, its design regardless, was divisive and should not be implemented in the country.

## 2. Preamble

All informants reported that the phrase '[w]e the nations nationalities and people of Ethiopia 'is divisive and should be removed from the constitution. Besides, according to the informants, there have not been unjust relationships between people. Idir leader 1 said it is better to replace the phrase with 'we Ethiopians 'because nations and nationalities are inside this umbrella and symbolise unity. He added 'there was no unjust relationship between peoples but inequalities and discriminations created by different regimes or governments. Idir leader 2 also expressed his disapproval of the phrase 'we the nations nationalities and peoples'. He also said he has 'never ever seen or heard of the unjust relationship between peoples in Ethiopia'. He only knew 'inequalities and discriminations created by TPLF in the past 27 years to divide the people and erode the unity of the people'. The informant from the opposition party representative said the phrase embodies 'a divisive concept that undermines Ethiopianism'. He added

'The word "peoples" refers to citizens of different countries. I prefer it is replaced by "we the people of Ethiopia". Ethiopians have intermarried and interconnected people. There were and there are no unjust relationships between people from different ethnic groups. There were only conflicts between elites within and between ethnic groups. For example, if people from Tigray come here, the Amhara will receive them with love and care. Therefore, this article should be removed from the constitution.'

The informant from the youth group was the view that the said phrase eats into the national cohesion of Ethiopia. It *must thus be replaced by "we Ethiopians."* He also denied the existence of historically unjust relationships between people, even though unjust relationships might have occurred between different classes.

### **3. National Emblem**

Almost all informants replied that the star at the center of the current flag should be removed. Idir leader 1 said 'as Amhara, I would be happy if the star was removed and the flag was plain green, yellow and red, because that represents us'. Idir leader 2 also said the star at the center of the flag represents nations and nationalities, not the country Ethiopia. Instead,, it is the plain green, yellow and red flag that represents the country Ethiopia. The informant from the opposition party maintained the flag with a star at the centre will never be accepted and it does not represent Ethiopia. He added the star has a bad connotation and is divisive and undermines unity. He further expounded 'as we saw during the political reform (when Dr. Abiy came to power) the people of Ethiopia decided on its own that the flag of Ethiopia is green, yellow and red without the star and other additional symbols in it'. For example, the Amhara believe that it is a flag taken from the sky, a rainbow. If you see Bajajs and clothes here in Injibara, all are decorated with this flag. From this,, we can understand that the star is totally unacceptable to the Amhara people. The informant from the youth 'the star should be removed since it doesn't represent Ethiopia and regions should use only the national flag'. According to this informant, 'having different flags weakens the sense of national unity'. There is also 100% support for changing the national emblem among those who took part in the survey.

### **4. Article 8**

All the informants said the provision that recognises that sovereign power resides in nations, nationalities, and peoples should be removed. Idir leaders 1 and 2 said that they are of the view that sovereign power should be given to the people of the country as a whole, not to the nations and nationalities. So, Article 8(1) must be removed from the constitution'. It should be replaced with " all sovereign power resides in the people of Ethiopia'. They added 8(2) should be reformulated to the effect of 'the constitution expresses the Ethiopian sovereignty'. The informant from the the opposition party expressed his disapproval of the

phrase 'nations, nationalities and peoples of Ethiopia'. He added 'we should have sovereignty as Ethiopians, not as members of a certain ethnic group'. He suggested the relevant provision should be reformulated to the effect of 'all sovereign power resides in the people of Ethiopia'. Regarding Article 8(2), the informant said 'this constitution doesn't represent Ethiopians nor does it express their sovereignty'. The informant from the youth group said nations and nationalities should possess administrative authority,, not political sovereignty. The constitution should serve as an expression of Ethiopia's sovereignty and convey solidarity among its people. Regarding art8(3), the informant said 'elected representatives must truly reflect the interest and desires of the people 'as opposed to ethnic groups.

### **5. Federal working language**

Most of the informants responded that there is no need to have additional working language, while a few argued that they have no problem if other languages were added as federal working languages. For example, Idir leader 1: 'It is okay. I don't have any problem. We can have additional federal working languages. However, Amharic should be our national language since we have to have one common language in the country'. Idir leader 2: 'Amharic must be the only federal working language since almost all people in the country speak it'. The informant from the youth group said it was unnecessary to have an additional federal working language and that Amharic should remain the only federal working language. He added, 'fortunately, almost all people at different corners of Ethiopia speak Amharic but other languages are limited to a single ethnic group'. In contrast, one of the opposition party representatives explained the benefits of additional working languages as follows:

'Of course! Definitely! There are over 80 languages in Ethiopia and I would be happy if two or more federal working languages are added. Languages that have plenty of speakers could be added as federal working languages. Without a doubt, we will be benefited from speaking different languages. For example, I speak Awieгна, Gmzegna, Amharic, English, and Afan-Oromo. This helped me to work at different places and create networking with people from different ethnic groups'.

The survey result shows that 70% of the respondents are in favour of maintaining Amharic as the only federal working language, while the rest support the idea of introducing an additional federal working language.

### **6. Ethno-territorial Arrangement**

Almost all informants believe that ethno-territorial arrangements should be removed and replaced with a geographical arrangement. The current ethno-territorial administrative

arrangement, according to them, has created various problems, including ethnic-based conflicts. Practicing the previous geographic administrative arrangement is the best way to solve such problems. The informant from the opposition party said 'administrative units should be arranged or demarcated based on geographic proximity since this will help bring two or more ethnic groups in a single administrative unit which is suitable for proximity and administration'. The informant expressed his view that 'the previous geographic classification called in Amharic Kifle-hager is appropriate and the best administration approach 'and that he would like to see that implemented now. He believes such an arrangement would help unify the country. The survey also shows there is firm support (70%) among the respondents for the ethnic-based territorial arrangement to be reconsidered. This does not mean that the respondents are against taking ethnicity as a factor in designing the federal system. In fact,, 60% of the respondents are in favour of a federal system that accommodates the ethnic diversity of the people.

## **7. Article 39**

All informants unanimously noted that this provision should be removed from the constitution. Idir leader 1 had a problem with 'phrase nations, nationalities and peoples' under Article 39(2) and suggests it can be reformulated to the effect of 'Ethiopians have the right to speak, write and develop their own language in order to express and promote their culture and history'. Article 39(3) is also problematic since it provides the right to self-government to ethnic groups thereby causing division rather than uniting the country. In one sovereign country, the right to administer has to be the role of the federal government, not for 'nations and nationalities". On Article 39(4) the informant posed the question 'who has benefited from the secession of Eritrea?' He responded 'nothing'. So, he went on, 'this sub-article should be totally removed from the constitution. Idir leader 2 had a similar idea. The informant from the opposition party expressed his support for Article 39(1). He said 'I agree with this provision and would be happy if it is kept as it is'. He added 'promoting and respecting the linguistic and cultural rights and history of ethnic groups will help to build a multicultural and diversified nation'. He also endorsed Article 39(3). The informant said, 'I definitely agree with this provision, and Ezema, as a political party, also believes that the sense of belongingness to the group will help to work hard and bring development to the group. So, this provision must be retained'. He however finds Article 39(4) unacceptable. He added, 'the secession clause has no acceptance at all. It was something that TPLF deliberately included in the constitution to dismantle the country and establish the great Tigray Empire. So, this provision should be removed from the constitution. 'The informant from the youth said he supports Article 39(1) since it recognises the right of every community 'to speak, write and develop their own language in order to express and promote their culture and history'. He did not also have a problem with



Article 39(3) 'as long as it is limited at some level providing a right for regions has no any problem'. He, however 'strongly 'opposed Article 39(4) which recognises the right to secession. He said this clause should be removed from the constitution since it will lead to the disintegration of the country into small pieces.

The survey result shows that most of the respondents (70%) support keeping 39(2). However, 90% and 100% of the respondents are in favour of repealing Articles 39(3) and 39(4), respectively.

## **8. Ethnic parties**

Nearly all informants argued that establishing ethnic-based political parties should be banned by the constitution and national parties should be encouraged. Idir leader 1 said 'I prefer if national parties having national agenda and national political ideology are allowed and establishing ethnic-based political parties would be banned in the constitution. National political parties bring unification and ethnic-based political parties polarize different ethnic groups'.

Idir leader 2 also said 'ethnic-based political parties promote hatred and conflicts between ethnic groups and thus they must be banned by the constitution and establishing political parties that represent all Ethiopians should be encouraged'. Opposition party representative: 'Establishing ethnic-based political parties should be banned in the constitution and establishing national parties like Ezema should become obligatory in the constitution. Ethnic-based political parties cause division in the country while national parties unify the country.'

Similarly, the informant from the youth group said 'in Ethiopia, ethnic parties should be forbidden because they do not bring solidarity among people. They rather polarize them along ethnic lines'. He concluded 'establishing ethnic-based political parties should be banned and establishing national political parties should be mandatory'. Likewise,, all the respondents in the survey (100%) support constitutionally banning political parties that are formed around an ethnic community, as well as putting a requirement in the constitution for a party to have multi-ethnic members.

## **9. The Status of Addis Ababa**

Almost all the informants firmly maintained that Addis Ababa should not be under the Oromia Region. Rather, some said that it should continue as it is and others noted it should be a self-administered city. Idir leader 1 said 'Addis Ababa should be a self-administered region that is accountable to the federal government, likewise other regions'. Idir leader 2 was the view that 'Addis Ababa should be continued under the current arrangement'. The

opposition party representative said, 'Addis Ababa is for all of us. It is the capital of the federation and of Africans. So, no region has exclusive ownership of the city. The informant from the youth group said, 'Addis Ababa is for all of us. It should be a self-administered city administered by capable people who grew up there and know the city very well. People who are coming from other areas should not have to lead Addis Ababa. They don't know the city very well so they cannot bring development to the city'.

Asked whether the current status of Addis Ababa should at all be changed, half the respondent replied in the affirmative while the rest held the opposite view. 60% of those who were in favour of changing the current status of Addis Ababa said Addis Ababa should be given the status of a regional state and 100% of them opposed the proposition that the city should be within the jurisdiction of the Oromia regional state.

### **III. OPPORTUNITIES, CHALLENGES, AND WAY-OUTS**

#### **1. Opportunities**

Some informants reported that there is no fertile ground to conduct the amendment process, whereas others replied that there are conducive situations. Idir leader said, 'most Ethiopians are peaceful and love their country Ethiopia. This creates a conducive environment for a *constitutional amendment and a constitutional document that ensures unity and peace in the country*. Idir leader held the opposite view and said 'this is not the right time to amend the constitution since currently we are exposed to different problems such as conflicts, war, and inflation. Opposition party representative was the view that 'the current political reform is one of the excellent opportunities to amend this constitution'. Besides, 'the national dialogue council is another opportunity to solve various disagreements that will further help to amend the constitution successfully'. The youth informant stated that the good news is that people are interested in seeing the constitution amended. The bad news, however, is the current political instabilities would hamper the amendment processes.

#### **2. Challenges**

Informants have raised different challenges that the amendment process will encounter as follows: Idir leader mentioned ethnocentrism, selfishness, mass thinking, and mass decisions among factors that will negatively impact on the amendment process. It would be difficult to agree on whether and how to amend certain provisions. Idir leader 2 mentioned the current political instabilities (the civil war with Tigray and Wollega) as are the key challenges that would hinder the amendment processes. The informants from the opposition party, the youth movement, said the current political instabilities, displacements, and conflicts happening here and there would be threats hindering the constitutional

amendment processes. Political actors that feel aggrieved, including the TPLF and OLF,, are likely to muddy the process.

### **3. Way-outs**

The informants mentioned different approaches that the concerned body/ies should follow to amend successfully the constitution as follows: Idir leader said the government/the political leaders, elites and religious leaders, and community elders should actively take part in creating awareness about amending the constitution. Besides, these influential people should be committed and free from any conspiracies. In addition, public discussions starting from the kebele levels should be conducted on the benefit of amending the current constitution. Idir leader 2 said the government should take time and solve the current conflicts. Then it should create a conducive environment that allows all people to take part and contribute to the constitutional amendment process. Opposition party representatives suggested strengthening and supporting the National Dialogue Council, reforming the lower level political structures, or implementing law enforcing bodies as measures that will help conduct the amendment process successfully. Representatives of the youth stressed the need to have discussions with people at different levels. Besides, the amendment process should be free from any kind of conspiracy and discrimination.

## **AMHARA**

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### **I. INVESTIGATING THE POPULAR DEMAND AND FACTORS**

#### **1. Whether the FDRE Constitution should be changed (revised or amended)**

All informants who were interviewed responded that they were of the view the constitution should be changed and gave different reasons for their assertions. A pensioner who served as an informant said the constitution requires a minor modification to remove some problematic provisions such as Article 39. He opined the rest of the constitution was not problematic except that they are poorly implemented. Another informant, a business owner, said the constitution 'obviously 'had a lot of good provisions in it. However, it has also some divisive provisions which need to be removed. He said he would be happy to see the secession clause under Article 39 to be removed. Yet another informant, a CBO, sought to see the constitution amended but not completely replaced since its different sections, including the Bill of Rights, are worth keeping. Another informant, a farmer, when asked what his view was on whether the constitution should be changed and how responded 'I don't know. We (farmers) don't allow our lands to be taken from us. However, political leaders and brokers are using it as they wish. So, this situation should be changed.'

In a survey conducted in the same research areas, respondents were asked if they were familiar with the Ethiopian constitution, to which close to 90 percent of them responded they were familiar with it. And close to 70% of the respondents disagreed with the proposition that the constitution should be kept with no change.

## **2. Amendment or revision?**

As hinted above, none of the informants demanded the complete replacement of the current constitution. They sought an amendment process that would cause the removal of what they thought were problematic. According to the business owner, there are some unnecessary provisions that are deliberately 'inserted by the TPLF in order to extend its time in power by dividing and destabilizing the country which should be removed. The farmer simply said 'laws that should protect Ethiopia and Ethiopians should be formulated and implemented. He added 'we should not be divided and we, Ethiopians, should stand together and keep our unity.' He added 'the constitution should protect the rights of farmers.' The survey also shows there is firm support for a constitutional amendment (90%) as opposed to constitutional revision.

## **3. Expected disagreements**

The informants said there are elites from different ethnic groups who will not be comfortable with any change to the constitution in general and the removal or modifications of the provisions that he thinks are problematic. The TPLF and OLF would especially oppose the removal of, for instance, Article 39, the provision allowing the structuring of subnational units along ethnic lines and the notion of 'nations, nationalities and peoples 'as parties to the federal compact. He added members of the Amhara community and many others would support the amendment of such problematic provisions.

The businessman likewise stated political parties that deliberately formulated these divisive provisions simply to promote their own political agenda would not agree for the said provisions to be removed. He mentioned the OLF and the TPLF as political actors that are likely to oppose the removal of the aforementioned provisions. An Idir leader ( male) similarly stated that 'political parties, such as TPLF and OLF and so-called emerging regional states, such as Benishangul Gumuz, may not agree to a constitutional amendment resulting in the removal of the said provisions. Thus, the informant added, 'before the government begins an amendment process, it should work on raising awareness on the importance of amending the constitution. 'The survey likewise shows that 93% of the respondents expect disagreement with respect to constitutional amendment.

#### **4. Level of optimism**

All informants responded they are optimistic that the constitutional amendment process would result in the kind of constitution they would like to see adopted. They believed so because there is a popular demand for a constitutional change that cannot be satisfied unless those provisions which the informants deem problematic are removed from the constitution. And this is precisely what the informants are hoping the constitutional amendment process would achieve. The pensioner said 'I was a panelist while the current constitution was drafted, however, Amhara was not included and did not take part. Therefore, unique problems are arising here and there and Amhara is demanding the amendment of the constitution. He added he was 'optimistic that the current government would create a conducive situation which would allow an amendment process that would cause an amendment reflecting the desire of the wider public. 'The business owner also said if the amendment process is transparent and participatory, it will result in a constitutional document that reflects the desire of the public. The idir leader was the view that the constitution was adopted in a process that was less than participatory and representative. According to this informant, the Amhara was not especially represented in the processes. A participatory process of the amendment would address this birth defect of the constitution. The survey result shows there is some optimism that the amended version of the constitution would be acceptable to the public. Some 53% of the respondents replied in the affirmative when asked if they believed the amended version would be the kind of constitution they would like to see adopted. However, all informants realize that a constitutional amendment alone will not address their concerns, but it can be a good starting point for addressing some of the most pressing national problems. The constitutional amendment should be followed by proper implementation, and the rule of law and good governance should prevail.

## **II. PROVISIONS FOR AMENDMENT**

## 1. On the general dimensions

It goes without saying the design of the Ethiopian federal system, which is predicted on accommodating ethnic differences, is the most debated constitutional issue in the country. Whether and how the federal design could be revised has been discussed extensively. Amhara respondents were thus requested to answer some general questions regarding the federal system and their responses is summarised in the table below.

**Table 10 Respondents' attitude towards adopting federalism as a governance system for Ethiopia (Amhara)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	25.67	16.04	4.81	27.81	17.11
There is no need to take ethnicity as factor in the country's constitutional (%)	9	12.82	1.07	24.60	49.20
Federalism is too divisive and leads to conflicts; there is no need to any form of federalism(%)	19.79	31.02	3.74	16.58	24.06

As can be seen in the table above, the respondents are divided on whether the country's federal design should somehow caters to the ethnic diversity of the Ethiopian people. Some 42% of them hold the view the federal design should be indifferent to ethnic diversity while almost equal portion of the respondents (44%) think the federal design should indeed cater to the ethnic diversity of the people of the country. In contrast, the majority of the respondents (73%) seek ethnic diversity not to be considered as a factor in the country's constitutional design. And only 50% the respondents reject the notion that a federal system, its design regardless, is divisive which should not be implemented in the country.

## 2. Preamble

All of the informants responded the phrase '[w]e the nations nationalities and people of Ethiopia 'should be removed from the preamble of the constitution as well as the phrase referring to 'historical unjust relationship between the people. The pensioner said the phrase in the first line of the preamble was based on a Marxist concept that divides the country into pieces. It discourages unity among Ethiopians. He would prefer if it was replaced with 'we the people of Ethiopia'. He added, 'There was no unjust relationship between different groups, rather there was feudalism, a system that allowed landlords and those who had

political powers to exploit others. Such types of exploitations had been observed everywhere. Thus, there were class conflicts and class struggles but not a conflict between peoples.'

The business owner opined the first phrase was divisive that would undermine national cohesion. It should thus be replaced with 'we Ethiopians'. The name Ethiopian represents all the nations and nationalities so that no need to mention the specific groups in the constitution. He further added:

'The phrase referring to historical injustices was deliberately inserted by the TPLF and OLF to attack a certain group, to be frank, the Amhara. The core of their ideology emanates from labeling Amhara as an ethnic group that exploited, dominated, and assimilated others. Thus, this idea was intentionally included in the constitution to target the Amharas'.

The Idir leader ( male) also said the phrase 'we the nations nationalities and people of Ethiopia 'promotes division, discourages unity, and causes inter-ethnic conflicts. He also rejected the notion of 'a historically unjust relationship between peoples 'and maintained the unjust relationship between people of different economic and social classes. The phrase about 'historic unjust relations 'among communities is dangerous, that encourages communities to take revenge and thus 'must be totally removed. 'The Farmer linked the phrase with the conflict between the Amhara and the Qimant to buttress the point that the phrase referring to past unjust relations was a recipe for disaster.a CBO, said the phrase 'nation and nationalities, in my opinion, has shattered our sense of belongingness and solidarity. That is one of the issues that has caused a schism among the population. It should be modified into "we Ethiopians" so that we all feel as one". Regarding the phrase about historically unjust relationships, she added 'there are more unfair relationships amongst people now than ever before which primarily caused by the constitution'. Another informant said 'there was an unjust relationship between people while TPLF was in power. The people of Amhara have been subjected to violence during the TPLF period'. The state official, in contrast, said he did see a problem with the phrase 'nations and nationalities ' since 'Ethiopians are a mixture of a variety of nations and nationalities. Pointing out our diversity is not wrong'. He does not however accept the existence of unjust relationships among communities. He added 'indeed once political leaders who came from a certain community or area might have oppressed others. Yet that did not mean there were unjust relationships between peoples'. A PP member also said the phrase should be amended and replaced with 'we the Ethiopian people 'since the latter fosters unity among people. He added 'there has not been the unjust relationship between the people. This leads to

retaliation and further disintegration of people. Definitely, there is no such unjust relationship among people. The community leader said 'there have been social-economic class differences, but there was no unjust relation among people since the imperial regime. Before the ratification of this constitution, Ethiopians of all ethnic groups have never thought that ethnicity was a major issue. There is no proof of historical injustice in interpersonal relations.'

### **3. National Emblem**

All informants strongly argued that the emblem in the middle of the national flag should be removed and the plain green, yellow and red colour should be used as a national flag. The businessman said 'the star at the centre of the flag is considered as the symbol of Illuminate and I want to see it being removed from the national flag'. The Idir leader said that he was aware that many people attach different meanings to the national emblem. Some view it as a symbol of 666 others say it looks like a Tigray hambasha. He does not, however, see the national emblem as problematic even though he prefers the plain green, yellow and red colour flag. The farmer said 'that the star at the center of the current flag should be removed. I heard it does not represent us and that it would divide us.'.The survey result shows support for removing the national emblem, with 66% of the respondents supporting the proposition to do so.

### **4. Article 8**

All informants unanimously maintained that sovereignty should not reside in nations and nationalities but the people of Ethiopia as a whole. Regarding Article 8 (1), they said regions may have administrative power but should not have sovereign power. Sovereign power should be given only to an Ethiopian, not to a member of a certain ethnic group. Thus, it would be better if it is replaced with 'all sovereign power resides in the peoples of Ethiopia.'In any case, the informants added, the recognition of ethnic communities as holders of sovereignty had little practical relevance in the past since everything was controlled and decided by a political group controlling the federal government. Referring to Article 8 (2), they said it would be good if it was formulated as 'the constitution is an expression of the sovereignty of Ethiopians'. Regarding Article 8 (3), sovereignty cannot be expressed by only a single institution but through different institutions. The business owner the recognition of the sovereignty of ethnic communities is what led to disputes between the regional governments and federal governments, including the conflict in Tigray. The sovereignty of Ethiopians should not be expressed through their representatives rather, it must be through their direct participation in different matters of the country.

### **5. Federal working language**



Only two informants stated that Amharic is enough and there is no need to add other federal working languages. However, the rest of the informant all informants noted they do not mind if other languages are added as a federal working language. The pensioner said

'I have no problem if other languages are added. We are using foreign languages like English and French. For example, during Haile Selassie, French was a must-learn it in high school. Thus, we have to have one national language, Amharic, and two or more federal working languages. The reason to have a national language is that it will be used as a connector or common symbol of different ethnic groups. Because people from Bahirdar up to Gode speak Amharic. Based on the population, Afan Oromo, Somalegna and Tigregna can be working federal languages.'

The business owner also said he did not have a problem if other languages are added as federal working languages, so long as not imposed by force. However, doing so requires preparation to enable people to speak and use other languages. The farmer was, however, of the view that Amharic was enough and there is no need to bring additional languages as a federal working language since everyone spoke Amharic. The survey however paints a different picture since the respondents are divided on the issue of introducing an additional federal language. About 45% of the respondents, oppose any additional federal working language while 43% support the proposition to introduce an additional federal working language.

## **6. Ethno-territorial Arrangement**

All informants opposed the ethno-territorial arrangement and preferred if the geographical type of arrangement to be established. The pensioner said 'administrative units should be arranged or demarcated based on geographic features such as rivers and mountains. The Idir leader said 'ethnic-based territorial arrangement leads to ethnocentrism and prevents people from working and living outside their ethnic homeland. This arrangement leads to office holders and most experts in different regions being recruited based on their ethnic identity rather than merits. Geographic demarcation helps people who have different ethnic identities to live and work together. Besides, this enables people to work and get services based on their geographic proximity, not their ethnic identity. The farmer said the administrative units should be arranged based on geographic areas like the Tekeze river, Abay river, etc. and each ethnic group should have the right to speak their languages. The survey also shows there is strong opposition to the territorial arrangement that takes ethnic settlement patterns as the primary criteria. A little over 76% of the respondents opposed the proposition to keep the current territorial arrangement intact. The respondents were divided on whether the federal design should factor in the ethnic diversity of the people; 41% of the respondents disagreed with idea taking ethnicity into account in the federal design while 44% held the opposite view.

## **7. Article 39**

Nearly all informants noted that Article 39, in general, should be removed from the constitution. The pensioner and the Idir leader said Article 39(1) implies ethnic communities were banned from speaking, writing, and developing their *own language*. He in general accepts Article 39(3) except that he was the view the phrase 'a full measure of self-government must be modified. He added regions should not be given the right to a full measure of self-government since doing so would weaken the federal government and paves the way for the regions to implement secession. The business owner was happy with the way Article 39(2) is formulated . He however suggested that article 39(3) should be amended to the effect of removing the phrase that provides ethnic communities with 'the right to a full measure of self-government for the same reason the pensioner gave. The secession clause threatens the country with dismemberment and thus should be removed from the constitution. The survey shows a similar result to the above. About 62% of the respondents are against changing Article 39(2) of the constitution. However 73% and 90% of the respondents support the suggestion to repeal Article 39(3) and Article 39(4), respectively.

## **8. Ethnic parties**

Nearly all the informants believe that establishing an ethnic-based political party should be prohibited by the constitution. Only the businessman was in favour of allowing the establishment of a political party along ethnic lines. According to the pensioner, the current political instabilities in the country are direct results of ethnic-based politics. Political leaders use ethnicity as a factor of group mobilization that further leads to conflicts and polarizations between different ethnic groups. So, he said he would be happy if ethnic-based political parties were be banned. The Idir leader was also the view that the formation of ethnic-based political parties only benefited the ethnic elites by allowing them to access political and economic power. However, the people have not benefited at all. He added, 'for example, we can see the destiny of TPLF and OLF. Primarily, they had benefited a lot at the cost of their ethnic groups, but currently, the elites have lost their power and their people are also exposed to prejudice and stereotypes. The farmer also agreed with the above informants. The business person however, stated

'In my opinion, in the current situation where there is ethnic-based discrimination at different sectors and levels, establishing an ethnic-based political party should not be prohibited. For me, they are the ethnic-based political parties that disclose unfair treatments, discrimination, and other crimes committed against the Amharas and mobilise the people to struggle to counter discrimination.'

The survey shows that there is strong support among the respondents for banning ethnic-based political parties since 84 of them support the proposition to do so.

## **9. The Status of Addis Ababa**

Some informants argued that Addis Ababa should be a self-administered city and others argue it should continue under the federal government. All of them, however, agree that it should not be under any regional state. The pensioner said,

‘Addis Ababa is for all of us. It is the capital of the federal government and of Africa and the seats of international organisations. So, the ownership of the city should not be given to a certain region, rather it should be a self-administered city accountable to the federal government. For example, Washington DC is the capital of USA but it is a self-administered state.’

The survey shows there is almost a consensus among the respondents that Addis Ababa should remain a federal city with 98% of the respondent opposing the proposition to change its current status.

## **OPPORTUNITIES, CHALLENGES, AND WAY-OUTS**

### **1. Opportunities**

Nearly all of the following informants argue that despite the desire of the people for a constitutional change, the political and security situation is not conducive to conducting a constitutional amendment. They are the view the government should first maintain some semblance of peace and order. The constitutional amendment could follow later.

### **2. Challenges**

Nearly all informants noted there would be several challenges that the amendment process would encounter including the current political instabilities, the position/stand of the government, political party leaders, lack of commitment of the government, etc. Political actors, such as, the TPLF and OLF would be spoilers. The Idir leader pointed out the lack of commitment from the government’s side. He said

‘I am afraid that the government will be committed and transparent. It may not be open and participatory in the amendment process. It may discriminate and exclude certain groups of people from the amendment processes. For example, the national dialogue committee has not been participatory and members of the committee did not get recognition by many people. That means the work and decisions of this committee will not get acceptance.’

### **3. Way-outs**

All the informants suggested the mechanisms that can be used in the amendment process. They stressed the need to make the process transparent and based on open public consultation or dialogue and strengthening the national reconciliation commission. The Idir leader said members of the committee which would be in charge of the amendment process should be selected based on merits and the amendment process itself should be participatory and free. The government should also be committed enough to facilitating the amendment.

## **ARBORE**

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### **I. INVESTIGATING THE POPULAR DEMAND AND FACTORS**

#### **1. Whether the FDRE Constitution should be changed**

All of the informants were of the view that the FDRE constitution should be amended, but not completely changed. An informant from the Prosperity Party (PP) stated that the constitution is over 30 years old and it needs amendment to remove certain outdated provisions. The informant said Article 39 (4) has become irrelevant over the years. He further stated that the constitution divides the Ethiopian people along ethnic lines and some individuals in Ari community are increasingly becoming ethnocentric and urging those from other communities to leave their homelands. This is brought about by the constitution. Another informant, a prosecutor, said the constitution should be amended since it contains several controversial provisions. Besides, Ari is a pastoral community the constitution should be amended to give recognition to such an economic and social lifestyle. The constitution, in its current form, could not solve Ari's developmental and democratic problems. Another informant, a government official, stated constitution needs to be amended since it encourages people to be ethnocentric. The constitution has eroded our unity and widened our difference. We need to solve this problem by amending it. A religious leader (from an evangelical church) said problematic provisions, such as 39 (4) should be removed through an amendment process.

A survey was also conducted, in addition to the KII, and the respondents were asked whether they were familiar with the constitution. Over 86 percent of them responded they were familiar with the constitution. Asked, depending on their familiarity with it, whether they would like the constitution to remain unchanged, about 65 percent of the respondent responded they disagree implying that they want some kind of constitutional change. About 30 percent of the respondents were of the view that the constitution should be kept as is. When asked whether the constitution should be amended, again 65 percent of the respondent answered in the affirmative. Again 65 percent of the respondent agreed with the revision of the constitution (It seems the respondents did not clearly understand the difference between revision and amendment).

## **2. Amendment or revision?**

Almost all of the informants replied that amendment is better than revision since not all of the provisions in it are problematic. According to an informant from the PP, there are indeed provisions, such as Article 39, that problematic. However, the Bill of Rights should be retained. Other informants, including a state official and a former member of the HoF, were of the view that while the constitution in general a good document provisions recognising the right to self-determination up to the secession of ethnic communities are extremely dangerous and need to be removed.

## **3. Expected disagreements**

All informants interviewed stated that politicians and political parties are likely to disagree not on what needs to be amended but also on whether the constitution should be amended

at all. The prosecutor said that there are some politicians who insist that the constitution should not be touched at all. Some of them threaten that amending the constitution would lead to the disintegration of the state.

A survey was also conducted on whether the respondents would expect or see disagreement on the issue of constitutional amendment among people of different ethnicity, age groups, education level, religion, and politicians. Over 94 percent of the respondent replied that they would expect so. Over 70 percent of the respondents said people of different ethnic backgrounds would have a conflicting view on whether and which provision of the constitution should be amended.

#### 4. Level of optimism

Almost all informants replied they believe the final product of the amendment would reflect the desire of the public at large if it is based on public consultation. For this to happen, there is a need for awareness creation. The prosecutor, for instance, said ‘pastoral communities such as Ari should have awareness about the constitution and allowed to actively participate in the amendment process so that its interests and desires are reflected in it’. Close to 77 percent of those surveyed also responded that they expect that the revision process would result in the kind of constitution they would like to see. Nearly all informants argue that the amendment alone would not address all their concerns. However, the informants, including the former HoF member and the religious leader maintained that a constitutional amendment would serve the purpose of settling certain controversies.

## II. PROVISIONS FOR AMENDMENT

### 1. On the general dimensions

There is little doubt that the design of the Ethiopian federal system, which is predicted on accommodating ethnic differences, is the most debated constitutional issue in the country. Whether and how the federal design could be revised has been discussed extensively. The respondents in Arbore were thus requested to answer some general questions regarding the federal system and their responses is summarised in the table below.

**Table 11 Respondents' attitude towards adopting federalism as a governance system for Ethiopia (Arbore)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	-	17.65	5.88	76.47	-

There is no need to take ethnicity as factor in the country's constitutional (%)	-	17.65	-	52.94	29.41
Federalism is too divisive and leads to conflicts; there is no need to any form of federalism (%)	-	64.71	5.88	23.53	-

As can be seen in the table above, 76% of the respondents are in favour of a federal design that somehow caters to the ethnic diversity of the Ethiopian people. Again a great majority of the respondents (82%) seek ethnic diversity to be considered at least as one factor in the country's constitutional design. And close to 64 percent of the respondents reject the suggestion that a federal system, its design regardless, is divisive and it should not be implemented in the country.

## 2. Preamble

All the informants maintain that the phrase '[w]e the nations nationalities and people of Ethiopia 'should be replaced with either 'we Ethiopians 'or 'we the people of Ethiopia'. The informant from the PP and the former HoF member said the phrase should be replaced with 'we Ethiopians'. The one from the office of the prosecutor, noted 'the preamble basically divides us along ethnic lines. It doesn't call us "Ethiopians"'. The said phrase must thus be changed to 'we the peoples of Ethiopia'. Another informant maintained that the preamble created an ethnic barrier among citizens. Besides, it doesn't show the unity of the people. Hence, it should be replaced with a phrase that can highlight our unity. The state official who served as an informant also said 'the preamble should be changed in a way that can express our unity. Currently, the preamble expresses our difference instead of unity.'

## 3. National Emblem

The informants were divided on whether or not to retain the national emblem which in the national flag. Most of them said that the star at the centre of the flag should be removed and the plain green, yellow and red colour is sufficient. The informant from the PP said:

'The green, yellow and red colour are sufficient. We have been taking it as our national symbol. Even during the Derg, the flag with hammer and sickle was used by the then Ethiopian Workers Party. Ordinary Ethiopians were kept the plain green, yellow and red flag. Currently, every ethnic group has its own regional flag. This is not good'.

On the other hand, the informant from the office of the state prosecutor, the evangelical pastor, the state official, and the former member of the HoF maintained that the national emblem in the national flag should be kept. The state office also stated that the star has an

important meaning and expresses the diversity and unity of the Ethiopian people and, hence, he added, he did not have a problem with the national flag and emblem.

The result of the survey shows there is a division among the respondents on whether the national emblem which is at the centre of the national flag should be changed even if there is more support for changing it than keeping it as is. Some 58 percent of those surveyed supported the idea of changing the national emblem while a little over 40 percent of them opposed the idea.

#### **4. Federal working language**

All informants maintained that there is no need for an additional federal working language. A representative of Prosperity Party: 'I don't think a federal working language other than Amharic is necessary. We all speak the Amharic language. But we have to develop other native languages too. Amharic is sufficient. I don't like ethnic politics at all.' The informant from the office of the state prosecutor said: 'we don't need an extra official language other than Amharic language. Amharic can make many ethnic groups understand one another. The pastoralists, farmers, and other sections of the society in every corner of Ethiopia more or less can speak Amharic'. Government official:

'Amharic language is sufficient for official language. Adding other languages as official languages will result in the erosion of our unity. This doesn't relate to the right to use one's own language. We have more than 80 languages in our country. We don't have agreeable criteria to add some of them as official languages if we are interested so'.

The former HOF member also stated 'I don't think we need an extra official language other than Amharic language. Amharic language connected the dispersed society from every corner of the country. Wherever you go, you can get individuals and groups who speak Amharic. But if the people want extra official language, I agree with the people'. The religious leader added 'The Amharic language is making you understand one another. The international experience is the same. The English language is an international language. As a result, the Amharic language is sufficient. Our federal structure is important. It gives a sense of self-administration to ethnic groups'.

The survey result shows that there is strong support for introducing an additional federal working language. Close to 60 percent of those surveyed agreed with the proposition of adding a new federal working language while a little over percent of them opposed the suggestion.



## **5. Ethno-territorial Arrangement**

All informants noted that the ethnic-based territorial arrangement should be replaced by geographical administrative arrangements. A representative of the PP said that there was a need to have a federal territorial structure based on geographic criteria. The informant from the office of the state prosecutor said the structuring of the country's subnational boundaries along ethnic lines was 'the source of all problems' in the country. The state official maintained the constitution allows the creation of endless numbers of states along ethnic lines which needs to change. The former HoF member likewise said the ethno-territorial arrangement was the cause of 'the chronic problems for our country. We need to replace it with a geographical structure. We have seen enough of its consequences. It brought conflicts to us and created extremely radicalised groups'.

A survey was also conducted on how different respondents view the ethno-territorial arrangement in which a total of 17 individuals were interviewed. Close to 90 percent of the respondent disagreed with the territorial structure of the federal system which takes ethnic settlement as the sole criteria for demarcating state boundaries. Yet over 76 percent of those surveyed responded that they are in favour of a federal arrangement that somehow caters to ethnic diversity. When the question was put to them a little differently, a little over 80 percent of those surveyed responded they do not want ethnicity to be a factor in the country's constitutional/federal design.

## **6. Article 39**

Coming to article 39, almost all informants argued that this article should be removed since it promotes ethnic division and fragmentation, except for the sub-article that deals with *linguistic and cultural rights*. Government official: The right to secession should be erased completely. It will disintegrate the country. A representative of Prosperity Party: Article 39 (4) is pushing ethnic groups to be narrow and self-centered. I only support the sub-article giving the right to use one's own language and to develop one's culture. But I hate the article that discusses the right to secession. Former HoF member: the right to use one's language is very important. Everyone should preserve their languages and cultures. The right to secession should be erased. Religious leader (evangelist leader): Sub-article 4 should be eliminated because it will disintegrate Ethiopia. The "right to use one's own language and develop culture" should be remaining as it stands.

Over 70 percent of the respondent surveyed were of the view that Article 39(2), the provision which recognises the linguistic and cultural rights of ethnic communities, should not be changed. A little over 50 percent of the respondents supported the idea of amending

Article 39(3) of the constitution. And close to 90 percent of those surveyed responded that Article 39(4), the secession clause, should be amended.

## **7. Ethnic parties**

All informants replied that establishing ethnic-based political parties should be prohibited by the constitution. The informant from the PP said ethnic politics was like a disease for his community. He added 'in our area, recently *Kara* and *Hammer* ethnic groups are developing hatred towards one another and ethnic-based political parties are manipulating the situation to quench their trust for political power'. He further said 'political parties should be formed based on the broader Ethiopian national identity'. The informant from the office of the state prosecutor, likewise, said 'ethnic-based political parties do not strive for fairness and thus they should be banned. He added' we need to have a political party that emphasises on development and democracy and ethnic political parties are neither democratic nor developmental'. The former member of the HoF said 'ethnic-based political parties are the enemy of Ethiopia which eroded our unity by creating hatred and mistrust among Ethiopians'. On the other hand, one informant, a religious leader (evangelist leader), was the view that 'ethnic-based political parties are useful for ensuring the representation of minority ethnic groups.'

The survey also shows there is strong support for banning ethnic-based political parties. Over 80 percent of the respondent agreed with the statement that ethnic-based political parties should be constitutionally banned. Less than 20 percent disagreed to banning ethnic-based political parties. Close to 65 percent of those surveyed responded that political parties should be conditionally required to have multi-ethnic membership.

## **8. The Status of Addis Ababa**

All of the informants argue that Addis Ababa should continue as it is and should not be put under the jurisdiction of any region. A representative of the PP said 'all Ethiopians are the owner of Addis Ababa. Besides, it is the capital city of Africa. Since the federal government represents all Ethiopians, Addis Ababa should be administered by the federal government'. The informant from the office of the state prosecutor stated 'we all Ethiopians have equal right to Addis Ababa since we collectively developed it. No single group should have a special say concerning Addis Ababa'. The state official said 'the controversy around Addis Ababa was created by the constitution and the provision that refers to the special interest of Oromia should be repealed. This kind of article will lead groups to raise the issue of ownership. Addis Ababa is the city of all Ethiopians and Africans. Accordingly, it should be administered by the federal government'. Likewise, the former HOF member said 'Addis Ababa is the city of all Ethiopians. Besides, Addis Ababa is the

seat of the African Union. Hence, it should be administered by the federal government'. The religious leader (evangelist leader) maintained 'Addis Ababa belongs to all Ethiopians. We all belong to Addis Ababa. It is illegitimate to give Addis Ababa to one ethnic group. It should be administered by the federal government.'

The survey also shows there is very strong support for maintaining Addis Ababa's current status. Close to 95 percent of those surveyed responded they would oppose any change to the constitutional provision that put Addis Ababa under the federal government.

### **III. OPPORTUNITIES, CHALLENGES, AND WAY-OUTS**

#### **1. Opportunities**

Most of the informants maintained that there is no favorable political and security context that allows a constitutional amendment. The informant from the PP and the religious leader cited the security problem as hindrance for a meaningful constitutional amendment. Yet the state official feels differently. He argues 'opposition parties have got the opportunity to co-govern the country, members of the diasporas are showing concern about their country more than ever and this creates a conducive environment for a constitutional amendment'. The former member of the HoF stated 'I believe we shouldn't take too long to amend the constitution. It should be a very urgent project. We don't have to wait for fertile ground. The ethnic barrier should be eliminated as soon as possible'.

#### **2. Challenges**

According to most informants, there are various challenges that might hinder the amendment process. Politicians are less than likely to agree on amending the most controversial provisions which would further radicalise their differences. Those who do not want to see the constitution amended may provoke violence. The religious leader was more optimistic than the other informants. He said 'there will not be a problem if the people are allowed to participate in and own the amendment process'.

#### **3. Way-out**

The best approach for amending the constitution according to the informants is to hold public dialogue on the matter. The informant from the PP is to conduct numerous public discussions on the matter. He added 'we need to be united to solve our collective problems. We need to hear one another'. The informant from the office of the state prosecutor added 'every section of the society at grassroots level should be discussed. The idea and interests of the people should be known. The people should participate'. The state official maintained that 'deploying effective workforces is vital. Institutions and committees should

be strengthened. Religious institutions should be empowered and participated'. The former HoF member was of the view that 'all individuals should participate and there should be public discussions that encompass communities living in borders. Awareness should be created. The government should ensure rule of law'. The religious leader (evangelist leader) said 'the people should adhere to rule of law and the government should work with the people'.

## **ARI**

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### **I. INVESTIGATING THE POPULAR DEMAND AND FACTORS**

#### **1. Whether the FDRE Constitution should be changed**

All informants replied that the constitution should be changed and nearly all believe that amendment is better than total revision. One of the informants, a school director, said the current political situation necessitates a constitutional amendment. The informant especially thinks Article 39 of the constitution is especially problematic and needs a revisit. A pensioner said a constitutional amendment was better than a total revision because the constitution contains provisions that are a source of conflicts and radicalism. Another informant, a farmer, maintained that the constitution should be amended since it is older than 30 years and that it has been the source of all problems we have right now. Yet another informant, who was a former member of HoF, said 'we need to amend the constitution because the people demand it and that several provisions in it had the effect of eroding Ethiopian unity'. A survey was conducted in which the respondents asked if they were familiar with the Ethiopian constitution. Over 80 percent of them responded they were indeed familiar with it.

## **2. Amendment or revision?**

All informants preferred amendment to revision. For instance, the school director believes total revision would more divisive than an amendment and the country cannot afford further division given the security situation. The survey also shows there is strong support for a constitutional amendment. When asked whether they would like the constitution to remain unchanged, some 52 percent of the respondents disagreed while 35 percent of them responded in the affirmative. Over 80 percent of them agreed with the constitution being amended as opposed to revised.

## **3. Expected disagreements**

Informants have raised some points of disagreement regarding the amendment process of the constitution. The pensioner said, 'we are hearing some political parties claiming the constitution should not be touched.' Farmer: 'ethnic elites may not agree on ethnic politics and PP may want to eliminate ethnic politics.' The survey also shows that over 80 percent of the respondents expect or see a disagreement on whether the constitution should be amended and which provisions of the constitution should be amended among different sections of the people. Over 50 percent of them see such disagreement among politicians.

## **4. Level of optimism**

The informants replied that the final product of the amendment process would reflect the desire of the public at large. The pensioner said 'the people are becoming assertive of their rights' and thus the final draft is likely to be reflective of the political desire of the general public. The farmer also replied that 'individuals are getting information on social media and they demand equality and participation. The survey however shows the respondents were divided on whether the amended version of the constitution would be the kind that they

would like to see. Some 40 percent responded in the affirmative while equally 40 percent responded 'no'. The informants noted that the amendment alone will never address their concerns even though it might serve the purpose of dealing with some of the major political differences in the country.

## II. PROVISIONS FOR AMENDMENT

### 1. On the general provisions

It goes without saying the design of the Ethiopian federal system, which is predicted on accommodating ethnic differences, is the most debated constitutional issue in the country. Whether and how the federal design could be revised has been discussed extensively. The respondents from the Ari community were thus requested to answer some general questions regarding the federal system and their responses is summarised in the table below.

**Table 12 Respondents' attitude towards adopting federalism as a governance system for Ethiopia (Ari)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	-	5.88	11.76	58.82	5.88
There is no need to take ethnicity as factor in the country's constitutional (%)	-	11.76	-	76.47	-
Federalism is too divisive and leads to conflicts; there is no need to any form of federalism	5.88	64.71	5.88	11.76	-

As can be seen in the table above, over 60% of the respondents are in favour of a federal design that somehow caters to the ethnic diversity of the Ethiopian people. Yet, 76% of them agree with the proposition that ethnic diversity should not be considered as a factor in the country's constitutional design. Yet again over 70% percent of the respondents reject the suggestion that a federal system, its design regardless, is divisive and it should not be implemented in the country.

### 2. Preamble

All the informants maintained that the phrase 'we the nation nationalities and peoples' in the preamble of the constitution should be replaced with another that connotes national cohesion. The school director said the phrase 'nation, nationalities, peoples' connotes a

dangerous meaning since it divides two neighbours who used to live together for years'. He said that this phrase should be replaced with 'We Ethiopians'. Another informant said 'this part of the preamble is dangerous'. He added 'now Jinka is led by the command post people are living under constant fear and insecurity. This is the side effect of the existing constitution. Initially, the phrase was put only to serve the interest of a few individuals instead of serving the interest of the mass'. The pensioner was the view 'the preamble [was] anti-unity 'which denies 'our Ethiopian identity and introduced ethnic barriers'. He added the phrase 'should be replaced with 'we Ethiopians'. The farmer also the preamble should focus on Ethiopian identity and thus should be replaced by with 'we Ethiopians'.

### **3. National Emblem**

Nearly all informants maintained that the star at the centre of the flag should be removed and the green, yellow and red colour is sufficient. However, the state official said that the national emblem was the recognition of our diversity and equality and should be retained. The survey shows paints a different picture. The majority (52%) are opposed to the suggestion to remove the current national emblem and less than 30 percent of them supported this suggestion.

### **4. Federal working language**

Most of the informants were against the idea of introducing an additional federal working language. The pensioner said Amharic was sufficient. The farmer also maintained the Amharic language was one unifying factor it connects many ethnic groups and 'if we add other languages, we will widen our differences. In contrast, the school director expressed his support for an additional federal working language and said 'we have to know that language is a means of communication and I don't see how it would harm us if we added one or more federal working languages'.

The survey shows that the respondents were divided on the issue of whether an additional federal language should be introduced. About 46 percent of the respondent supported the idea while almost an equal percentage of the respondents (47) percent opposed the introduction of a new federal working language.

### **5. Ethno-territorial Arrangement**

All informant expressed their disapproval of the current sub-national territorial arrangement which is based on ethnic criteria. The school director said he 'totally objects to ethnicity as the criteria for demarcating subnational boundaries'. He even said he was of the view that 'ethnic federalism is undesirable and ought to be discarded'. The pensioner: The ethnic-based federalism created many problems for us. It encouraged the lust for

power feeling of individuals and groups. These groups do not strive for the interest of the people. We should have the former type of state structure. Likewise the farmer stated 'the ethnic based federal structure is widening our division. It is pushing ethnic groups to consider territories/land as their own. He added 'the federal structure should base on territory or geography. Otherwise, it will create groups who say we are the owner of this land and marginalise other as newcomers'. The former HoF member said 'the ethnic federal structure is not good bad since it is becoming a source of displacement and feeling of sense of ownership'.

Those who took part in the survey were asked whether the ethnic-federal structure should be kept as is. A little over 50 percent of the respondent disagreed with maintaining the current ethnic-based federal structure. A significant portion of them (35% ) agreed with retaining the current federal structure. Yet over 60 percent of the respondents were in favour of a federal system that somehow caters to the ethnic diversity of the Ethiopian people. When asked, a little bit differently, whether they agree that there is no need to take ethnicity as a factor in the country's constitutional design, a little over 76 percent of the respondents said they do indeed agree.

## **6. Article 39**

Nearly all informants responded to the question above saying that Article 39, save for Article 39 (2), should be repealed. The school director said:

' As a teacher, I think linguistic and cultural rights should be recognised. We have to respect and nurture and promote languages and cultures. It shall be mainstreamed into the education curriculum more than ever before. As a member of the school community, I know the benefit of this specific set of rights. Someone's food culture, dancing style ought to be promoted and eventually will develop the tourism potential. This is a timely question that I can respond to wholeheartedly. Currently, there is a proliferation of requests by different groups demanding, their own state, zone, special woredas, and woreda. Some of the requests are not viable and did not ensure meeting the criteria. The motive behind resembles to be supremacist thinking Once I remember professors were commissioned to study the feasibility of demand for zone and regions before the Sidama referendum. Ultimately, such requests shall be responded to in a manner of ensuring the benefit of the entire society. It shall be regulated through a rigorous scientific study. If you saw the recently established Sidama Regional government, the situation was not like ever before. People have fled the region to the underdevelopment of the Sidama region. This ambiguous exercise of self-administration began to serve as a sprinting block for the rise of informal groups. I think that is what we are observing in the



security crackdown in South Ethiopia throughout the past week. As I argued before, the right to secession is irrelevant. This is the sub-article that I personally contend to remove it. You can see that TPLF is doing all it can to separate our beloved Tigray region. I don't permit the secession of Tigray at all.'

The pensioner said Article 39 and its sub-provisions are causes of multitudes of problems. The whole article should be repealed. Likewise, the farmer said the right to develop one's own language is good. However, the right to secession will make the country disintegrate. Ethiopians cannot be divided into new countries. The former HoF representative: the right to language is very important. The right to secession is very bad and it should be erased completely.

The survey show strong support for retaining Article 39(2) which recognises the right of ethnic communities to develop and promote their language and culture. Over percent of the respondent oppose changing this specific provision. The respondents are divided on whether Article 39(3) should be amended even though there is a relatively stronger support (47%) for changing it. There is however a very strong support for amending the succession clause. Over 88 percent of the respondents expressed support for amending Article 39(4) of the constitution.

## **7. Ethnic parties**

Most of the informants said ethnic-based political parties should be constitutionally banned and only national parties should be allowed. The farmer said 'ethnic-based political parties should be banned legally since they have been creating hatred, extremism, and violence. The former HoF also said 'ethnic-based political parties should be banned legally and replaced by political parties organised along the ideological lines. The school director held a different view and stressed the importance of ethnic-based political parties as follows:

'In fact, ethnic parties, such as Ari party and/or Kucha Party, should not be prohibited legally. The people should avoid ethnic parties out of self-interest. Otherwise, those who believe in ethnicity will disguise the cover of Ethiopianism. I prefer they all have to do it from the heart. There might be moments through which Ethnic parties may compromise against the government on behalf of their respective constituency.'

The survey also shows there is strong support for constitutionally banning ethnic-based political parties. Close to 94 percent of the respondent agreed with the proposition of banning ethnic organised political parties. And almost all the respondents supported the idea of constitutionally requiring political parties to have multi-ethnic memberships.

## **8. The Status of Addis Ababa**

Most of the informants expressed their opposition to the association of Addis Ababa with a single region. The school director said 'Addis Ababa belongs to All Ethiopians'. The Pensioner also opined 'Addis Ababa is the city for all of us. The federal government should continue to administer it. It is not a city which is established by one ethnic group only'. Likewise, the farmer said 'Addis Ababa is the city of all Ethiopians and Africans. It represents all Ethiopians. Since it is the capital city of Ethiopia, it should be administered by the federal government. 'The former HoF member said 'Addis Ababa is the seat of all ethnic groups. We all are the owner of Addis Ababa. The federal government should administer it.'

The survey also shows there is strong support for retaining the status of Addis Ababa as a federal city. Over 80 percent of the respondent opposed any constitutional amendment changing the status of Addis Ababa in this respect. Over 80 percent of the respondents oppose both Addis being a regional state and putting it under the jurisdiction of the Oromia state.

### **III. OPPORTUNITIES, CHALLENGES, AND WAY-OUTS**

#### **1. Opportunities**

Considering the security situation in the country, most of the informants do not think there is a conducive environment to start a process of a constitutional amendment. As the school director said 'peace is the precondition for such grand political and social projects as a constitutional amendment. But the preparation can start using the relative peace we have now'. He further added the National Dialogue Commission can be used to discuss some of the issues. The farmer said the country is wrecked by conflicts and the government must first manage the conflicts and conduct rehabilitation'. The former HoF, somewhat differently, said 'we shouldn't wait till a conducive situation comes. The current conflicts are brought about by the constitution. We should amend it immediately'.

#### **2. Challenges**

The challenges that the amendment process could encounter are, according to the pensioner and the farmer, are the conflicts taking place in different parts of the country. There is a risk that political actors that are against any form of conditional change would use the issue to further escalate the conflicts. The former HoF member holds a different view and maintains that 'there will not be any hindrance since everyone is demanding the constitution to be amended'.

#### **3. Way-out**

The school director opined:

‘The efforts that are started at the national level are courageous. Scholars should massively participate in this project. We have a sufficient number of scholars who prove their neutrality and impartiality. Nothing has to be done through rushing. Actions has to be performed in a very stabilised and regularised manner. No politicians should be permitted to participate in the process. All members of the community shall participate. The procedure determines the eventual contribution.’

The pensioner the former HoF member said the government should play its role in maintaining peace and order. There is also a need to create awareness among members of different communities about the importance of amending the constitution. The farmer demanded that the government ‘should maintain the rule of law and bring peace and reconciliation among the people’.

## **BENA**

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### **I. INVESTIGATING THE POPULAR DEMAND AND FACTORS**

## **1. Whether the FDRE Constitution should be changed (revised or amended)**

All informants noted that the constitution should be changed in the sense that it should be amended. The details of their justifications are presented below. One of the informants, a health officer, believed the constitution should be changed. Precisely, some of the provisions of the constitutions (such as Art. 39) are a source of conflict. We forgot altogether language is merely an instrument for mutual communication. But we used it to make it a matter of identity. The politics revolved around language and ethnicity. Even someone who is found in corruption, theft, or any other crimes alleges he is targeted because of ethnicity. Language is merely a skill and ought not to be taken as a manifestation of identity. Also, when your structures are re-arranged as a result of development then claims for boundary would bore boundary-related conflicts. For instance, the arrangement created a conflict such as the one between Konso and Derashe zone, Gumayde peoples, and the former inhabitants of Segen zone. The problem arose because the Derashe special woreda boundary would eventually take by the newly formed 'Konso zone'. Another informant, a priest said the constitution should be amended. Still, it is difficult for the executive organ to practice it. Participation of the people in the making of the constitution should be ensured. We can assure this by amending the constitution. Besides, amending the constitution also means creating awareness among the people regarding the constitution. In our area, many individuals do not know what a constitution is. A PP representative also opined that the constitution should be amended because the secession clause is creating many political crises. There are also other provisions that provide fertile grounds for ethnocentrism. An opposition party representative, from Ezema representative, also responded in the affirmative and said the ethnic federal system should be revisited. Besides, there is a fundamental problem regarding the interpretation of the constitution. Finally, a state government official stated there are several reasons why the constitution should be amended. It contains several provisions that are causes of conflict, instability, and extremism. Besides, he added, the constitution was not adopted with the participation of the public.

## **2. Amendment or revision?**

All informants contacted during the data collection reported that the constitution should be amended not completely replaced with a new one. The health officer for instance said the amendment of the constitution can fix the problems in the constitution.

A survey was conducted and the respondents were asked whether they were familiar with the current constitution to which close to 80 percent responded in the affirmative. The respondents were divided on whether the constitution to remain unchanged; close to 40 percent of them disagreed with the suggestion of keeping the constitution unchanged while a little over 30 percent of them were the view that it should be kept as is. Some 64 percent

of the respondents expressed their support for a constitutional amendment, as opposed to a complete revision.

### **3. Expected disagreement**

The manner of subnational boundary demarcation was mentioned as one of the issues around which there will be intense disagreement. Over 64 percent of the respondents who took part in the survey expressed their view that there is a disagreement among different sections of the Ethiopian people on the issue of constitutional change. Over 65 percent of the respondents said politicians are likely to disagree on issues relating to constitutional change.

### **4. Level of optimism?**

Nearly all informants described that the final product of the amendment process would reflect the desire of the public at large provided that the amendment process is preceded by a massive awareness creation campaign. All informants reported that the constitutional amendment process would result in the kind of constitution they would like to see adopted. The health officer said the peoples are yearning for a constitutional change since they believe all the conflicts in the country one way or the other caused by the constitution. He added 'once the constitution is amended then the conflicts borne out of it would be mitigated'. Those who took part in the survey were divided on this specific issue with 35 percent of them having the view that the amended version of the constitution would be the kind that they would like to see while an equal percentage of the respondents held the opposite view. All informants believe that the constitutional amendment alone will address their concerns. The priest said 'I strongly believe that when we amend the constitution, many of our problems will be addressed'. The state government official was of the view major political problems would be resolved if the constitution is amended since it is what caused them in the first place.

## **II. PROVISIONS FOR AMENDMENT**

### **1. On the general dimensions**

The design of the Ethiopian federal system, which is predicted on accommodating ethnic differences, is certainly the most debated constitutional issue in the country. Whether and how the federal design could be revised has been discussed extensively. The respondents in Afar were thus requested to answer some general questions regarding the federal system and their responses is summarised in the table below.

**Table 13 Respondents' attitude towards adopting federalism as a governance system for Ethiopia (Bena)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	-	-	-	57.14	14.29
There is no need to take ethnicity as factor in the country's constitutional (%)	-	25	3.57	64.29	7.14
Federalism is too divisive and leads to conflicts; there is no need to any form of federalism (%)	7.14	60.71	-	-	-

As can be seen in the table above, over 73% of the respondents are in favour of a federal design that somehow caters to the ethnic diversity of the Ethiopian people. Again a significant majority of the respondents (71%) seek ethnic diversity to be considered at least as one factor in the country's constitutional design. And close to 76 percent of the respondents reject the suggestion that a federal system, its design regardless, is divisive and it should not be implemented in the country.

## 2. Preamble

Almost all informants noted that the phrase '[w]e the nations nationalities and people of Ethiopia' and the one refine to 'historically unjust relationship' should be removed from the constitution. The priest said the preamble is fundamentally divisive seeks to erode our unity. The informant from Ezema was the view that the the preamble was very ambiguous since it is unclear which group is a nation, a nationality and people. Likewise the state government held the view that the preamble does not reflect the unity of Ethiopian people. The PP representative held a different view. He said 'I don't think the word "nation and nationalities" has problems because it expresses the existence of many ethnic groups'. However he added the phrase about unjust historical relationship creates hatred and mistrust among the people. Moreover, it distorts our historical facts.

## 3. National Emblem

The informants were divided on whether the national emblem in the flag should be kept or removed. The government official called for the reinstatement of the former plain flag. The priest held the view that the emblem did not represent what the people sought since the politicians arbitrarily selected the emblem and inserted it in the flag without public consultation. Besides, the current flag installed religious contradiction regarding the green,

yellow and red national flag. Individuals have given religious meaning to the national flag. It created religious division. Previously, the Muslim and the Christian communities accepted the flag as their own regardless of their religion. Now people give religious meaning to the star in the middle of the flag; they say it is demonic symbol. It should thus be erased. The informant from the PP held a different view: the flag without the national emblem denotes religious meaning. Government and religion are separate and hence the current national should be maintained.

The survey shows the majority of the respondents do not support the removal of the national emblem from the national flag. Over 64 percent of them opposed the proposition to do so. Yet a significant number of the respondents (31%) were in favour of removing or changing the national emblem.

#### **4. Federal working language**

The informants were divided on the need to introduce additional federal working languages. The informants from the PP, the priest and the state official were the view that Amharic should serve as the only federal working languages. The health officer held a different view. He said previously Amharic was spoken even in remote areas of the country out of necessity. This has changed now. For instance, Oromos who were born in the last three decades are raised without learning the Amharic language. The informant from Ezema also supported the idea of introducing additional federal working languages including Tigrigna and Afaan-Oromo.

The survey shows the proposition to introduce an additional federal working language has both supporters and detractors. The majority of the respondents (60%) oppose the introduction of an additional working language while about 35 % supported the proposition.

#### **5. Ethno-territorial Arrangement**

All of the informants opposed the Ethno-territorial arrangement and demanded that is changed. The priest said the ethnic based federalism has been causing many problems to our country and many are killed and displaced because of it. The informant from PP likewise said the ethnic based federal structure needs to be change into a federal system structured along a geographical line.

The survey painted a different picture. Indeed about 40 percent of the respondents agreed with changing the territorial arrangement which is done along ethnic line. Yet, unlike in the KII, some 30 percent of the respondents opposed any change in this regard. Moreover over 70 percent of the respondents expressed their view that they are in favour of a federal system that somehow caters to the ethnic diversity of the Ethiopian people. Yet 72 percent

of them agreed with the proposition that ethnicity should not be a factor in the federal design of the country.

## **6. Article 39**

All informants maintained that Article 39, except Article 39(1) should be repealed. The health officer said he did not have a problem with 39 (1) despite having trouble with the manner in which the right to develop one's language is being exercised. He said

'Every language has its own alphabet(orthography). This will potentially divide members of the same ethnic groups. Many of the languages now use the latin script instead of Ethiopic script. For instance, Ari , Bena and Tsemay already began to use the latin script. It seems a the rule than the exception for all those who seek to develop their own languages to resort to the latin script. In my opinion, the usage of latin script is not economic the way we used latin script. So , we need to make in-depth exhaustive study to choose between latin and Ethiopic script.'

On Article 39 (3), the informant said 'no clear criteria is provided the creation of zones and regions and these structures are being created in a chaotic manner often following massive killing and destruction. For instance many of those who demanded for Sidama, Gofa and Konso states are now dead or incarcerated. The informant opined Article 39(4) was unhelpful and impractical.

'I remember those who participated on the council of constitutional drafting commission representing our locality did not have any clue to what they jointly decided. I was a grade 7 student when the EPRDF came to power I have some memory of the constitutional drafting process. The so called representative did not have even training of basic literacy let alone advanced learning. Understandably they rubber stamped what was previously drafted by TPLF. Actually, I did not mean that a person is not intelligent simply because he/she has not not attended formal school. There are so may wise local elders who neither write nor read. However those who were sent to Addis Ababa to represent us in the constitutional assembly were barely understood the consequence of what they were voting for'.

The state official saw two major problems in Article 39. First, it does not recognise the individual. Ethiopians are forced to identify themselves with certain ethnic groups because the constitution does not give recognition to individuals or those who consider themselves Ethiopians. Secondly, the right to secession is extremely problematic and it needs to be removed.



The survey also shows the respondents have different views with respect to the different sub-sections of Article 39. Over 60 percent of them expressed the view that Article 39(2) should not be changed. In contrast, 57 percent of the respondents were in favour of amending Article 39(3). There is almost consensus that Article 39(4) - the secession clause - should be repealed from the constitution with over 90 percent of the respondent supporting this proposition.

### **7. Ethnic parties**

All of the informants maintained that establishing ethnic-based political parties should be constitutionally banned and only national parties should be allowed by the constitution. According to the priest, 'the formation of ethnic-based political parties would cause instability in the country and makes very difficult the peaceful co-existence of ethnic groups'. The informant from the PP opines that 'ethnic political parties are useless since they endeavor for the interest of one ethnic groups and never care about those outside the group'. The survey also shows strong support for banning ethnically organised political parties. Over 85 percent of the respondent agreed with the suggestion that the constitution should ban ethnic-based political parties. And some 92 percent of the respondents supported the idea of requiring political parties to have multiethnic membership.

### **8. The Status of Addis Ababa**

All informants strongly argue that Addis Ababa should continue as it is and provided similar reasons for their view on the issue. It should not be given to any single region. That is 'Addis Ababa is not only the capital of Ethiopia but Africa'. It should thus remain autonomous within the general supervision of the federal government. The health officer maintained that 'Addis Ababa should not even serve as the seat of the state government of Oromia'.

The survey shows that all of the respondents (100%) are of the view that Addis Ababa should continue with its current status and that no change should be introduced in this respect.

## **III. OPPORTUNITIES, CHALLENGES, AND WAY-OUTS**

### **1. Opportunities**

Nearly all informants argue that there is no conducive ground to amend the constitution given the conflict and security situation in the country. However, the state government official stated that the very existence of these problems, which are directly or indirectly linked to the constitution, should be a reason for amending the constitution.

## **2. Challenges**

The informants anticipate different challenges. The health officer fears an attempt to amend the constitution might lead to conflicts. The priest that the different political actors may fail to reach an agreement on what part of the constitution to amend and how. The informant from PP is afraid that the process might not be inclusive and might lead to competition among political actors. The state government official fears what is described as a clash of interests among different political actors'.

## **3. Way-out**

The health officer suggested using the 'Commission for National Dialogue 'to lead the debate on constitutional changes. The preset suggested using and strengthening religious institutions. The informant from the PP stressed the need to maintain the rule of law. He added influential individuals from religious institutions, art, political parties, and civil society organizations should be given an important role. The informants from the Ezema and the state government stressed the need to conduct a massive public consultation. The state official added 'political parties should discuss with their respective peoples. Training by scholars should be given at the grass root level. We should ensure effective participation'.

## **I. INVESTIGATING THE POPULAR DEMAND AND FACTORS**

### **1. Whether the FDRE Constitution should be changed**

Basketo informants said that they are “somehow familiar” with the constitution, 94 % of them giving the same response while 6% of them reported they are “very familiar”. This means that there is no any Basketo responded who is at least unfamiliar with the constitution. All qualitative informants similarly reported that they are familiar with the constitution. Based on their familiarity, all of the respondents agreed that the constitution should be changed in some way, either through revision or amendment, as shown in the following section.

### **2. Amendment or revision?**

According to the Basketo informants, a constitutional amendment is more important than revision. A constitutional amendment will need to tweak some provisions of the document while leaving others intact and removing some others totally. The survey respondents also confirmed this. Many survey respondents are in favor of amendment instead of revision, 93% of them either “agree” or “strongly agree” for amendment while 100% of the respondents are against revision.

### **3. Expected disagreements**

Research participants either in survey or interview, almost all of them saw disagreement will be inevitable. From the respondents, 93% of them anticipate disagreement, so do all qualitative study informants. Many of them mentioned article 39 would be the most contention provision. Qualitative data informants believe the creation of the current constitution was not participatory, and was created to serve the political interest of a few elites. In the course of future amendment or revision, informants expected disagreements mainly between ethno-nationalists and “Ethio nationalists” as well as among ethno-nationalists themselves.

### **4. Level of optimism**

Even though it is challenging to have a constitution that is fully supported by all citizens, having the necessary discussions with various groups of people at various levels may help to allay the concerns of the majority. More than half of the respondents (56 %) answered “yes” in response to the question whether they believe constitutional amendment would reflect the public desire, while the rest not optimistic as they answered “no”.

In order to come up with the constitution that will address the public desire, informants advised having the requisite public debate at all levels nationwide. However, an informant who believes at least the majority Ethiopians would be satisfied in the result of the envisaged constitutional amendment stated:

I don't believe that the constitution that is proposed to be amended can satisfy the interest or desire of all Ethiopians, but I believe it would satisfy the desire of the majority of Ethiopians. There are people who are born to oppose blindly or to criticize whatever good work is done. Also it is difficult to satisfy 120 million Ethiopians. But I personally believe the amendment will satisfy about 90% of Ethiopians.<sup>36</sup>

A constitutional amendment by itself has no impact unless it is backed up by effective implementation and good practice. According to the Basketo informants, the constitutional change does not address all of the issues facing Ethiopians. An informant stated "I don't think amendment of constitution only can bring a holistic but the actual practicability of the principles of the constitution. And when the people take it as the supreme law of the country and governed by values contained in the constitution it become the one which I need to see adopted".<sup>37</sup> Yet, informants also believed that since the constitution is the cause for the disagreement in the country and if it will be amended, the issues of conflicts will be addressed.

## **II. PROVISIONS FOR AMENDMENT**

### **1. The general dimensions**

Since the present Ethiopian constitution was put into effect in 1995, there has been discussion about the federal structure that is mostly defined based on ethnicity. Many people in Ethiopia are becoming increasingly dissatisfied with the ethnically divided state and the ongoing interethnic strife, even though some consider it as the only way to structure the state and politics and to achieve lasting peace, democratization, and development. Some questions in this study were employed to gauge how the research subjects felt about the overall system of ethnic federalism. The findings of survey respondent responses are displayed in the table below.

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<sup>36</sup>R7, Laska, Basketo special woreda, Male, 60, BSC, iddir representative, Basketogna mother tongue, additionally speaks Amharic).

<sup>37</sup>R7, Laska, Basketo special woreda, Male, 60, BSC, iddir representative, Basketogna mother tongue, additionally speaks Amharic).

**Table 14 Respondents' attitude towards adopting federalism as a governance system for Ethiopia (Basketo)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	6	6	57	31	0
There is no need to take ethnicity as factor in the country's constitutional (%)	13	19	37	31	0
Federalism is too divisive and leads to conflicts; there is no need to any form of federalism (%)	38	25	6	6	25

As we can see from the table above, three broad questions were employed to study the view of research participants about the overall federal system before they discuss specific provisions as we read in the sections below. Accordingly, for the first statement “Some version of federalism that seeks to cater ethnic diversity is appropriate”, 31% of Basketo respondents “agree” while almost 60% of them are “neutral”. There is, however, little disagreement with this statement. Again, for the statement, “There is no need to take ethnicity as factor in the country’s constitutional”, and majority of respondents kept silent (about 40%) while the next majority of them (31%) “Agree” that there is no need to take ethnicity into account in politics. On the other hand majority of respondents (63%) “Strongly disagree” or “disagree” about the idea that proposes abolishing any form of federalism. Yet, a significant number (31%) “Agree” or “Strongly agree with” abolishing any form of federalism from the Ethiopian politics.

Overall, the dominant Basketo research participants’ opinion is that, clearly, they do not support the idea of abolishing any form federalism from the political system in Ethiopia. On the other hand, their position on the kind of federalism that entertains ethnicity and diversity is not certain; ne can make the conclusion that their position is neutral.

## **2. Preamble**

Regarding the phrase, “We the Nations, Nationalities and People of Ethiopia”, many Basketo informants argued it should be used as it is. Whereas some informants argued the constitutional preamble is the subject of debate and criticism because it favors national division above national unity. The wording should be changed to "We the Ethiopian people" based on the debate and criticism of intellectuals as well as to lessen conflict over the constitutional preamble. However, it is clear that each nation, nationality, and people should have their right to speak their language etc, but the phrase “We the Nations, Nationalities and People of Ethiopia” is divisive and should be amended. There is no

survey data on this, unfortunately, but the preponderance of the qualitative data is that the phrase should be amended in a way that also gives a due respect to the national unity.

### **3. National emblem**

According to survey respondents, 19 % of Basketo respondents “strongly opposed”, 32 % “opposed”, 31 % supported and 18% strongly supported changing the national emblem. The qualitative data informants, all of them, are in favor of changing it. They consider the emblem as a point of disagreement and suggest for its change or removal from the flag. An informant argued as follows:

I think it is the symbol that is creating problems among Ethiopians. I recommend the Green, Yellow, Red color flag to my country which signify equality, unity, oneness and patriotism. It was the symbol of unity, development, and togetherness. The question here is how many of us truly understand the hidden secrets of the emblem on the flag. It does not practically ensure our equality but division. It is ironical.<sup>38</sup>

Overall, the preponderance of Basketo informants on amending national emblem is against changing the current emblem as 51% of them opposed changing it and 48% in favor of changing it. The preponderance of qualitative data is also against changing the current emblem.

### **4. Article 8**

Regarding article 8 of the constitution, most Basketo informants suggested to use the article without any amendment whereas one informant reflected his reservation on sub article one and prefer to use the clause “sovereign power is reside in the people of Ethiopia”.<sup>39</sup>

### **5. Federal working language**

A few informants asserted that it makes logical sense for the federal government to have additional working languages in a multi-ethnic and multilingual nation like Ethiopia. The constitution also grants each ethnic group the ability to establish a regional state and speak its own language. More working languages for the federal government can be chosen among the languages that are now spoken in significant geographic areas, have well-developed writing systems, and are already used in education. As a result, the informant advised the Ethiopian federal government to add Afan Oromo, Tigrigna, Somaligna and Afarigna as additional federal working language. On the other hand, some informants argued that Amharic, which is common to all Ethiopians, can be continued to be used as the federal working language. An informant stated, “It is my interest if Amharic only

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<sup>38</sup>R7, Laska, Basketo special woreda, Male, 60, BSC, iddir representative, Basketogna mother tongue, additionally speaks Amharic).

<sup>39</sup>R7, Laska, Basketo special woreda, Male, 60, BSC, iddir representative, Basketogna mother tongue, additionally speaks Amharic).

continues as a working language because almost all Ethiopians speak and communicate by using Amharic language”<sup>40</sup>.

According to survey respondents, 19% of respondents “strongly opposed” and 44% “opposed” additional federal language, while 31% “supported” and only 7 % “strongly supported” it. Taken together, 53% of the respondents are against having additional working language for the federal government and while about 37% are in favor of it. Overall, majority of qualitative and survey respondents of Basketo showed unfavorable attitude towards having additional federal working languages.

## **6. Ethno-territorial arrangement**

According to survey results, 38% of respondents “strongly disagree” and 44% “disagree” with keeping the current ethno-territorial system in intact. Qualitative study Basketo informants recommend more inclusive administrative system. The current system sees a certain territory belongs to a certain ethnic group while in fact there are many groups in a place. For them the current ethno-territorial arrangement should be amended. An informant stated,

It is this ethno-territorial administrative arrangement that is causing different problem in our country. I came from parents of different ethnic background who are in turn from mixed ethnic group identity parents. Therefore, I’m not only Basketo but also Amhara, Oromo, and others so, where is my place? I’m Ethiopian. Due to this ethno-territorial arrangement we are displacing people because of their ethnicity. By doing so it is resulting in conflict/displacement and death of many people. I prefer the administrative unit arrangement replaced by economic activities or geographic (arrangements based on rivers or mountains or geographically or on settlements and economic activities)<sup>41</sup>.

Overall, both survey and qualitative data results show that research participants from the Basketo are overwhelmingly against the current ethno-territorial system.

## **7. Article 39**

The qualitative study participants from Basketo believe that Article 39 has both good and bad provisions. Except Art 39(4) which includes secession clause, the rest provisions should not be amended. The findings from survey also show similar results. As the table

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<sup>40</sup>R8, Laska, Basketo special woreda, male, 67, 12+, opposition party leader, Koregna mother tongue, additionally speaks Amharic, Gofigna and Oromiffa).

<sup>41</sup>R7, Laska, Basketo special woreda, Male, 60, BSC, iddir representative, Basketogna mother tongue, additionally speaks Amharic).

shows, 75% survey participants “oppose” or “strongly oppose” making amendment to Sub article 2 of Article 39 which gives nations, nationalities, and people’s rights to language and culture while the rest respondents are neutral on this point. There is not any single respondent who is in favor amending Art 39 (2). Respondents are more hostile to Article 39 (3) and most hostile to sub article 4. The overall result is that sub articles 36% 4 should be amended.

**Table 15 Whether and which provisions of Art 39 should be amended (Basketo)**

	Strongly oppose	Oppose	neutral	Support	Strongly support
Sub article 2 of Article 39 which gives nations, nationalities, and people’s rights to language and culture should be amended (%)	6	69	25	0	0
Sub article 3 of Article 39 which gives nations, nationalities, and peoples the right to territorial autonomy should be amended (%)	0	38	0	4	56
Sub article 4 of Article 39 which gives nations, nationalities, and peoples the secession should be amended (%)	0	0	0	81	19

## 8. Ethnic parties

All the Basketo informants are against the establishment of parties based on ethnicity, and argue all ethnic parties should be banned by the constitution. The survey result also shows the same as put in the table below.

**Table 16 Whether ethnic parties should be banned by the would-be constitutional amendment (Basketo)**

Items	Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
The formation of political parties along ethnic line should be constitutionally banned (%)	6	6	0	38	50
There should be a constitutional requirement for a party to have multi-ethnic members (%)	6	0	6	38	50

## 9. The status of Addis Ababa

The majority of Basketo informants believe that Addis Ababa’s status should continue as it is. One informant states, “Regarding Addis Ababa, its status should be kept as it is to avoid conflict.



Also care should be taken not to allow Addis Ababa as seat for Oromia”<sup>42</sup>. The survey data shows that 31% of respondents said “yes” to support the current status of the city, while 63% said “no” to oppose an amendment to the current status of the city. Those respondents who sought change to the current status of the city reported the following:

**Table 17 How Addis Ababa's status should be changed (Basketo)**

Items	Strongly oppose	Oppose	Neutral	Support	Strongly support
Addis Ababa should be a separate regional state in the constitution (%)	0	0	0	40.00	60.00
Addis Ababa should be part of Oromia regional state in the constitution(%)	80	20	0	0	0
Addis Ababa should be jointly administer by the Federal government and Oromia regional state (%)	60	40	0	0	0

As the table above shows, none of the respondents agree with putting Addis Ababa under Oromia region alone or under Oromia and federal government. The respondents have the opinion that Addis Ababa should be a separate regional city state; 40% of them “support” this idea while 60% “strongly support”.

### III. OPPORTUNITIES, CHALLENGES AND WAYOUTS

#### 1. Opportunities

With regard to this question informants respond differently some of them believe that there is a fertile ground and it is a right time to amend the constitution referring the current situation of the country, for them the situation by itself allows to rethink about the current constitution. On the other hand, few informants suggest that the government first should address conflict and war in many parts of Ethiopia before amending the constitution.

#### 2. Challenges

- Majority informants skip this question

#### 3. Way-out

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<sup>42</sup>(R2, Laska, Basketo special woreda, male, 38, BA, religious leader and health worker, Basketogna mother tongue, additionally speaks Amharic).

- Public awareness creation should be arranged.
- Conducting further study on the constitution to identify the weak sides and strong side of the current constitution.
- Discussion among the people on the amended constitution.
- Community participation should be arranged during the amendment to identify what to be included or cancelled.

# BENCH

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## I. INVESTIGATING THE POPULAR DEMAND AND FACTORS

### 1. Whether the FDRE Constitution should be changed

The Bench community research participants either in the survey or interviews said they are familiar with the constitution though at various levels. All of the survey respondents said they are “somehow familiar”. Based on their familiarity, only 27 % of the respondents said the constitution should remain intact, while the rest believe it should be changed, meaning, should be revised or amended.

That in favor of changing the constitution explaining their reason, they outlined that the constitution has been drafted without consulting all nations and nationalities. They also mentioned it has been a long time since the constitution came into effect, so it may be getting outdated and the state structure is now changing and new regional states such as South Western region emerged recently. Moreover, it has contested articles which are threats for the unity and integrity of the state. Some of the informants also remarked that the current constitution is a fueling factor for the contemporary ethnic conflict in different parts of the country. Besides, it has created awareness about ethnic differences, so diffusing old ways of interethnic befriending and socialization. One of the informants explains:

...Before the ratification of the constitution, people were not conscious about their ethnic identity. Nor we had a feeling of creating alliance with one’s own ethnic group members. Ormo, Kaffa and whatever ethnic groups were living together. However, after the constitution, people’s perception about other ethnic groups has gradually changed.<sup>43</sup>

Another informant also added his experience to argue why the constitution should be changed.

...my mother is from Bench and my father is from Kaffa, now a day there is a categorical naming the so called “the originals” and “latecomers”, am now grouped under the “latecomers” category because of my father’s ethnicity. Because this zone is designated to the Bench people and all people out of Bench ethnic group are considered as “latecomers” or “settlers”. Hence amending this constitution will

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<sup>43</sup>TesfayeDensa, 30, Male Ethnicity: Bench, Elementary school Married Place of residence: Woreda or City administration: BenchSheko, Semenbench, Carpenter /CBI/ 8 yrs of work exps, mother tongue Bench + Amharic

avoid ethnic division, mistrust among people. This is also the desire of the general public.<sup>44</sup>

Generally most of the informants from Bench ethnic group were in favor of the changes in the constitution and they have provided more or less similar reasons as a justification for their argument.

## **2. Amendment or revision?**

All informants from Bench community are in favor of amendment instead of change of the constitution. They argued that despite its drawbacks that need reconsideration, the constitution gives recognition for vital international human and democratic rights. Hence, keeping important aspects of the current constitution will be considered in the process of amendment. From the respondents to the questioner, 80% of them agreed to the amendment of the constitution in which 47% of the respondents “agree” and 43% strongly agree to it. From this, we can read that revision is the choice for only 20% of respondents.

There are different reasons for the people to choose between the revision and the amendment. Some of the informants outlined that the public has positive towards the constitutional amendment. Yet, the political interest groups do want neither the amendment nor the revision since they use the gaps in the constitution to sustain their politics.

Some informants also underlined that the nationalists, especially the ethno nationalists will completely resist the amendment of the constitution especially the amendment of article 39 since they were doing their politics for the last 60 years based on the issue of ethnic oppression and they consider article 39 as the compensation for the oppressed ethnic groups. <sup>45</sup>Fostering this idea the 93% of the respondents of the questioner also replied that they expect a disagreement between the political interest groups regarding the amendment and the revision of the constitution.

## **3. Expected disagreements**

Many informants have reservationists on the constitution would reflect the desire of people. Yet, the politicians from the opposite camps will try to amass sizeable force/supporters to try to derail the process. Politicians will try in their every capacity to see their personal interests met. But, the people have to keep a close eye on them and should clearly identify its interests and needs so as to avoid confusion and minimize the influence of the political elite.

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<sup>44</sup>TayeEyerus, Bench Sheko, Semen Bench, 57, Male, 10<sup>+</sup>, **Bench ethnicity**, Gov’t Employee, 30 years

<sup>45</sup>(Anonymous, Bench Wereda, 25, M, BA Degree, single, Inspection commission Bureau Head, 1 ysexps, Benchigna mother tongue + Shekogna)

Yet, they believe in some way the amendment will address the questions and needs of the public in general. The people of the country have to some extent identical questions. The questions revolve around equality, democracy and development. Hence, the acceptability of the new constitution would increase and address the needs of the public if the process is clear and gets trust from the public. Informants also recommended that so as to have a constitution that addresses the concerns of the public it is vital to organize an independent team from different stakeholders such as intellectuals, civic societies, and religious leaders to participate in the amendment process. Informants also added that after rigorous participation and consultation of the mass the amendment should be carried out by politically independent groups.

#### **4. Level of optimism**

Many informants believe the envisaged constitutional amendment would address the desire of the majority of the people. But they also put conditions to their answer. No matter how the amendment process might be a rigged one since the politicians try to lead the process according to their political interests. But if the people participate actively through various ways, the process will result in the kind of constitution that me and the general public wants to see. The advent of the national reconciliation commission is another huge opportunity for the amendment process to be successful since the public can actively participate around the constitution. In order to measure the level of optimism of the respondents, the “Do you think a kind of a constitution that you desire would come anytime soon?” Only 33% of them expressed their optimism by “yes”, while 27% said no and “No” and the rest “I don’t know”.

Regarding how much the amendment of the constitution would address the problems of the country, they said constitutional amendment is not itself an end but a means to it. During the past 30 years, the ruling government of the country mainly focused on separation rather than integration. Ethnic, linguistic, cultural, and religious differences are issued more than creating harmonious relationships. The current ethnic-based escalated conflicts and disputes at various levels across the country are the results of the division-based propaganda done by the government. Constitutional issues may be only one case among the several issues that are found in the country. Informants believe that amendment is the only and all solution for the country’s problems. Even if we may make a good constitution through revision or amendment, there is also an issue of implementation. A good constitution is of no value unless sits properly implemented. Having a constitutional amendment by itself may be one of the several activities that the commission is expected to undertake. Strengthening the above argument 34% of the respondents was optimistic about the constitutional amendment will address their interest. Despite these respondents who perceived that they have a trust on the amendment forthcoming amendment of the

constitution 40% of the respondents were responded that they do not know whether the amendment can provide answer to their concerns or not. But, 27% of the respondents perceived that they do not think that the amendment will consider their concerns due to various reasons.

## II. PROVISIONS FOR AMENDMENT

### 1. On the general dimensions

Since the present Ethiopian constitution was put into effect in 1995, there has been discussion about the federal structure that is mostly defined based on ethnicity. Many people in Ethiopia are becoming increasingly dissatisfied with the ethnically divided state and the ongoing interethnic strife, even though some consider it as the only way to structure the state and politics and to achieve lasting peace, democratization, and development. Some questions in this study were employed to gauge how the research subjects felt about the overall system of ethnic federalism. The findings of survey respondent responses are displayed in the table below.

**Table 18 Respondents attitude towards the overall federal system (Bench)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	0	13.33	0	53	20
There is no need to take ethnicity as factor in the country's constitutional (%)	6.67	26.67	37	53.33	13.33
Federalism is too divisive and leads to conflicts; there is no need to any form federalism in Ethiopia (%)	13.33	66.67	0	20.00	0

As we can see from the table above, three broad questions were employed to study the view of research participants about the overall federal system before they discuss specific provisions as we read in the sections below. Accordingly, for the first statement “Some version of a federalism that seeks to cater ethnic diversity is appropriate”, 73% of Bacha respondents “agree” or “strongly agree” while 13% disagree. For the statement, “There is no need to take ethnicity as factor in the country’s constitutional”, majority of respondents (about 65%) “Agree” or “strongly agree” while about 33% of the respondents opposed the statement. On the other hand, only 20% “agree” form of any type should not be implemented in the Ethiopian politics.

### 2. Preamble

Informants from the Bench have a diverse opinion regarding the statement in the preamble that puts “we the nations, nationalities, and peoples of Ethiopia...”. An informant stated that the expression that exists in the preamble of the constitution has no problems. In such a diversified country like Ethiopia, saying “We the Nations, Nationalities, and People of Ethiopia” would be a good idea.

Other informants suggested balancing recognition of nationalities with citizenship rights. Informants believe that it is important to give recognition to nations and nationalities but it should not compromise the equal recognition that the constitution should give for all Ethiopians as individual; citizens of the country. An informant argued:

The word nation and nationality by itself is not source of a problem because Ethiopia is a home land of many nations and nationalities. Rather stating this in such a way will minimize the tendency of treating /assuming/ one nation or nationality as superior while considering others to be inferior in a jurisdiction. It is a mechanism for avoiding biased and unfair treatment of nations and nationalities through empowering them to be equal and acquire unbiased treatment. It is a mechanism to protect all nations and nationalities through evading the supremacy of a single nation or nationality. Thus in my opinion as far as it is intertwined with the name Ethiopia retaining it will not be a problem.<sup>46</sup>

An informant added, before criticizing the preamble of the constitution, considering the situation that existed during that time on the question of ethnic identity. As the big question during the imperial regimes was the question of “land to tillers”, the basic question that was there during the Derg Regime was the question of “ethnic identity”. In this regard, the constitution was designed to address such ethnic identity questions. Based on this justification and the question of the time, the informant does not believe that the preamble of the constitution has a problem.

Other informants reflected a stronger stance against this provision. An informant stated, “In my opinion it should have to be voided and better to say ‘We the Ethiopian people’. The idea of nation, nationalities and people brought so many messes, mistrust, segmentation, disagreement, and conflict. An informant stated,

We all are Ethiopians whether we are black or white or from a distinct ethnic group still we are Ethiopians. If so, why do we prefer to say nation, nationalities and people of Ethiopia rather than saying “We the Ethiopian people”? In my entire life I haven’t seen such kind of mess, mistrust, and

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<sup>46</sup>(TeklemariyamAyisheKora, BenchSheko, MizanAman, 51, Male, Degree, Bench Mother Tongue, married, gov’et employee 28 years exps) Occupation/role/responsibility: Government employee)

conflict among various ethnic groups and this is because we all were in one national (Ethiopian) feeling. However, currently this feeling of unity has already deteriorated because of the idea of nation, nationalities and people, it brought division and mistrust. Thus, since we all are Ethiopians it has to be changed to “We the Ethiopian people”.<sup>47</sup>

The opinion of majority of informants on the preamble is that the constitution should be amended in a way it should balance the recognition of people as members of ethnic communities as well as individual citizens of the country.

Regarding historical injustice mentioned in the constitution, many informants believe that whether or not there was a historical injustice, it is not necessary to mention it in a constitution.

### **3. National emblem**

The informants have mixed opinion on the national emblem as well. Part of them said that the emblem should be kept while others stated it is an unnecessary addition to the longstanding the three colour Ethiopian flag. The advantage of having the emblem is that it signifies recognition of diversity in unity, which means while the emblem reflects diversity, the Ethiopian flag itself is a reflection of unity.

On the other hand, other informants rejected the emblem. An informant said, “The emblem at the centre has to be removed as it is creating a lot of disagreement and conflict. Our forefathers paid in life for the old flag and we should also remove the emblem and adopt the old flag. If not, the people should be allowed to choose the emblem they like.”<sup>48</sup> An informant added, “There are also rumors as it is related with “666” this has to be voided and the original three colors and/or other thing which can represent Ethiopians has to be presented is my opinion.”<sup>49</sup>

Regarding the national emblem at the center of the flag, only 20% of survey respondents support the changing of the national emblem while the rest 80% of the informants are against the changing of the emblem in which 20% of them were strongly opposed the idea of changing the national emblem.

### **4. Article 8**

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<sup>47</sup>TayeEyerus, Bench Sheko, Semen Bench, 57, Male, 10<sup>+</sup>, **Bench ethnicity**, Gov’t Employee, 30 years

<sup>48</sup>(Anonymous, Mizan, 34, M, M, Married, party branch office head, 1yr exps, SAhekogna + Benchigna)

<sup>49</sup>(TefayeDensa, 30, Male Ethnicity: Bench, Elementary school Married Place of residence: Woreda or City administration: BenchSheko, Semenbench, Carpenter /CBI/ 8 year of work exps, mother tongue Bench + Amharic)



The opinion of informants on article 8 is also different. Some informants said that the article is good and should be kept intact. The article should not only remain as it is, it should be implemented properly. An informant reasoned out, “I don’t think giving sovereign rights to the nations and nationalities is bad. We are a traditional country and nations are one of the basic components of public life. Therefore, the recognition and power given to the nation is important.”<sup>50</sup> Another added, “All nations should be sovereign and should be the basis of our constitution. There are a lot of people who favour for the sovereignty of citizens, but I believe that the citizens are members of the nations, so citizens will be sovereign if the nations are sovereign.”<sup>51</sup> Another informant reinforced the argument

Giving the sovereign power to a country or a nation and nationality is all the same. Those nations and nationalities are within a country and their name is intertwined with the name of Ethiopia. It is the same in a sense that giving power to nations and nationalities, means giving power to the peoples of Ethiopia as a whole. Therefore there will not be a problem if we used it as it is.<sup>52</sup>

Other informants have the opinion that this article is unnecessary. As an informant stated, “rather than residing the sovereign power on a country, giving the sovereign power to nation and nationalities by the way is distorting the people. The highest power in the country should have to be given for a country and under the umbrella we all will access this without any dispute and distortion.”<sup>53</sup>

There are also others who took a third way, which stated it is important to balance sovereignty of the nations, nationalities, and peoples and that of the sovereignty of the country. According to one of the informants from Bench, there is no single local Kebele in Bench, which is only made up of Bench ethnic group. During the EPRDF leadership, which gave sovereign power to each ethnic group, the Bench continued practicing the self-administration right through the careful consideration of other ethnic groups that are living with the Bench. For this informant, the concept of “Medemer” (synergy) that is currently rhetoric by government officials, was there even before 30 years. According to the informant, the sovereign power that was already given to the ethnic groups in the constitution is still under the domination of the large ethnic groups due to their population number. For example, the informant said that since the numbers of Oromo population are

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<sup>50</sup>(Anonymous, Bench Wereda, 25, M, BA Degree, single, Inspection commission Bureau Head, 1 ysexps, Benchigna mother tongue + Shekogna)

<sup>51</sup>(Anonymous, Semien Bench Wereda, 30, M, BA degree, Married, Teacher, 6 yrs of exps, Benchigna + Kaffigna)

<sup>52</sup>(TeklemariyamAyisheKora, BenchSheko, MizanAman, 51, Male, Degree, Bench Mother Tongue, married, gov’t employee 28 years exps) Occupation/role/responsibility: Government employee)

<sup>53</sup>(TayeEyerus, Bench Sheko, Semen Bench, 57, Male, 10+4, Bench ethnicity, Gov’t Employee, 30 years)

large in the country, they are the only ethnic group, which will use this sovereign power to administer the country. For informant, the person who has relatively good skill and experience, but from other minor ethnic group (only in population number), might not get the chance to lead the country as of this article.

## **5. Federal working language**

Among the respondents of the survey questions 74% of them were against the idea of additional federal language. Among the respondents who opposed others federal working language in addition to Amharic 40% of them strongly opposed it.

Many informants are in favour of Amharic as the federal working language. An informant stated,

I believe that all languages are equal and they are means of communication. When it comes to official language, Amharic should be kept the only working language of the country because it is an advanced language and easily communicates people from different ethnic backgrounds. Besides, adding other languages will be expensive and will take a lot of time.<sup>54</sup>

Other informants also added several reasons why Amharic should remain the only federal working language. Amharic should be the only working language. Amharic is used as a lingua franca to communicate two or more ethnic groups. Besides, Bringing additional languages will create a competition between nations so, we should stick to Amharic. Having more federal working languages appears good at first glance. But, it will come with further complications. While we chose one or two for addition and ignoring others, after that the question will continue to be present by each and every nation and nationality. Every nation and nationality has its own local language to communicate within it /Sidamo, Sidamigna, Kaffa, Kaffigna, Welayta, Welaytigna, Bench, Benchigna/, though all are communicated using Amharic while trying to communicate across nations and nationalities. Thus, changing this and including nations and nationalities language by itself doesn't bring unity rather with the process of choosing one or two while ignoring others will be a source of conflict. As far as it is the original one and we all are able to communicate adding additional languages as a federal working language is unnecessary. To many of Bench informants, Amharic is enough and it has to be continued as it is there is no need to add other languages.

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<sup>54</sup>Anonymous, Bench Wereda, 25, M, BA Degree, single, Inspection commission Bureau Head, 1 ysexps, Benchigna mother tongue + Shekogna)

Yet, a few informants expressed their opinion that there is no problem with having more federal working languages. An informant from Bench recommended Benchigna, English, Oromigna and Tigrigna as more working languages of Ethiopian federal government.

## **6. Ethno territorial arrangement**

Among the respondents to the survey question 60% of them replied that the ethno territorial federalism should be kept. Where the rest 40% of the respondents are were disagree with the ethno-territorial federalism structure. Among those who disagreed with such structure of federalism 13% of them was strongly disagree with the structure.

Many informants argued that ethnic based territorial arrangement should be amended in a way it balances the protection of minorities and the interest of other communities living in a territory designated to a specific ethnic group. It has to be amended in a way that guarantees the freedom of movement of citizens while protecting minorities. Besides, geographic modes organizing administrative units can also be considered.

## **7. Article 39**

The informants from Bench believed that the first parts of the article were good. For example, article 39 sub-article 2 that deals with linguistic and cultural right by saying “every Nation, Nationalities, and Peoples in Ethiopia 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” is important and we have to preserve it. However, several languages did not receive the necessary treatment from the government, as it is the constitution. There are so many languages, which are still out of education. this was also supported by the respondents of the questioner. in this regard 67% of the survey respondents supported article 39 sub article 2.

Article 39 sub-article 3 of the constitution talks about the issue of self-administration rights by saying “Every Nation, Nationalities, and Peoples in Ethiopia has the right to the full measure of self-government which includes the right to establish institutions of government in the territory that it inhabits and to equitable representation in state and federal governments” is also important. This sub-article is particularly useful to develop each local culture and to use the local resources of the local peoples. The informant believed that the right of self-administration is a particularly important right for each ethnic group, and it should seriously be applicable.

Among the survey respondents, 67% of them opposed the revision of this sub article while 33% of them support the amendment of this sub article.

The unnecessary provision within article 39 is sub-article four, and it is by no means important. This sub-article was incorporated into the constitution without understanding the

actual reality of the country. Informants stressed that within such a country with more than eighty ethnic groups, putting such dividing rights in the constitution means systematically avoiding the country from the world map. Thus, informants seriously recommend the amendment and removal of this sub-article from the constitution. The qualitative research result was also supported by the survey result in which 86% of the respondents support the amendment of article 39 sub article four since it is against the Ethiopian state constituency.

**Table 19 Whether and which provisions of Article 39 should be amended (Bench)**

	Strongly oppose	Oppose	neutral	Support	Strongly support
Sub article 2 of Article 39 which gives nations, nationalities, and people's rights to language and culture should be amended (%)	20.00	66.67	0	6.67	6.67
Sub article 3 of Article 39 which gives nations, nationalities, and peoples the right to territorial autonomy should be amended (%)	0	66.67	0	20.00	13.33
Sub article 4 of Article 39 which gives nations, nationalities, and peoples the secession should be amended (%)	0	13.33	0	60.00	26.67

## 8. Ethnic parties

All of Bench informants argued having national multiethnic parties instead of sectarian ethnic parties. In this regard 93% of the survey respondents also oppose the existence of multi-ethnic party and argued that there should be multi ethnic party at national level.

**Table 20 Whether ethnic parties should be banned by the would-be amended constitution (Bench)**

Items	Strongly oppose(1)	Oppose(2)	Neither support nor oppose(3)	Support(4)	Strongly support(5)
The formation of political parties along ethnic line should be constitutionally banned (%)	6.67	0	0	66.67	26.67
There should be a constitutional requirement for a party to have multi-ethnic members (%)	6.67	0	6	66.67	26.67

## 9. The status of Addis Ababa

All qualitative informants from Bench said that Addis Ababa is not only the capital of Ethiopia, but also is the seat for African Union. The city should continue as it is. There are also many ethnic groups in the city, not just one or two. Some informants even disputed that the city should not be the seat of Oromia region. An informant stressed opinion which is widely shared by other informants as well,

The city belongs to all of us and should not be owned by a certain ethnic group or region. The special interest issue that the constitution stipulates should be removed because it is confusing people. The seat of Oromia regional state has to be relocated to another Oromia city because it is also creating a wrong impression among the Oromo people and elites.<sup>55</sup>

The survey data shows that 13% of respondents said “yes” to show the status of Addis Ababa should be amended while 87 % of them said it is ok for Addis Ababa to live under the current status. Those respondents who sought change to the current status of the city reported the following:

**Table 21 On how the status of Addis Ababa should be changed (Bench)**

Items	Strongly oppose	Oppose	Neutral	Support	Strongly support
Addis Ababa should be a separate regional state in the constitution (%)	0	0	0	0	100
Addis Ababa should be part of Oromia regional state in the constitution (%)	100	0	0	0	0
Addis Ababa should be jointly administer by the Federal government and Oromia regional state (%)	100	0	0	0	0

## III. OPPORTUNITIES, CHALLENGES, AND WAYOUTS

### 1. Opportunities

<sup>55</sup>Anonymous, Bench Wereda, 25, M, BA Degree, single, Inspection commission Bureau Head, 1 ysexps, Benchigna mother tongue + Shekogna)

The challenges that the country is undergoing are bottlenecks for amending the constitution. With all the current global and country wide problems, instabilities within the country, the inflation, famine and the northern war if we tried to amend the constitution it will lead us to other intensified problems. First there are other earnestness issues that we Ethiopians have to deal with, especially the issue of loss of peace, instability, the inflation, and war. With all those mess if we tried to amend the constitution we will lead the people, the government, and the country in general, to a dangerous situation. Thus, it needs time and it should have to be held for a bit while till we resolve the urgent difficulties that we are facing.

Despite such huge problems that compromise any constitutional change effort, some believe there is a fertile condition. The presence of the government that looks willing to undertake a constitutional change is a fertile condition. Besides, the coming of the reconciliation commission is also another fertile ground that will allow us to amend the constitution. The commission may include the amendment of the constitution as part of the reconciliation process. Besides, undertaking the constitutional amendment by itself may complement one of the problem-solving mechanisms.

## **2. Challenges**

Many informants see the current instability in the country would hinder the initiative and process of any constitutional change. Informants discussed that since it will affect the benefit of politicians who had been organized based on ethnic identities; they didn't want the national unity and the amendment of the constitution. An informant advised:

with the vote of the people and after the Prosperity party came to power, there are people who were in power and those who are deviated and still had lines (followers) especially at regional, Zonal, and Woreda levels. Without cleaning those and resolving the damaging they had created and creating it is impossible to amend the constitution. In addition, with the instability of the people, with the current war here and there, and with this minimized capacity trying to discuss with the people will be very hard.<sup>56</sup>

Besides, competing political interest along ethnic lines will also pose challenge in making progress to a constitutional amendment. An informant said, "Oromo says it is mine, Amhara says it is mine, Bench says it is mine, Tigrie says it is mine and this leads us to

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<sup>56</sup>TeklemariyamAyisheKora, BenchSheko, MizanAman, 51, Male, Degree, Bench Mother Tongue, married, gov't employee 28 years exps) Occupation/role/responsibility: Government employee

conflict. It is the Ethnic politics that will hinder this process”.<sup>57</sup> Elite politics is seen by informants as a major challenge.

### 3. Way-outs

- Informants have given the following suggestions. First and foremost, there should be peace restored in the country. Constitutional change cannot be effective amidst conflicts and war.
- Then, the people should be involved in the process of amending. People at different levels should be consulted and should be discussing on the articles to be amended and the articles to be kept intact. If the government consults the people, challenges will be lessened. This means that there should be a bottom-up approach should be employed.
- Apart from public participation, the process should be participatory of all concerned parties. This may include political forces and civil society organizations. The religious leaders, civic organizations, scholars, the legislative and executive bodies of the country have to make the necessary discussion and conducting the necessary research will be important for the successfulness of the amendment.
- There should also be a structure which leads this without any political intervention from the government and free from any political affiliation. There should be room for awareness raising trainings and we should have to try harder to give our ear for the idea of the people.
- In addition it is also necessary to clean up the political elites who are working to distract the people, merchants working to raise inflation, even farmers who want instability through holding their products from market.
- Informants also suggested learning the experiences of the other countries on their experience during constitutional amendment and then adopt here if it only fits with the need of the people and according to the actual situation of the country.

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<sup>57</sup>(TesfayeDensa, 30, Male Ethnicity: Bench, Elementary school Married Place of residence: Woreda or City administration: BenchSheko, Semenbench, Carpenter /CBI/ 8 year of work exps, mother tongue Bench + Amharic)

## BENISHANGUL

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### I. INVESTIGATING THE POPULAR DEMAND AND FACTORS

#### 1. Whether the FDRE Constitution should be changed

All Benishangul ethnic group respondents claimed they are acquainted with the constitution. While 94% of them said they are “familiar”, 6% others said they are “very much” familiar. Depending on their familiarity, 94% of the respondents said the constitution should be changed. All the qualitative research participants also reported their familiarity with the constitution. The working FDRE constitution has accepted and included international human right conventions and other interesting provisions such as democratic rights. The constitution was developed before three decades considering the socio-economic, intellectual, and political condition of the country at the time. However, there is a great improvement and change in political, economic and intellectual aspects of the citizen in the country. Hence, the working FDRE constitution needs to be changed taking the current development of the citizens attitude into consideration.

#### 2. Amendment or revision?

Regarding the type of change between revision and amendment, 76% of the respondents support amendment instead of revision. The rest support revision. The constitution needs amendment rather than revision because it has accepted international human rights provisions which did not be avoided. In addition to this, the current constitution has many provisions which are important to solve the social, political and economic problems but not properly implemented. Therefore, the amendment process should focus on careful review of the constitutions and making improvement on some parts of provisions without violating international conventions and also it has to focus on developing strategies for the follow up of the constitutional implementation.

#### 3. Expected disagreement

The individuals who are recruited to a certain position without fulfilling the expected quality/requirement may have a fear of losing their job. Fake news in digital media creates misunderstanding to communities and erodes the trust of the community towards the constitutional amendment. This all creates disagreements, and according to survey data, 82% of respondents foresee disagreement while arise in the course of the constitutional amendment process or end.



#### 4. Level of optimism

Constitutional amendment is the interest of majority of people. If the process of amendment included every ethnic groups and citizen the final product of the amendment will reflect the desire of the public at large. So, the result of the amendment depends on the composition of the participants, respecting diverse views, in-depth review and identification of the strength to maintain and weakness to improve. Therefore, if the amendment process fail to include diverse view, all part of society and in-depth review of the constitution, it may not result the expected kind of constitution. 76% of respondents are optimistic about it as they answered “yes”.

Informants stressed that the amendment may be one element rather than final means to address the community concern. It is better to take lesson from the FDRE constitution having implementation problems more than constitutional content problem. Hence, periodic evaluation and follow up of the implementation of the amending constitution will be needed. Furthermore, the attitudinal change and commitment of the leaders and the general citizen are crucial features to address the concern of the community in addition to the constitutional amendment.

## II. AREAS OF AMENDMENT

### 1. General provisions

As to the questions that gauge how the Char research participants felt about the overall system of ethnic federalism, the findings of survey respondent responses are displayed in the table below. As we can see from the table below, for the first statement “Some version of a federalism that seeks to cater ethnic diversity is appropriate”, 88% of Benishangul respondents “agree” or “strongly agree” while 12% disagree. For the statement, “There is no need to take ethnicity as factor in the country’s constitutional”, majority of respondents (about 59%) “Agree” or “strongly agree” while about 36% of the respondents opposed the statement. On the other hand, all respondents opposed abandoning all forms of federalism for Ethiopia.

**Table 22 Respondents attitude towards the overall federal system (Benishangul)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	0	12	0	41	47
There is no need to take ethnicity as factor in the country’s constitutional (%)	18	18	6	30	29

Federalism is too divisive and leads to conflicts; there is no need to any form of federalism (%)	94	6	0	0	0
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## 2. Preamble

Majority of Benishangul informants argued that the preamble which uses the terms nations, nationalities and peoples of Ethiopia needs to be kept as it is in the constitution because it gives a greater emphasis on the recognition of ethnic groups. Avoiding the term nation, nationalities in the constitution itself will not create unity and belongingness in the country but, recognizing every nations and nationalities and respecting their different culture, world view points and finding common cultural values that unit every society is crucial for sustainable development.

However, the terms need to be clearly defined in the constitution, which are not yet defined in the FDRE constitution. If those terms are well defined on the constitution and every body is aware about them, the terms themselves will not confuse and lead to divergence and conflict.

## 3. National emblem

The national emblem at the center of the flag has to be kept as it is because the emblem is clearly defined on the FDRE constitution as it reflects the hope of the Nations, Nationalities, Peoples as well as religious communities of Ethiopia to live together in equality and unity. If we accept tolerance, respecting diversity, equality and unity are crucial elements in sustainable development of the country, it is important to focus on the meaning that the emblem represents based on the definition given in the constitution, instead of the shape of the emblem.

In Ethiopia in every regime there were the question of emblem change because of the attitudinal view point and interest difference in between the groups, even if we change the working emblem in the middle of Ethiopian flag, some parts of the community will not accept it and the question will continue. So, it is not possible to satisfy every individuals and groups interest. Therefore, the amendment process of the constitution should focus on the mind set of the communities to avoid misunderstanding and promote unity. No Benishangul respondent supported changing the national emblem. Instead, 53% of them “strongly opposed”, 35% “opposed” and 12% are “neutral”.

## 4. Article 8

Article 8 needs to be kept as it is: because this article declared that Nations, Nationalities and people of Ethiopia are the owner of sovereign power which develop a sense of belongingness towards the constitution. Even if the constitution declares the sovereign

power resides in Nations, Nationalities and People of Ethiopia it is not practically working. Hence, the implementation needs more emphasis. This article also provides right to the ethnic groups to participate directly or through their representatives in decision making at different levels.

However, informants argued that Minority Ethnic groups are yet subjected to exploitation by majority ethnic groups and suffer many challenges, their representation in House of Federation and other positions is very limited. Therefore, the newly amending constitution should provide constitutional guarantee to safeguard ethnic minorities.

### **5. Federal working language**

Amharic should continue as the federal working language without any need of additional federal working language, due to the following reasons. Most of Ethiopians can speak Amharic but if new working language is added, it needs more time and cost to adapt and teach the community and translate. On the other hand, a few informants argued that having multiple federal working languages will not harm the national development and co-existence if accepted by the people, rather it provides options and facilitates communication and activities. Hence, Afan Oromo, Tigrinya and Somali should be used as additional working languages. The survey result also confirms the view of the majority of qualitative informants who opposed additional working language for the federal government. Accordingly, 18% of the respondents “strongly opposed” additional working language, 35% “opposed”, 24% were neutral. Only 23% “supported” or “strongly supported” it.

Qualitative study participants even suggested that the regional working language should be similar to the federal working language. Using local or regional ethnic language as working language limits the opportunity of job seekers to some locality rather than entire Ethiopia regions. Every ethnic group should learn their own language, develop their culture and conserve their history but the working language should be all inclusive.

### **6. Ethno-territorial arrangement**

According to FDRE constitution the current arrangement of administrative units is largely ethno-territorial arrangement. The newly amending constitution should keep ethno-territorial arrangement to be continued because, categorizing the communities having similar social and cultural background as one administrative unit facilitates the administrative system through avoiding miscommunication which results due to cultural and value difference. It also enhances the representation and participation of every ethnic and cultural groups in the decision making. Therefore, the ethno-territorial arrangement should be kept and continued in the constitution without any amendment. The survey result is also consistent with the qualitative one. It shows 59% either “agree” or “strongly agree” with ethno-territorial arrangement while 41% either “strongly disagree” or “disagree”.

## 7. Article 39

Majority of Benishangul informants argued the constitution should keep the right of self-determination including secession because, this provision provides flexibility to the citizen to assure good governance and serve the community properly. It also include internal (becoming region) and external (becoming independent country) secession. If good governance is assured and the group as well as individual rights are protected, why do groups need to secede? The existence of this provision alone can not lead the groups to be separated and banning the right to self-determination alone can not lead the groups live together. The government should assure good governance, enhance job opportunity, committed to human and democratic right protection and also committed in implementing constitution that increases the satisfaction of citizen, belongingness, and love towards their country. If the government fail to do so, it is important to allow the citizen to request, self-determination becoming region or independent nation peacefully. If the constitution ban that right they may use force to be separated and disturb the national security. The provision right to self-determination including secession allows the right to share property but, still did not defined the rules and guideline to share resource/property in the FDRE constitution. Therefore, the constitution should clearly define the way to share resources and properties during secession and the right to self-determination including secession should continue as part of the constitution.

On the other hand, some informants stated those who aimed to separate and disintegrate Ethiopia had designed and developed the self-determination including secession. Hence, this provision should be amended and removed from the constitution. The survey result also supports this later view, which is in favor of removing the secession clause of the constitution. As the table below shows, 70% of respondents either support or strongly support amendment of secession clause.

**Table 23 Whether and which provisions of Article 39 should be amended (Benishangul)**

	Strongly oppose	Oppose	neutral	Support	Strongly support
Sub article 2 of Article 39 which gives nations, nationalities, and people's rights to language and culture should be amended (%)	47	35	0	0	18
Sub article 3 of Article 39 which gives nations, nationalities, and peoples the right to territorial autonomy should be amended (%)	24	60	6	12	0
Sub article 4 of Article 39 which gives nations, nationalities, and peoples the	0	18	12	47	23

secession should be amended (%)					
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## 8. Ethnic parties

Ethnic based parties are established to stragle for their ethnic groups which is locally bounded and their personal interests, rather than securing national interest. Such parties use ethnicity as instrument of social mobilization against ruling party and other ethnic groups. It takes alion share in the current Ethiopian situation as the source or facilitator of current ethnic based conflicts in Ethiopia.Hence, the constitution should ban ethnic based parties.

On the other hand the ethnic based party should be recognized in the constitution bacuse ethnic based parties are contributing throgh rising questions of the local communities who are refused attention by the government, identifying the gap, critisizing and challenging the government which helps the government to fill the gap and improve the performance.

The constitution should recognize Ethnic Parties to be continue due to the fact that there are alot of ethnic identity, human right, democratic right and infrastructure questions which needs to be answered. Those ethnic parties are deligates of their ethnic group to debate, discuss and stragle with the government and other concerned body to answer the community questions. Ethnic party is the most important solution for ethnic minorities to activate and aware the community about their rights and duties provided by the constitution and stragle for the protection of their rights.

**Table 24 Whether ethnic parties should be banned by the would-be amended constitution (Benishangul)**

Items	Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
The formation of political parties along ethnic line should be constitutionally banned (%)	12	24	0	53	12
There should be a constitutional requirement for a party to have multi-ethnic members (%)	12	18	18	24	29

## 9. The status of Addis Ababa

By the constitution, Addis Ababa should continueas a city administration accountable to the federal government. Since Addis Ababa is the capital of Ethiopia and Africa, the cradle of all Ethiopians and Africans resource it is not posible to allow Addis Ababa as part of Oromia, shared between Oromia and Federal government or independent region.

The amendment area concerning Addis Ababa is the constitution should clearly define the special benefits to be provided to Oromia towns around Addis Ababa city which is not clearly defined in the FDRE constitution. The survey data shows that 100% of respondents responded “yes” to support amendment to the current status of Addis Ababa. Those respondents who sought change to the current status of the city reported the following:

**Table 25 On how the status of Addis Ababa should be changed (Benishangul)**

Items	Strongly oppose	Oppose	Neutral	Support	Strongly support
Addis Ababa should be a separate regional state in the constitution (%)	65	35	0	0	0
Addis Ababa should be part of Oromia regional state in the constitution (%)	100	0	0	0	0
Addis Ababa should be jointly administered by the Federal government and Oromia regional state(%)	76	24	0	0	0

### III. OPPORTUNITIES, CHALLENGES AND WAYOUTS

#### 1. Opportunities

- The current government under the leadership of Abiy Ahmed seems allow debates on constitutional change and even seems to support it.
- The current social and political movements are also important contributing factors for the constitutional amendment. During these movements political parties and different ethnic groups are requesting for the constitutional amendment having the attitude and view point that we are not represented in the FDRE constitution and the constitution inclined to one locality.
- The current conflicts based on ethnicity require such reform necessary. To avoid or reduce the conflict rate and create common understanding between the citizen towards the constitution, the constitutional amendment is an important solution.

#### 2. Challenges

The current Ethiopian political situation and conflict are the challenges to amend the constitution. Every person becoming emotional and reflecting subjective feelings because of the current social, political and economic challenges of Ethiopia which results in immediate decisions which will not provide a long-lasting solution for the national development.

#### 3. Way outs

- The government should take time until the conflicts calm down in different parts of Ethiopia before getting in to the constitutional amendment. Otherwise, the constitutional amendment may exacerbate the existing conflict.
- The amendment process should be all inclusive and participatory.
- Generally: peaceful and successful constitutional amendment needs time, national consultation and free, fair and transparent participation of all parts of the community.

# CHARA

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## I. INVESTIGATING POPULAR DEMAND AND FACTORS

### 1. Whether the FDRE Constitution should be changed (revised or amended)

With regard to awareness they have towards the Ethiopian Constitution, all the qualitative informants believe they are used to the Constitution. Besides, all of the survey participants responded that they are familiar with the EFDRE constitution. Whether they believe the Constitution should be changed either through revision or amendment, 83% of the respondents agreed the Constitution should be changed, of which 55% “strongly agreed”. Informants from Chara community argued that the constitutional amendment is important and they were eagerly waiting it since the 2018 political reform. According to most of the informants from Chara community, the constitution of Ethiopia should be changed because it contains dangerous articles which may cause the state disintegration. Particularly, article 39 sub article four identified as one of the important articles that should be amended.

### 2. Amendment or revision?

According to most of the informants from Chara, there are some articles in the constitution, which do not fit with the current context, finding such articles and making the necessary amendment is important. In this regard, 90% of the respondents agreed with the constitutional amendment of which 80% “strongly agreed”. Only 10% of disagreed with the amendment, i.e., they want constitutional revision.

### 3. Expected disagreements

Most of the informants outlined that there’re will be a strong disagreement among different interest groups in the process of revision and amendment of the constitution. Some informants mentioned the ethnic based parties will be against the revision of the constitution since they want that the controversial article, article 39 should be kept intact. On the other hand there are pan Ethiopianist groups who do not want to see the secession clause in the 39 in the constitution, hence, reconciling such polarities would be tough. One of the informants also underlined that the current war between the Federal government and TPLF is a manifestation for the polarized interest among the political elites. Similarly, 100% of the survey respondents expected disagreement among people of different ethnicity, age groups, education level, religion, and politicians about the constitutional amendment and revision.

### 4. Level of optimism

To have a constitution that satisfies the need of all, having the necessary discussion with all stakeholders is the prerequisite. If there is the necessary discussion on the drafted constitution before its approval with all stakeholders, and the given comments and



feedback incorporated in to the constitution, such constitution has a high chance to satisfy the desire of the public. Otherwise, it is difficult to say it addresses the concerns of all. Besides, an informant stated, “Because the majority of Ethiopian population is not educated meaning it is less likely to engage in this sensitive issue. Therefore, the politicians will be left alone to do what they like in the amendment process, compromising the desire and interest of the people.”<sup>58</sup> From the survey participants, only 45% of respondents are optimistic the amendment would meet the public desire provided, of course, participatory process. The rest don’t see a good prospect in the legitimacy of the constitution even if it would be amended.

Moreover, informants see constitutional amendment alone does not fix all problems of the country. The constitution is an abstract document unless it is supported by implementation in practice. Thus, the informant said that only having a constitutional amendment does not address the concerns of the country unless it is converted into practice at different government levels. Another informant believed that the constitutional amendment by itself has some role in solving some problems. For example, there are some articles that need clarity and are a source of confusion, so by clarifying the unclear articles and avoiding the confusion, it is possible to somewhat reduce some constitutional problems. In addition, the informant addressed that the basic problem is the people's understanding problem, though addressing the overall problems of the country, working on the people's understanding and attitude is more important than other things. To address all the concerns working on the human mind at all levels is crucial.

## **II. PROVISIONS FOR AMENDEMENT**

### **1. On general provisions**

As to the questions that gauge how the Chararesearch participants felt about the overall system of ethnic federalism, the findings of survey respondent responses are displayed in the table below. As we can see from the table below, for the first statement “Some version of a federalism that seeks to cater ethnic diversity is appropriate”, 81% of Chara respondents “agree” or “strongly agree” while 19% disagree. For the statement, “There is no need to take ethnicity as factor in the country’s constitutional amendment”, majority of respondents (about 72%) opposed it while only 27% supported the statement. On the other hand, 27% respondents agreed to abandon all forms of federalism for Ethiopia.

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<sup>58</sup>(Anonymous, Gobawereda-Dishitown, M Secondary education, Married, Artist for 7 yewars, Mother tongue language/s- Tsargna, Additional language/s- Amharic and Kaffgna)

**Table 26 Respondents attitude towards the overall federal system (Chara)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	10	9	0	18	63
There is no need to take ethnicity as factor in the country's constitutional amendment (%)	27	45	0	0	27
Federalism is too divisive and leads to conflicts; there is no need to any form of federalism (%)	55	18	0	9	18

## 2. Preamble

The informant from Chara ethnic group believes that the terms that says “We the Nations, Nationalities, and People of Ethiopia” will be substituted by the term “we the Ethiopian peoples” and these terms are better than the terms. For informant, the preamble of the constitution concentrates more on dividing principle rather than unity such that no need subdivision based on ethnicity. The terms that say, “We the Ethiopian peoples” are more logical to show the Ethiopian people’s unity. Another informant noted that the current constitution was drafted and approved by a few political groups only for their own political interests, thus, it did not er the interest of the people at large. Even if the preamble talks about the nations, nationalities, and peoples, during its approval those nations, nationalities, and peoples have not taken part. Whatever the case, the informant supports the preamble; particularly the phrase that talks about nations, nationalities, and people of Ethiopia has no problem at this time, and thinking to change it may create unexpected disturbances and conflicts.

## 3. National emblem

The informants from Chara believed in the continuity of the flag of the country. For him, the continuity of the green, yellow, and red color flag with its emblem is mandatory and be preserved. Manyinformants from Chara similarly believed that the current Ethiopian flag with three colors and with its emblem at the center have no problem. The emblem denotes the equality that existence among different nations, nationalities, and peoples of Ethiopia. Thus, the informant recommends for the continuity of the current emblem as it is. Among the respondents of the questioner only 27% of the respondents strongly the change of emblems at the flag while 56% of the respondents oppose the change of emblems, 18% strongly opposes the emblems change.

## 4. Article 8

The informant from Chara said that article 8 of the constitution has two mismatching facts. On the one hand, there is an important sub-article under article eight of the constitution,

which must be preserved. Particularly, sub-article three of article 8 of the constitution, which says, “their sovereignty shall be expressed through their representatives elected in accordance with this constitution and through their direct, democratic participation” is particularly important in securing equality of the all-ethnic groups. On the other hand, the informant believed that the sub-articles, one and two of Article 8, are extremely dangerous declarations for the continuity of Ethiopia as a country. Such sub-articles declare the sovereignty of all the Nations, Nationalities, and Peoples of Ethiopia as well as treat the constitution as the expression of all the Nations, Nationalities, and Peoples of Ethiopia's sovereignty. According to the informant's belief, the recent war that was undertaken in the northern part of the country is the result of the article, sub-article one and two. Thus, the informant recommends the amendment of article eight sub-articles one and two. The sovereign power should be at the hands of the federal government as the informant's recommendation.

Another informant from Chara believed that the existence of political representation is good in principle and has to be perpetuated. On the other hand, the informant recommends the amendment of the article which talks about sovereign power. The principle of giving the sovereign power to the regional states or the so-called nations, nationalities, and peoples, es, s, have a dangerous result. Thus, the informant recommends for the amendment of article eight sub-articles one and two, the sovereign power should be given to the federal government.

## **5. Federal working language**

The informants from Chara recommended the continuation of the Amharic language as the only working language for the federal government. According to the informant's interpretation, if we recommend more working languages for the federal government, it may create unexpected conflict between different language speakers. In this regard 54% of respondents to survey question oppose the inclusion of other language as working languages in addition to Amharic language while 36% of the respondents support the inclusion of other languages in addition to Amharic and 10% of the respondents remain neutral to answer this question.

Another informant also agreed with the first informant's idea by saying that since the Amharic language is serving as a communication language for several ethnic groups across the country by historical chance, perpetuates Amharic as the only federal government working language is better. However, the existence of other languages that have substantial number of speakers as well as due to a request by language speakers, adding some languages as more working language for the federal government working language has no problem. An informant who agreed to additional federal working language suggested In this regard, the informant recommended Somaligna, Afarigna, Oromigna, and Tigrigna as added federal government working languages.

## **6. Ethno territorial arrangement**

Among the survey respondents 72% of them disagreed with the Ethno-territorial arrangement of the regional states and 27% of them strongly agreed with the ethno-territorial arrangement and they want that this arrangement should be kept intact.

The informant from Chara prefers the geographic-based territorial system rather than ethnic-based territoriality due to its inclusiveness. Such a territory system may help the citizens to get the necessary services in local areas (proximity).

Another informant from Chara noted that the implementation of the geographic-based territory is better. However, the informant did not believe the change of this ethnic-based territoriality, which had been in practice for the past 30 years. Currently, so many regional states, zonal administration, and in some places the district administration was organized based on their single ethnic identity. Thus, trying to change such robust ethnic-based territorial administration to set up a new one that is based on geography (proximity), is unthinkable at this moment. According to the informant, working on the mind of people through preaching and teaching about Ethiopian unity is the best approach to tackle such ethnic-based territoriality. An informant also said,

Providing nations with territory is important and should be kept. But the only reservation I have is that settlers/non-indigenous people are being targeted and forcefully evicted. This condition is creating a societal crisis in the country that is eroding the thousands years old tradition of living together. Therefore, the government should focus on implementing this arrangement in a way that non-indigenous people are not targeted and evicted.<sup>59</sup>

## **7. Article 39**

The informants from Chara agree with the importance of article 39, except sub-article 4, which says “self-determination up to secession”. According to this informant, the phrase that says “up to secession” is a dangerous part of the Ethiopian constitution and it is the source of conflicts within the country. Thus, removing only this sub-article is recommendable and the other sub-articles are especially important. This is also the idea of another informant. The informant similarly condemns sub-article four. An informant described,

Article 39 gave nations important rights like the right to use their language, practice history and form their own regional units where they can administer. But it also

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<sup>59</sup>(Anonymous, Gobawereda-Dishitown, M Secondary education, Married, Artist for 7 years, Mother tongue language/s- Tsargna, Additional language/s- Amharic and Kaffgna)

includes a dangerous sub article that gave the right to secede for nations that needs to be removed. Therefore, the article should be amended in a way that ensures the rights of nations are kept intact without compromising the territorial integrity and sovereignty of the country.<sup>60</sup>

**Table 27 Whether and which provisions of Article 39 should be amended (Chara)**

	Strongly oppose	Oppose	neutral	Support	Strongly support
Sub article 2 of Article 39 which gives nations, nationalities, and people’s rights to language and culture should be amended (%)	36	55	0	9	9
Sub article 3 of Article 39 which gives nations, nationalities, and peoples the right to territorial autonomy should be amended (%)	9	45	0	9	36
Sub article 4 of Article 39 which gives nations, nationalities, and peoples the secession should be amended (%)	9	18	0	9	64

## 8. Ethnic parties

The informant from Chara said that the ethnic-based political system restricts the people’s interaction at diverse levels and promotes opposing competition between different ethnic groups. Additionally, the informant also said that the ethnic-based political system has no room for the people that are living outside their ethnic territory. As a result, he recommends a non-ethnic based political system or national political system with members from each ethnic group. Another informant also prefers the national political system. According to the informant, the ethnic-based political party, by no means stands for other ethnic groups and it did not stand for Ethiopian people at large since it only works for a single ethnic group. However, the national, multi-ethnic party embraces so many ethnic groups as its members, and thus, it has the responsibility to work for all equally regardless of their ethnic identity. The national parties have a policy to s all needs and interests, thus, it is preferable.

Yet, an informant also argued in favor ethnic parties: “I don’t think these parties are problematic. For instance, the people of Chara have different questions that will be best addressed by Chara focused party. The constitution should remove the right of secession then ethnic parties will not be the threat”.<sup>61</sup>The survey data result however confirms the majority opinion of qualitative study participants as the table below shows.

<sup>60</sup>(Anonymous, Gobawereda-Dishitown,M Secondary education, Married, Artist for 7 yewars, Mother tongue language/s- Tsargna, Additional language/s- Amharic and Kaffgna)

<sup>61</sup>(Anonymous, Gobawereda-Dishitown,M Secondary education, Married, Artist for 7 yewars, Mother tongue language/s- Tsargna, Additional language/s- Amharic and Kaffgna)

**Table 28 Whether ethnic parties should be banned by the would-be amended constitution (Chara)**

Items	Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
The formation of political parties along ethnic line should be constitutionally banned (%)	18	0	0	27	56
There should be a constitutional requirement for a party to have multi-ethnic members (%)	18	0	0	18	64

### 9. The status of Addis Ababa

Addis Ababa is the capital of the country and the seat of the federal government. The city incorporates so many ethnic groups within it such as Amhara, Oromo, Gurage, etc. thus, he recommends keeping the status of the city intact. Another informant from Chara shares the idea that was given by the first informant. Additionally, the informant said that the city of all such as Amhara, Oromo, Gurage, Somali, Afar, etc. If the city merged with Oromia, it did not give a guarantee for those other ethnic groups. Alternatively, if it was set up as a new regional state, again it become difficult to be the capital of the country. Thus, perpetuating the existing administration system is better than the other option. At the current platform, the city is the city of all including Oromo. Therefore, there is no need for an alternative platform. Another informant stated,

Its current status should not be changed as it is the manifestation of our unity in diversity as the city inhabitants are from the whole ethnic groups of the country. Regarding the special interest of Oromia, I think this issue is creating a lot of confusion and will eventually lead to conflict. Therefore, the constitution should be amended in this regard. The special interest has to be taken out. The seat of the Oromia regional state also has to move out of the city because it is also creating a sense of exclusive right and ownership.<sup>62</sup>

The survey data also clearly supports the argument of qualitative study participants. As to the survey result, if the status of the city has to be changed, it is to make it an autonomous city state. Otherwise, all of the survey participants opposed administration of Addis Ababa by the Oromia region alone or jointly with the federal government. They sought no involvement of Oromia region in the administration of Addis Ababa.

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<sup>62</sup>(Anonymous, Gobawereda-Dishitown, M Secondary education, Married, Artist for 7 yewars, Mother tongue language/s- Tsargna, Additional language/s- Amharic and Kaffgna)

**Table 29 On how the status of Addis Ababa should be changed (Chara)**

<b>Items</b>	<b>Strongly oppose</b>	<b>oppose</b>	<b>Neutral</b>	<b>Support</b>	<b>Strongly support</b>
Addis Ababa should be a separate regional state in the constitution (%)	/	25	/	/	75
Addis Ababa should be part of Oromia regional state in the constitution (%)	100	0	/	/	/
Addis Ababa should be jointly administer by the Federal government and Oromia regional state (%)	100	0	/	/	/

### **III. OPPORTUNITIES, CHALLENGES AND WAYOUTS**

#### **1. Opportunities**

The informant from Chara, there is no fertile ground to undertake the intended constitutional amendment. Thus, the government has to focus on restoring the peace and doing the necessary preparation for the amendment. Another informant also believed that there was no fertile ground at this time, to undertake constitutional amendment.

#### **2. Challenges**

The informant perceives that during amendment, there may be unexpected challenges such as conflict, disturbance, and more security problems. Another informant also said there might be a person or group who will come up with his or her own agenda, to incorporate it into the constitution but did not do so. If it did not get accepted, they, the group/person, may disturb the country. He also opined that there might be a person or a group of persons who want to perpetuate, for example, article 39 sub-article four, and try to raise conflicts and may disturb the country to impose its interest on the people at large. There might even be a political party, which will do such an act and disturb the people.

#### **3. Way outs**

For the fruitfulness of the amendment, the government has to keep the security, and conducting the necessary community discussion at distinct levels with all the stakeholders is important. To have an all-inclusive and more acceptable constitution, having a free and fair discussion with all stakeholders is important. Considering the feedback given at diverse levels is also another important practice. Even if the peoples' comments might not be incorporated due to the majority rule and minority rights principle, having a convincing discussion with the community is also another key step. The public has to be of course at the center of the dialogue.

# DASSENECH

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## I. INVESTIGATING THE POPULAR DEMAND AND FACTORS

### 1. Whether the FDRE Constitution should be changed (revised or amended)

All informants, which include state officials, an opposition party member, one from the youth group, a PP member, and a state prosecutor, replied that the FDRE constitution should be amended. The state official thinks that 30 years after it is adopted, the constitution has become outdated and needs some updating. The informant from the opposition party said there are certain provisions that need to be removed from it. For the informant from the youth, the provisions about land need revision in such a way that affirms the economic participation of the youth. The informant from PP, while stressing the constitution is in general a good document, stated some revisions. Another informant linked the constitution with the conflict and said it certainly needs some revision.

### 2. Amendment or revision?

All except the informant from the opposition party preferred the constitution to be amended instead of it being completely replaced. They wanted to avoid the complete replacement of the constitution mainly because they believe the constitution is a good document save for a few controversial provisions. The informant from the opposition party, however, thinks it was a document drawn by a political group that was more interested in protecting its own narrow interest than the interest of the country.

A survey was conducted to gather information on the extent of the people's familiarity with the FDRE constitution. Asked whether they were familiar with the constitution, half of the respondents replied they were indeed familiar with it; some of them were even strongly familiar with it. When they were asked, based on their familiarity with it, whether they agree with the proposition that the constitution should not be changed, about half of the respondents (47%) were the view that it should indeed remain as is while close to 40 percent of them disagreed with keeping the constitution unchanged. Asked whether they would prefer an amendment or a complete revision of the constitution, assuming the constitution would be changed, over 60 percent opted for an amendment while 25 percent were indifferent. Only 12 percent supported revising the constitution.

### 3. Expected disagreements

The informants expect that the provisions which were controversial at the time of the adoption of the constitution would remain controversial if and when an amendment process begins. These include the constitutional relevance of ethnicity, the federal system, the



secession clause, and the like. They are political groups who seek provisions relating to these issues and are kept intact while there are many who want to see some change in these areas. The informants expect disagreement in this respect. All of those surveyed expressed the view that people of different backgrounds hold different views on the constitution, which would lead to whether and how to amend the constitution. A little over 80 percent of the respondent said that politicians are especially likely to disagree on various issues relating to a constitutional amendment.

#### **4. Level of optimism**

All of the informants believe that the final product of the amendment process would reflect the desire of the public at large if amended properly. What is new around this time, according to the informant from PP is that the public is much more informed of the political relevance of the constitution. According to the informant from the state prosecutor, the people have seen the havoc unleashed by this constitutional document in the form of conflict. It is thus likely to actively participate in the amendment process and ensure that the final draft would reflect its interest. The respondents to the survey were divided on whether they thought the amendment process would result in the kind of constitution they would like to see adopted. About 37% of them responded, affirmatively while an equal percent of the respondent responded negatively. All informants, except the one from the office of the prosecutor, replied a proper constitutional amendment will address all their concerns. This is based on the belief that the constitution is the cause of all the problems in the country. As the informant from the opposition party said if the constitution is amended 'we would never cry again and would we to have to worry for the next generation'. For the informant from the youth group, a constitutional amendment would 'bring new opportunities for the pastoral communities and settle the various conflicts in his areas. In contrast, the informant from the office of the state prosecutor, simply amending the constitution, is not going to be a silver bullet for complex political and social problems in the country. A constitutional amendment should be complemented with workable economic and social policies.

## **II. PROVISIONS FOR AMENDMENT**

### **1. On the general dimensions**

The design of the Ethiopian federal system, which is predicted on accommodating ethnic differences, is perhaps the most debated constitutional issue in the country. Whether and how the federal design could be revised has been discussed extensively. The respondents from the Dassenech community were thus requested to answer some general questions regarding the federal system and their responses is summarised in the table below.

**Table 30 Respondents attitude towards overall federal system (Dassenech)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	-	-	-	87.5	-
There is no need to take ethnicity as factor in the country's constitutional (%)		25	12	50	12
Federalism is too divisive and leads to conflicts; there is no need to any form of federalism (%)	-	25	12	37.5	-

As can be seen in the table above, close to 90% of the respondents are in favour of a federal design that somehow caters to the ethnic diversity of the Ethiopian people. Yet 62 percent of the respondents seek ethnic diversity not to be considered as a factor in the country's constitutional design. The respondents are extremely divided on whether a federal system is too divisive to consider implementing one in the country.

## 2. Preamble

Most of the informants were of the view the phrase '[w]the nations nationalities and people of Ethiopia 'should be replaced with 'we Ethiopians'. According to the informant from the opposition party, the constitutional problem begins with the first phrase in the preamble. The informant from the youth also mentioned the phrase is divisive. The informants also seek the phrase referring to historically unjust relationships to be removed.

The informants from the state government and the office of the state prosecutor had different opinions on this specific issue. The former explained his view as follows. 'In my opinion, there is no one in Ethiopia who does not belong to one of the existing ethnic groups (nation and nationalities). The reason behind referring to 'nation and nationalities 'is because culturally and linguistically we are very diverse people'

## 3. National Emblem

Most of the informants argue that the national emblem should be removed while others were of the view it should be kept. The state government official and members of the opposition party are among those who call for the removal of the national emblem. Their main issue is that the public was not consulted nor agreed to the emblem. As far as they were concerned the then ruling party simply inserted it with little consultation. The informants from the PP and the youth movement hold the opposite view. The national

emblem, according to the informant from PP, celebrates our diversity. He added 'we are a heterogeneous country with over 86 ethnic groups and the national emblem expresses the unity of these diversified ethnic groups'.

The respondents in the survey were divided on the national emblem, with 35 percent supporting removing the national emblem from the flag while 25 percent supported maintaining the national emblem. The rest were either unsure or neutral on this subject.

#### **4. Federal working language**

Only the informant from the state government maintained that there is a need for an additional federal language. He said 'there is no harm in having an additional federal working language'. The rest maintained that Amharic is sufficient since it is spoken almost by everyone and there is no need for another federal language. The informant from the youth said, 'there is no need for extra federal language, Amharic is the most widely spoken language in our country enabling many ethnic groups to communicate one another. Amharic is the most widely spoken language in the country, according to the informant from the PP. It is no longer the language of a single ethnic group. It is the language of all Ethiopians'. He added 'an additional federal language will make it 'difficult for us to communicate with one another. The informant from the office of the state prosecutor said 'Only a single language can allow Ethiopians to communicate with one another. Amharic has achieved this status. Any ethnic groups can communicate with Amharic language. My mother tongue is Dassenchigna but I speak Amharic. Go anywhere in Ethiopia, there are people who can speak Amharic. '

The majority (62%) of the respondents who were surveyed were in favour of introducing another federal working language. Only 25 percent opposed the idea.

#### **5. Ethno-territorial arrangement**

All informants believe that ethnic-based territorial arrangements should be removed and replaced with geographical arrangements. The informants raised several practical problems they witnessed in the Dessanech area that are linked with the ethno-territorial arrangement. For instance the informant from the youth group said the following.

'Our federalism structure is leading to the creation of too many states. For instance, in our neighboring area, they started with a quest for zonal administration and ended up by creating a regional states (South-West). The process of state creation was accompanied by violence, which led to properties being destroyed and lives lost. It is after intense violence that Gofa was given the status of a zone. The formation of a new zone and a regional states brings multitudes of problems for ethnic communities not demanding it'.

The informant from the office of the state prosecutor said ethnic-based federalism multiplies ethnic-based regions. Currently, Welayta, South Omo and others are asking for regional status. There is no end to the number of states that would be created if things continue like this.

The survey shows there is firm support for changing the ethnic aspect of the territorial arrangement of the federal system. Over 60 percent of the respondent disagreed with the proposition of maintaining the ethno-territorial arrangement of the federal system. However, close to 90 percent of the respondents were also of the view that the federal system should somehow cater to the ethnic diversity of the people of the country.

## **6. Article 39**

All informants maintain that Article 39 should be amended except the part that allow ethnic communities to develop their culture and language. The state official said 'the Dasenech community has the right to a mother tongue education from primary to higher level of education. So it is good to keep Article 39(2). The rest of the sub-provisions are problematic, according to the informants. The state official stated that ethnicity should not be the 'sole organizing principle for establishing the local government and ensuring self-administration rights. It shall consider all diverse peoples living under the same territory'. The secession clause is a threat to the unity of the country. The informant from the youth group also said 'we can use Article 39(2) for celebrating our diversity. Every ethnic group should protect its own culture and reflect its ethnic identity to the general Ethiopian identity'. The informant from the PP said 'I suspect some political actors inserted Article 39 (4) to achieve their goals. Some groups intended to manipulate this article whenever they feel their interest was no longer respected'.

The survey result show division among the respondents on whether Article 39(2) and (3) should be amended. Half of the respondents oppose changing Article 39(2) and close to 40% oppose changing Article 39(3). However, 75% of the respondents are in favour of repealing Article 39(4) (the secession clause) of the constitution.

## **7. Ethnic parties**

Nearly all informants strongly maintained that ethnic-based political parties should be banned by the constitution. According to the informant from the opposition party, 'ethnic-based political parties are the creator and catalyst of our current problems'. He added, 'these parties do not care about other ethnic groups; they are after their own political interest'. The informant from the PP said ethnic parties are irrelevant. However, the informant from the youth group said ethnic political parties should be allowed to exist so long as they are

peaceful. However, those that use force or violence should be held accountable and punished.

The survey also shows strong support for banning ethnic-based political parties. Over 74% of the respondents are in favour of banning ethnic-based political parties and 87% of them support inserting in the constitution a requirement that a party should have a multi-ethnic membership.

## **8. The Status of Addis Ababa**

All the informants maintained that Addis Ababa should not be given to a single region but become a self-governing city or continue under the federal government. The informant, who was a state official, went further and said:

'Addis Ababa should have a regional state status. The informant from the opposition party said Addis Ababa 'is the capital city of Ethiopia and Africa, which hosts many international institutions and numerous embassies. All Ethiopians contributed for its development. It should thus be administered by the federal government'.

The survey also reflects a similar opinion on the status of Addis Ababa. Close to 90 percent of the respondents opposed any change to the current status of the city as a federal city.

## **III. OPPORTUNITIES, CHALLENGES, AND WAY-OUTS**

### **1. Opportunities**

Some informants argue that there is a conducive environment for a constitutional amendment and while others say that there is no conducive situation to conduct the amendment process. The state official is of the view that there is no 'a better day than today 'for amending the constitution. The informant from the opposition party also shares this view. He further said 'the people are well informed of the politics of their country which makes creates a conducive environment for constitutional amendment'.The informant from PP in contrast said now the focus should be on maintaining peace and the rule of law. The debate on the constitutional amendment can follow once peace is achieved.

### **2. Challenges**

The informants raised the security situation and the presence of too many political parties as potential challenges.

### **3. Way-out**

The informants suggested that the National Dialogue Commission should lead the process towards a constitutional amendment. The whole process should be based on wide public participation.

### I. INVESTIGATING THE POPULAR DEMAND AND FACTORS

#### 1. Whether the FDRE constitution should be changed?

Almost 95% of the respondents to the survey question replied that they are “familiar” with the Ethiopian constitution and the rest 5% of them replied that they are “somehow familiar” with it. Among the respondents who said that they are familiar with the constitution 95% of them are in favour of changing the constitution.

Like that of survey respondents, all qualitative study participants from Dawuro believed that the current Ethiopian constitution must be changed. Currently, there are some newly established regional states as well as a few ethnic groups which have not been recognized by the constitution.

The other reason the constitution needs an amendment is that every decision is decided based on the majority rule, which did not help the ethnic groups with few numbers of representations in the executive body. Therefore, to reconsider such gaps in the executive body, amending the constitution is mandatory. The current level of Ethiopian development needs constitutional amendment.

The first constitution was drafted for the first time in Ethiopia during the emperor Haile Selassie I and then it was amended during the same regime. During the Derg regime, the constitution was amended and the current constitution that is talking about is the fourth constitution for Ethiopia. Since, any constitution as amended from time to time to incorporate the interest of the time, amending the current Ethiopian constitution is unquestionable. To recheck, revise, and evaluate the constitution, having an amendment is important. For example, the informant said article 39 of the constitution was inserted into the Ethiopian constitution with the intervention of the foreigners, particularly the USSR that was drafted from the work of Stalin that says “The Question of Nation, Nationalities, and Peoples”. From the work of Stalin, article 39 of the constitution takes the provision provided in article 39 sub-article four “self-determination up to secession”. Therefore, the constitution must be amended to recheck such arguable provisions of the constitution. The informant did not deny the questions and political questions of Ethiopian nations, nationalities, and peoples of Ethiopia during that time. The provision that was inserted into the constitution, as a solution for ethnic groups’ questions and concerns, created unnecessary and unexpected tensions and contestation between the ethnic groups. By confining itself to the recommendations of the elites and drafting, the constitution did not

always good and thus, it needs to hear the interest of the public towards the constitution. Therefore, the constitutional amendment is important to recheck the interest of the public.

There is also another belief that the current constitution was drafted by the ruling party of the time only to fulfill their political interest of the time.

## **2. Amendment or revision?**

Among the 95% of the Dawuro respondents who agreed the constitution must be changed, all of them (100%) recommended amendment instead of revision. Qualitative study informants also added that amendment an appropriate way of changing the constitution instead of revision.

## **3. Expected disagreements**

From the respondents of the questionnaire, 96% of them responded that they believe that there will be a disagreement among different political and religious interest groups. Only 4% of the respondents replied that they do not know whether there will be a disagreement or not regarding the revision for amendment of the constitution.

The qualitative informants added that the basic point of disagreement in politics. Questions may arise about representation by a different group of people. Besides the constitution, there is also another disagreement on its implementation. There are rules, regulations, and directives extracted from the constitution and are the means of a disagreement. The issue of language is also another point of disagreement in the country. Some ethnic groups are raising the question of language development as they expect it and as a result, it becomes a political agenda for the ethnic politicians, which leads to disagreement.

The informant also said that sometimes, there is religious disagreement among the citizens on lack of equal expansion right; lack of equal justice by the concerned bodies, etc. there is also a group of people who raises the question of equal infrastructural development that sometimes results disagreement. All these questions lead to the question on the constitutional implementation problems in addition to the political differences that exist among the different citizens.

Another informant said that the basic point of disagreement in the country emanated from personal political benefits. The politicians are manipulating the people toward their political end. For example, some politicians are manipulating the people based on article 39 which deals with secession that leads to disagreement and thus, was not accepted by the citizens.

Before the development and approval of this constitution, there were no such differences and hostilities in Ethiopia in ethnicity, religion, language, and in others. Therefore, several



problems of the country emanated from the constitutional provisions, for example, article 39.

#### **4. Level of optimism**

To have the constitutional amendment that will address all the concerns of the public, following a bottom-up approach for public discussion is important. Furthermore, having a discussion with the concerned stakeholders of the community, on the drafted constitution, may help to build trust between the people and the government. An informant stated,

When the current constitution was implemented, I was a politician. I don't think the constitution took into account the interests of the general public. The discussions were made between the EPRDF and its supporters, not the general public. The four main components of EPRDF held the discussions and then included the articles they deemed important. That mistake should not be repeated; the amendment process should be open and transparent to the public.<sup>63</sup>

But, there is always a risk let alone in the Ethiopian politics. Everywhere, politicians maximize their interest, but it is worse in the Ethiopian context. An informant stated, "Because the Ethiopian people's main concerns and wants are the same, the amendment will reflect those concerns. However, politicians will do everything in their ability to ensure that their personal and organizational interests are met during the amendment process."<sup>64</sup>

The informants from Dawuro said that the first and the most important procedure is conducting the study to understand the people's desire about the intended amendment and to get practical information that which part of the constitution is accepted more and which is not. In addition, the study helps to show the interest of the public in the constitution, which part should continue, and which one should be changed during the amendment. Then, having a public discussion at various levels with the concerned public representatives is another important process to have an acceptable constitutional amendment.

There are several problems in the country currently. Thus, having a constitutional amendment by itself will not solve all problems. Besides the constitution, all subsequent laws must be adjusted. For example, one informant said that next to a constitutional amendment, there should be an amendment to the education policy of the country which is a crucial policy for one country and which will play decisive role in addressing all the concerns of the country.

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<sup>63</sup>Dawuro and kanta Party offices head secretary for 1 year, Dawuroigna, Additional language/s- Amharic and Oromiffa

<sup>64</sup>(Anonymous, Code 02, Tarcha town, 26, F, BA, single, Dawuro Women Association Secretary for 1 yr Mother tongue language/s- Dawuroigna Additional language/s- Amharic)

An informant also added, “ዳቦየተራብንሕዝብሕገመንግስትማሻሻልብቻውንመፍትሔአይሰጥም” which literally means, “Amending the constitution alone will not solve the problem of hungry people”. To address all the public concerns, the informant recommended that there should be other activities by the government in addition to the constitutional amendment through having the necessary discussion with the people at various levels to solve all concerns of the public.

In addition to a constitutional amendment, the newly established “National Dialogue Commission” is expected to play a significant role in bringing diverse groups of the people together at a common point that helps to solve some of the national problems. There should be some activities that should be played by all citizens of the country for the expected solution.

## II. PROVISIONS FOR AMENDMENT

### 1. The general dimensions

As to the questions that gauge how the Dawuro research participants felt about the overall system of ethnic federalism, the findings of survey respondent responses are displayed in the table below. As we can see from the table below, for the first statement “Some version of a federalism that seeks to cater ethnic diversity is appropriate”, 76% of Dawuro respondents “agree” or “strongly agree” while 22% disagree and 3% are neutral. For the statement, “There is no need to take ethnicity as factor in the country’s constitutional amendment”, majority of respondents again (62%) agree or strongly agree while only 34% “disagree”. On the other hand, 61% respondents “disagree” or “strongly disagree” to abandon all forms of federalism for Ethiopia.

**Table 31 Respondents attitude towards the overall federal system (Dawuro)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	17	5	3	42	33
There is no need to take ethnicity as factor in the country’s constitutional (%)	4	30	4	8	54
Federalism is too divisive and leads to conflicts; there is no need to any form of federalism (%)	15	46	4	9	25

## 2. Preamble

Regarding the preamble of the constitution, Dawuro informants have mixed opinion. Some believe that the constitutional preamble is not an expression of disunity. It rather addresses the concerns of the nations, nationalities, and peoples of Ethiopia. The informants believed that if the researches show that most of the Ethiopian people need changing the preamble, there is no personal stand in objecting to it. Unless otherwise, the preamble has good points for such a diversified country like Ethiopia and it did not focus on dividing the citizens particularly different ethnic groups. Another informant is in favor of amendment by replacing “nations, nationalities, and people” to “we the Ethiopian people”. An informant forcefully objected “nations, nationalities, and peoples as follows:

All of our country's problems stem from a focus solely on nations and nationalities. Ethnic politics was formalized and all evil things surfaced. Ethnic politics, as we all know, is an onion politics with multiple layers (when peeled) that only leads to self-destruction. As a result, the focus should shift from nations to citizens, and the historical injustice section should be replaced with a new prologue that emphasizes togetherness and solidarity.<sup>65</sup>

Overall, the results of the qualitative data show that the majority of informants are not in favor of the how the preamble is expressed by saying “we nations, nationalities, and peoples.”

## 3. National emblem

The informant from Dawuro recommends for the continuation of the three colors flag with its current emblem. The emblem stands for the equality of the nations, nationalities, and people of Ethiopia with its natural resources across the country. For the informant, the three colors flag is with its current emblem, is good for Ethiopia. On the other hand, another informants opined on the national flag of Ethiopia should be the three colors only (Green, Yellow, and Red) which express Ethiopia since the past regimes. For the informant, the current emblem was added to the flag during the EPRDF regime, disregarding the flags of the country, and thus, it is unnecessary since it is the source of disagreement among the citizens.

All informants either agree or disagree, but an informant tries to balance opposite attitudes on the emblem. The informant believed that the argument that comes with both antagonistic stands was not acceptable. Everybody must leave the decision to the Ethiopian people. If the people of Ethiopia need the three colors for the flag, it is okay or if the people

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<sup>65</sup>(Anonymous, Code 02, Tarcha town, 26, F, BA, single, Dawuro Women Association Secretary for 1 yr Mother tongue language/s- Dawuroigna Additional language/s- Amharic)

opted for the current flag with its emblem at its center, that is right. If the people want its amendment, there should be public discussion to come up with more options. Therefore, taking a personal stand on both sides is unacceptable for the informant. Giving priority to the public interest is more recommendable. Personally, the informant has no problem with the current flag with its emblem. The informant believed that since the emblem stands for equality of the nations, nationalities, and peoples of Ethiopia, it has no problem with it and recommends for its continuity.

The majority survey respondents are in favor of amendment to the emblem. Among the survey respondents, 30% of them were against amendment to the emblem while 40% of them support the emblem should be removed from the flag. But, 17% of the respondents were neutral to this question and 13% of them did not answer this question

#### **4. Article 8**

Regarding article 8 of the constitution, the political representations given to each ethnic group of the country are good issues in principle. However, this article did not give equal political representation among different ethnic groups of the country. Each political position or representation is decided by the size of the population. In this regard, the ethnic group with few numbers of populations did not have equal political representation with that of the large ethnic groups with population numbers. Thus, this provision needs modification to get equal political representation for all.

In any case, the sovereignty clause opens the door to several problems in the country. The question of self-determination up to secession is derived from the provision of sovereignty of nations, nationalities and peoples. Therefore, the informants recommended that the sovereign power given to the nations, nationalities, and peoples should be changed to the “Ethiopian people” regardless of their ethnic identity. The Ethiopian people deserve sovereign power rather than ethnic groups. The Ethiopian people are a combination of all ethnic groups, and thus, it combines unity and avoids conflicts that are based on ethnicity. To this end, there should be a national dialogue on the issue to have a common provision.

#### **5. Federal working language**

Many qualitative study participants of Dawuro are not in favor of additional working language for the federal government. They believed that additional language may create unnecessary contestation, thus, it may be another security threat in the country. Therefore, the Amharic language is enough. From the survey respondents 68% of them were also against the additional language to Amharic. Yet, 32% of the respondents said that it would be nice if other working languages in addition to Amharic can be working languages.

#### **6. Ethno territorial arrangement**

Regarding the ethno-territorial system, many Dawuro informants recommended the geographic territorial system instead of ethnic-based. A geographic territorial system is better than the ethnic one to cooperate different ethnic groups under a single administration equally and it allows everybody to go everywhere within the country without having any job barriers. In addition, the geographic territory allows the citizens of diverse cultural backgrounds to exchange their culture and language through interacting with each other for different purposes.

On the other hand, the ethnic-based territoriality that the country is using resulted in the conflicts across the country at various times within the past few years and thus, we have to analyze the consequences of ethnic-based territoriality, which were not good at all. It costs the country in terms of finance, human life, and others. Again, it undermines the sense of Ethiopianess by giving the over-exaggerated focus on ethnicity. It was not able to balance ethnicity with national unity by its nature by promoting the feeling of ethnicity, as it is the only redemption for the country. Therefore, geographic-based one is better than ethnic-based territorial system.

The survey data also supports the opinion of the majority of qualitative study participants. Among the respondents, 70% of them were against the ethno-territorial federalism and they said that such type of federalism arrangement should be abolished while 26% of them are optimistic about ethno-territorial federalism arrangement. 4% of the respondents replied that they have no idea about it.

## **7. Article 39**

The first informant from Dawuro recommends the total removal of article 39 from the constitution due to its exclusion/separation of the citizens from each other according to their language and ethnicity by its nature. According to the informant's expression, several problems occurred in the country resulting from article 39 of the constitution. Therefore, for the informant, the total removal of this article is the ideal solution for Ethiopia.

On the other hand, the other informants from Dawuro believed that article 39 of the constitution, except sub-article 4, (self-determination up to secession), is important to develop one language, and culture to administrate oneself and to develop the locality as it is provided in the constitution. According to the informants, the phrase that says "up to secession" is a dangerous part of the Ethiopian constitution and it is the source of several conflicts within the country. Thus, removing only sub-article four of article 39 is recommendable and the other sub-articles are important.

The concepts that were derived from Stalin's concepts that say "the nations, nationalities, and peoples", were the idea that did not apply in any country as Stalin wrote it. The same is true here in Ethiopia, it is exceedingly difficult to apply it. The idea was inserted into the

Ethiopian constitution as a solution to ethnic groups' questions, but instead, it resulted in contestation among ethnic groups. Therefore, amending such unnecessary concepts from the constitution is recommendable.

**Table 32 Whether and which dimensions of Article 39 should be amended (Dawuro)**

	Strongly oppose	Oppose	neutral	Support	Strongly support
Sub article 2 of Article 39 which gives nations, nationalities, and people's rights to language and culture should be amended (%)	58	42	0	0	0
Sub article 3 of Article 39 which gives nations, nationalities, and peoples the right to territorial autonomy should be amended (%)	8	20	4	4	59
Sub article 4 of Article 39 which gives nations, nationalities, and peoples the secession should be amended (%)	0	0	8	17	75

## 8. Ethnic parties

The informants from Dawuro recommended the national party system more than the ethnic one for several reasons. The national parties can adopt policies without any discrimination with regard to the ethnic and language diversities, geographic diversities, attitudinal diversities, and all other realities of the country. For example, “land to the tiller” was the slogan by the Derg which equally applies to all Ethiopians. Ethnic parties “land to X ethnic group” instead. Each political party organized under a single ethnic group has struggled only for the ethnic group they represent without considering the interest of the other unlike that of the earlier Ethiopian movements. Such political movements forge ethnic hostility and unnecessary contestation among different ethnic groups. Therefore, it started to join ethnic belongingness by undermining Ethiopianess. The survey result also supports the result of the qualitative study as shown on the table below.

**Table 33 Whether ethnic parties should be banned by the would-be amended constitution (Dawuro)**

Items	Strongly oppose	Oppose	Neutral	Support	Strongly support
The formation of political parties along ethnic line should be constitutionally banned (%)	0	4	8	17	71
There should be a constitutional requirement for a party to have multi-ethnic members (%)	0	4	8	17	71

## 9. The status of Addis Ababa

The informants from Dawuro ethnic group recommended the status of Addis Ababa should remain intact. Some informants even rejected “special interest” clause, so if the status of Addis Ababa has to be amended, it is to eliminate this special interest clause. If the city expanded to Oromia regional state and thus displaced the residents there should be necessary legal compensation. If the Oromia regional state's question on Addis Ababa city comes from the constitution that gives land administration to the regional states, then it has to be changed. To solve these paradoxes, one the constitution has to be amended to give the land administration power to the federal government, second, there should be some negotiation on the issues between the federal government and Oromia regional state and the city should continue under the federal government.

The other informants said the accountability of Addis Ababa city to the federal government is unquestionable and should continue as its current platform. If there is a fundamental problem on the issue, the informant believed that such an issue would be addressed during the upcoming national dialogue.

Another informant recommended that since Addis Ababa is the capital city of Ethiopia, the capital of the Oromia regional state should be taken away from the city, for example, to Adama, which might solve the complexities raised in the city. Alternatively, there should be a discussion with Oromia regional state city, finding an alternative solution for Oromia regional state, and continuing Addis Ababa at its current structure is recommendable.

The survey data also strongly supports the view of qualitative informants. As the table shows, if Addis Ababa has to be either a separate regional state or its status should not be linked with Oromia.

**Table 34 On how the status of Addis Ababa should be changed (Dawuro)**

Items	Strongly oppose	Oppose	Neutral	Support	Strongly support
Addis Ababa should be a separate regional state in the constitution (%)	/	/	/		100
Addis Ababa should be part of Oromia regional state in the constitution (%)	100	/	/		/
Addis Ababa should be jointly administer by the Federal government and Oromia regional state (%)	100	/	/		/

### **III. OPPORTUNITIES, CHALLENGES AND WAY OUTS**

#### **1. Opportunities**

The informants from Dawuro said that even if there is no good situation for a constitutional amendment, having a constitutional amendment is among the leading solutions for the country's several problems. Therefore, having a constitutional amendment is very important for the country currently.

#### **2. Challenges**

- Security problem is a challenge for the constitutional amendment at this time, so waiting until the conducive environment will be created for the intended constitutional amendment. There should be the necessary research for the right time as well as we have to wait through making good preparation for the amendment.
- There is also the economic problem in the country, which may be another hindering factor for constitutional amendment at this time. The current market inflation is a fundamental problem for the citizens and thus, it is preferable to wait until such economic problems are somewhat resolved. There is also famines, droughts, and several other problems that are real in the country currently.
- Since there are different interest groups in the country, there may be some unexpected problems with relation to the constitutional amendment. For example, the war in Tigray may complicate the issues of the country more, if the amendment is continued. There is a group in Ethiopia who believes, as they are not Ethiopians. As a result, there might be unexpected conflict/dispute between those who believes in Ethiopia, and those who do not believe in Ethiopia.
- Foreign intervention is also another challenge. There are several external oppressions, as informant stated, "There is also CIA in the country, which might be challenging the government".

#### **3. Way outs**

To have the successful constitutional amendment, dealing and discussing with the all-community representatives including religious representative at diverse levels in addition to conducting this study is important. Having the necessary public discussion with the all-community representatives on the drafted constitutional amendment, before its approval, helps in creating consensus between all stakeholders of the country. Additionally, consulting with the experts/scholars of the area is more important.



Following the bottom-up discussion approach is also another important process for the successfulness of the amendment; and to create the sense of trust with the publics on the constitution.

Another recommendation is that there should be national discussions and debates with the bodies concerned on the successfulness of the constitutional amendment. Every citizen of the country is expected to work hard and play his/her own responsibility towards the successfulness of the constitutional amendment.

## I. INVESTIGATING THE POPULAR DEMAND AND FACTORS

### 1. Whether the FDRE constitution should be changed

From the survey respondents of the Gamo community, 14% of them replied that they are “very much familiar” with the FDRE constitution while 81% of them replied that they are “somehow familiar”. Only 5% of the respondents replied that they are “unfamiliar” with the constitution. Based on their familiarity, 75% of respondents either “strongly agree” or “agree” the constitution should be changed. According to the qualitative informants, the reason for the change is because the current constitution is used as a pretext for war, as seen by the nation's current position. Besides, the constitution consistently favors some people over others.

### 2. Amendment or revision?

Regarding the type of change they deem appropriate, 94% of them believe amendment is an appropriate approach instead of revision. The reason why everyone favors constitutional amendment over revision is because the constitution has to retain a number of important sections for the sake of the people.

### 3. Expected disagreements

Among the respondents of the questionnaire, 96% of them anticipate the disagreement among different political, religious, and economic groups in the process of constitutional amendment and only 4% of the respondents do not expect a disagreement. Qualitative informants asserted disagreements would be inevitable among political party representatives, religious organizations, and other segments of society. The main points of contention will be the emblem and article 39, particularly the right to secession. A source claimed,

### 4. Level of optimism

According to several informants, the constitution would reflect the wishes of the general population if changes were made based on public interest and participation. 56% of the survey respondents replied that the anticipated revised constitution will address their concern. However, 28% of the respondents are not optimistic about the result of the constitution amendment in addressing their concerns and meeting their interest. 18% of the respondents were neutral to this question. After all, unless the process is transparent, one cannot expect a constitution that meets the public desire. Many research participants are not optimistic even the process would be transparent.

It was pretty clear for all research participants that constitutional change does not resolve all of Ethiopians' problems on its own. In addition to constitutional change, it is essential to participate in the right public dialogue in order to raise more public concerns and put required answers into action. Politicians constitute a threat to national security owing to their desire for personal political benefit in the country, hence only a constitutional change may be able to prevent them from misleading the public.

## II. PROVISIONS FOR EMDNEMNET

### 1. General dimensions

As to the questions that gauge how the Gamo research participants felt about the overall system of ethnic federalism, the findings of survey respondent responses are displayed in the table below. As we can see from the table, for the first statement “Some version of a federalism that seeks to cater ethnic diversity is appropriate”, 78% of Gamo respondents “agree” or “strongly agree” while 17% “disagree or strongly disagree and 3% are neutral. For the statement, “There is no need to take ethnicity as factor in the country’s constitutional amendment”, majority of respondents again (78%) “agree” or “strongly agree” while only 19% “disagree” or “strongly disagree”. On the other hand, 70% respondents “disagree” or “strongly disagree” to abandon all forms of federalism for Ethiopia.

**Table 35 Respondents attitude towards the overall federal system (Gamo)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	11	6	3	56	22
There is no need to take ethnicity as factor in the country’s constitutional amendment (%)	11	8	3	45	33
Federalism is too divisive and leads to conflicts; there is no need to any form of federalism (%)	20	50	11	11	8

### 2. Preamble

All Gamo informants argued the term "We the Nations, Nationalities and Peoples of Ethiopia" should be amended to "We the people(s) of Ethiopia." They contend that the constitution's preamble should show unity rather than division.<sup>66</sup>

### 3. National emblem

<sup>66</sup>(R9, Arbaminch city administration, Gamo Zone, M, 57, BA, Community Member from Iddir, Gamogna mother tongue, additionally speaks Amharic, Tigrigna and Oromigna).

Two opposing viewpoints are expressed by informants on the amendment of the national emblem. Some of the informants contend that the emblem should be changed or removed from the flag because they feel it is a source of conflict. On the other side, other informants contend that the emblem should be maintained in its current shape because it symbolizes equality and unity of all Ethiopians.

Survey results show that those who opposed changing the emblem are smaller compared to those who support the change. Only 33% of the survey respondents either “strongly opposed” or “opposed” the idea of changing of the emblem while 52% opined the emblem should be changed. Among 52% of the respondents who supported the emblem change, 30% of them “strongly supported” it while others “support”. 13% of the respondents remained neutral and 2% replied they do not have idea.

#### **4. Article 8**

Majority Gamo informants supported all other rights provided to nations, nationalities, and peoples except the sovereignty clause. An informant states, “Regards to sub article 1, it should be amended in to the sovereign power is to peoples of Ethiopia”<sup>67</sup>. To support the above statement, the other informant also states “I have reservation on this article and sub articles, because it is not truly applicable”<sup>68</sup>. Minority of the informants have the opinion that the sovereignty clause can remain intact together with all sub articles.

#### **5. Federal working language**

Gamo informants have mixed opinion about deploying additional working languages for the federal government. Those who are in favor of additional languages believe it would be the true character of a multilingual country. Due to its widespread use throughout the nation and the informant's suggested Oromiffa can be used as an additional working language for the federal government. An informant stated,

Amharic should continue as the federal working language. But, other Ethiopian languages which have large speakers and relatively well developed could be added as federal working languages. *Afaan* Oromo is spoken by large group of people and covers large area can be added as federal language. Believe that learning *Afaan* Oromo by others would strengthen unity in Ethiopia<sup>69</sup>.

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<sup>67</sup>(R2, Arbaminch city administration, Arbaminch, Gamo zone, M, 54, 12 complete, Welayitgna Mother tongue, additionally speaks Amharic and Gamogna).

<sup>68</sup>(R7, Arbaminch Town, Gamo zone, M, 75, Diploma, Retired and local elder, Gamogna mother tongue, additionally speaks Amharic, Arabic, Tigrigna).

<sup>69</sup>(R8, Arbaminch Town, Gamo Zone, M, 52, BA, Community member, Gamogna mother tongue, additionally speaks Amharic).

Other informants, who are the majority of them, however, saw these additional working languages as barriers to interethnic dialogue, particularly between groups with diverse linguistic traditions. They prefer Amharic as the only federal working language. An informant stated, “I prefer if only Amharic continue as a federal working language in the country. Because the majority Ethiopians speaks and listen Amharic language”<sup>70</sup>.

The majority of survey respondents are also against introducing additional working language for the federal government. Among the Survey respondents, 56% replied that Amharic language is enough as a working language while 31% of the respondents support using other working languages in addition to Amharic. 13% of the respondents replied that they have no idea about the question.

## **6. Ethno-territorial arrangement**

The majority of Arbaminch informants favor the geographic territorial system more than ethnic territoriality. Throughout the past few years, conflicts have broken out across the nation as a result of the ethnic-based territoriality that the nation currently practices. An informant made the following case:

It is this arrangement of administrative unit that is causing problems and distressing people’s peace, unity, and stability. As we know there were Oromo, Amhara, Gamo, and Wolayita before the implementation of the current constitution. It is creating a sense of betrayal in the country. It brings labeling among ethnic groups in the country in which some pushed in to the edge and given minimal attention in the national key representation. Therefore the former arrangement of administration is better for Ethiopia which is called “Kiflahager”<sup>71</sup>.

Still few informants prefer the ethno-territorial arrangement to continue. “I don’t want this arrangement to be changed or replaced by any other until our questions of special woreda get the right answer”.<sup>72</sup>

Among the survey respondents, 78% of them are against the ethno-territorial federalism arrangement in which 47% of the respondents “strongly disagree” with the ethno-territorial arrangement of the regions. The rest 22% want ethno territorial system to remain intact.

## **7. Article 39**

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<sup>70</sup>(R6, Arbaminch Zuria, Gamo Zone, M, 32, BA, teacher, Zeysten mother tongue, additionally speaks Amharic).

<sup>71</sup>(R2, Arbaminch city administration, Arbaminch, Gamo zone, M, 54, 12 complete, Welayitgna Mother tongue, additionally speaks Amharic and Gamogna

<sup>72</sup>(R5, Arbaminch City administration, Gamo Zone, M, 38, 4<sup>th</sup> grade, Farmer, Ethnic Community Member, Zeysten mother tongue, additionally speaks Amharic).

All qualitative study Gamo informants believe that all other provisions of article 39 are good except the secession clause. According to them, sub-article 4 of article 39, which declares self-determination up to secession, must be abolished. It serves no purpose for Ethiopia and instead sparks disagreement and controversy at various moments in time. An informant stated,

Article 39 sub articles 4 gives the right to any group to break away from Ethiopia at any time. This sub article should be changed. I have not heard the presence of such right in the constitutions of other countries. The separation of Eritrea has affected Ethiopia, which made Ethiopia a land locked country. Nowadays, Tigray is going along that line and is not good model for other regional states<sup>73</sup>.

As the table below shows, the survey result also supports the idea of qualitative research participants in Gamo. An overwhelming majority of respondents opposes the secession clause and are positive towards other provisions.

**Table 36 Whether which provisions of Article 39 should be changed (Gamo)**

	Strongly oppose	Oppose	neutral	Support	Strongly support
Sub article 2 of Article 39 which gives nations, nationalities, and people's rights to language and culture should be amended (%)	50	14	6	19	11
Sub article 3 of Article 39 which gives nations, nationalities, and peoples the right to territorial autonomy should be amended (%)	6	8	6	33	47
Sub article 4 of Article 39 which gives nations, nationalities, and peoples the secession should be amended (%)	17	3	0	0	80

## 8. Ethnic parties

All of the informants prefer political parties that formed independently based on merit as opposed to ethnicity; they advise the relevant bodies to remove the constitutional provision that permits the formation of political parties based on ethnicity. These parties are largely run to serve the interests of the people who gave them voice, not to serve all people equally and without distinction amongst peoples. The informant claims,

<sup>73</sup>(R1, Arbaminch, Gamo zone, M, 28, BA, Gamo zone administrative staff, Gamogna mother tongue, additional speaks Amharic, Gofigna and wolayitgna).

In my understanding it is this ethnically based party which causes problem in the country in dividing one from the other. I need a party which keeps peoples equality, peace, security, development, and justice and works for Ethiopia people diversity. Therefore, the constitution will have to ban the establishment of parties their base is on one's own ethnic group<sup>74</sup>.

The survey result also supports the idea of qualitative study participants as an overwhelming majority of them are against political parties constitutes only on the basis of ethnic group.

**Table 37 Whether ethnic parties should be banned by the would-be amended constitution (Gamo)**

Items	Strongly oppose	Oppose	Neutral	Support	Strongly support
The formation of political parties along ethnic line should be constitutionally banned (%)	3	6	0	23	70
There should be a constitutional requirement for a party to have multi-ethnic members (%)	0	0	6	30	64

## 9. The status of Addis Ababa

All Gamo informants claim that Addis Ababa should maintain its current status because the city is home to residents of all ethnicities. Additionally, as Addis Ababa is the capital of Ethiopia and is home to all Ethiopians, the government should provide a clear explanation in this circumstance as there are currently some disputes and public mistrust of the government.

The survey participants also overwhelmingly supported the current status of Addis Ababa. 83% of Gamo informants believe that the current status of Addis Ababa should remain intact while 17% said the status of Addis Ababa should be changed. Those believe the status change show their preference as follows. Those who want the change to the current status of the city even demand for a full autonomy for the city. They opposed Oromia region should not administer the city independently or jointly with the federal government.

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<sup>74</sup>(R9, Arbaminch city administration, Gamo Zone, M, 57, BA, Community Member from Iddir, Gamogna mother tongue, additionally speaks Amharic, Tigrigna and Oromigna).

**Table 38 On how the status of Addis Ababa should be changed (Gamo)**

Items	Strongly oppose	Oppose	Neutral	Support	Strongly support
Addis Ababa should be a separate regional state in the constitution (%)	/	17	17	16	50
Addis Ababa should be part of Oromia regional state in the constitution (%)	100	/	/	/	/
Addis Ababa should be jointly administer by the Federal government and Oromia regional state (%)	100	/	/	/	/

### III. OPPORTUNITIES, CHALLENGES AND WAY OUTS

#### 1. Opportunities

According to Gamo informants, the existing situation did not support constitutional amendment. The proposal should be tabled until the administration resolves the security concerns, which persist across the country. “It is difficult to say we have fertile ground to amend a constitution because the country experiences different form of conflicts here and there. So it needs to settle these conflicts first before amending the constitution”<sup>75</sup>. On the other side, another informant believed that the time was perfect for the county's problems to be resolved and for a constitutional amendment. The informant thinks that a constitutional amendment is the greatest method to address the nation's problems, despite the fact that there are many of them. As a result, it is currently necessary. “Yes, I believe and the current situation is the fertile ground”<sup>76</sup>.

#### 2. Challenges

Many informants relate the challenge with the government commitment. Amendment requires determination and genuine commitment from the groups which are going to be involved in the amendment process. In some place people may not also take it as positively”<sup>77</sup>.

Due to the presence of numerous hostile factions in the country, other informants argue that constitutional reform may lead to certain conflicts as well as some security concerns. There are also groups that don't need to work together and those that are totally against the amendment. Some political parties do not want to change because they like the way things are now in terms of politics, geography, and administration.

<sup>75</sup>(R2, Arbaminch city administration, Arbaminch, Gamo zone, M, 54, 12 complete, Welayitgna Mother tongue, additionally speaks Amharic and Gamogna).

<sup>76</sup>(R5, Arbaminch City administration, Gamo Zone, M, 38, 4<sup>th</sup> grade, Farmer, Ethnic Community Member, Zeysten mother tongue, additionally speaks Amharic).

<sup>77</sup>R3, ArbaminchZuria, Gamo Zone, M, 34, BA, Gamogna mother tongue, additionally speaks Amharic, zeisegna and wolaitigna).



### **3. Way outs**

Pieces of advice from Gamo informants are:

- everyone needs to be prepared for consensus in order to build the peaceful nation
- Participation in the amending procedure is required.
- the group in charge of guiding the discussion in public must be impartial and free of any personal agendas
- It is better if the agenda is opened to the public participation.

## I. INVESTIGATING THE POPULAR DEMAND AND FACTORS

### 1. Whether the FDRE Constitution should be changed (revised or amended)

Nearly all informants, composed of a business executive and a farmer, were of the view that the constitution needs to be amended. They think all the conflicts in the country are linked to the various conflicts in the country. One informant, an activist, was the view that 'the constitution should be kept as is'.

### 2. Amendment or revision?

All informants preferred the amendment of the constitution rather than completely changing it. The business owner said it has been many years since it was adopted and needs to be updated. After all, he quipped, it is not a bible. The farmer also said it can and should be amended in a way that brings unity, peace, and development. The activist said, if it is changed, he preferred amendment to total change since the constitution is a good document.

A survey was conducted on how familiar certain respondents were with the constitution and 100% of those surveyed responded they were familiar with the constitution. When they were asked whether they prefer the constitution remains unchanged, about 83% of them responded negatively. When asked whether the change they want to see is a complete revision of the constitution or a mere amendment, a little over 95% of the respondent replied they prefer an amendment to a complete revision.

### 3. Expected disagreements

The issues on which they expect disagreement relate to the ethnic aspect of the federal system. And they expect ethnic nationalists to cause trouble for the amendment process. According to the business owner, the current constitution meets the needs and interests of the ethno-nationalists. All ethno-nationalist from the Sidama, Oromo, Gurage, and Tigray, are likely to disagree with any modification of this constitution. The activist said this recognised the cultural and linguistic equality of all ethnic communities. He asked 'why should we amend it?' He added, 'in the past, we were considered slaves on our own land, deprived of fundamental human and democratic rights. This constitution emancipated us. So why should we revise or amend it? I think Gedeo and other communities in southern parts of the country would disagree agree to its revision or amendment'. He further added 'the Sidama Liberation Army, the Oromo Liberation Army, and the Gedeo political party will also not agree with its amendment.' The survey also shows a similar sentiment. Close

to 90 percent the respondent said they see and expect disagreement among different sections of society, especially among the politicians.

#### 4. Level of optimism

Of all the informants, only one said a constitutional amendment process would cause the constitution he would like to see adopted. He said, 'because of this constitution we suffered a lot. We saw a human being burned alive, we witnessed when a person was slaughtered like an animal. If it is amended, we will be able to minimise these problems. The farmer was the view one cannot say what the final draft would look like. The activist was the view that the constitution, in its current form, was good enough and he cannot imagine how an amendment would make it better. Tampering with the constitution may even be catastrophic, according to this informant. The survey painted a different picture since about 54 percent of the respondents were the view that the constitutional amendment would result in the kind of constitution they would like to see while 34 percent of them held the opposite view. All of them agree though that a constitutional amendment on its own will not address their concerns. According to the business owner amending the constitution is a good thing but implementation is even more important. The farmer also said 'amendment alone will not address my concerns even it can be a good starting point'. The activist, in contrast, said his concerns were already addressed by the constitution, and amending the constitution will cause him more concerns.

## II. PROVISIONS FOR AMENDMENT

### 1. On the general dimensions

It goes without saying the design of the Ethiopian federal system, which is predicted on accommodating ethnic differences, is the most debated constitutional issue in the country. Whether and how the federal design could be revised has been discussed extensively. The respondents in Gedeo were thus requested to answer some general questions regarding the federal system and their responses is summarised in the table below.

**Table 39 Respondents attitude towards the overall federal system (Gedeo)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	4	12	8	46	31
There is no need to take ethnicity as factor in the country's constitutional (%)	-	19	15	42	23

Federalism is too divisive and leads to conflicts; there is no need to any form of federalism (%)	12	42	19	15	12
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As can be seen in the table above, 76% of the respondents are in favour of a federal design that somehow caters to the ethnic diversity of the Ethiopian people. Yet, a significant majority of the respondents (65%) seek ethnicity not to be considered as a factor in the country’s constitutional design. Barely the majority of the respondents (56%) reject the notion that a federal system, its design regardless, is divisive and it should not be implemented in the country.

## 2. Preamble

One of the three informants, the businessman, expressed his misgivings about the preamble, especially the phrase ‘we the nations, nationalities, and people of Ethiopia ’which he said should be removed. The farmer said ‘I am not politician. But I think the term we ‘nations, nationalities and peoples of Ethiopia ’captures our situation. You know we are nations and nationalities and peoples. Look we are Gedeo, there are Sidama, Wolayita, or other nations and nationalities. So we are not people. ’The activist asked

‘What is wrong with the preamble? You know we are nations, nationalities and peoples of Ethiopia. So this is what is clearly and understandably defines us. Do you know why I hate the past system? It did not consider human beings but as barbarians and uncivilised. The past systems consider Tigray and Amhara as nations. We the southern were not included. So this constitution what recognized us as communities equal to others. It should thus be kept intact.’

## 3. National Emblem

Only one of the three informants, the business, held the view that the star at the center of the flag should be removed. The other informants maintained that it should be kept as is. The *business person*: ‘I think we are Ethiopians. So as a nation we have one flag. The Ethiopian flag is yellow, green, and red. So we do not need another national emblem at its centre. This flag is the result of our grandparents, after many years of struggle. It is a symbol of freedom and hegemony. I think in the future all the world will use our flag. ‘

The farmer responded ‘I do not know why you asked me this question. But this is the correct flag. The national emblem is accepted by nations, nationalities, peoples, and religious groups. So it should be kept intact. ’The activist similarly said: ‘I think the flags of all countries have their own national emblems, and so does ours. The three colours on our

flag are our identity and the national emblem in the middle is a symbol of our equality, unity, and diversity. So it should be kept intact. This national flag describes us, Ethiopians' economic, political, and social interests.

Somehow differently, half of those who took part in the survey opposed the proportion that the national emblem at the centre of the national flag should be changed or removed while about 30 percent of them supported the proportion.

#### **4. Article 8**

Of the three informants, only the businessman argued that sovereign power should not reside in the nations and nationalities. Whereas, the remaining informants agree with the current formulation of Article 8(1). The activist said 'Article 8 (1) which provides 'all sovereign power resides in the nation, nationalities, and peoples of Ethiopia 'is smart. You know we have a right today than what was the case yesterday, now we are sovereign. In the past, sovereignty was in the hands of the government and certain groups.. We are glad to day for having this constitution'.

#### **5. Federal working language**

One of the informants, a businessman, was of the view that there is no need for an additional federal language. He said 'for communication, we have Amharic language and we can communicate using it'. The farmer said 'I think as we have more than 84 languages in this country, it is only appropriate that some of them become federal working languages. The activist also said that he recommends that other working languages for federal government institutions. For instance, we can add Afan Oromo, as the number of population speaking the language is large. Besides, the language is well developed in its region and in neighbour regions like Gedeo, Sidama, Somali, Hadiya, and Gurage, so if we add it we can easily communicate.'

The survey also shows a general opposition to the introduction an additional federal working language with 64 percent of the respondent opposing the proposition that an additional federal language should be introduced. Only 30 percent of the respondent supported the idea of having an additional working language.

#### **6. Ethno-territorial Arrangement**

Again the businessman expressed his misgivings about ethno-territorial arrangement. He added 'we do not want this, we need the previous 'Awuraja administration system 'which was the most inclusive and peaceful system. The ethnic-based territorial arraignment is the cause for all the conflict in the country. The farmer disagreed with this and said:

'I think Ethno-territorial arrangement or ethnic based administration or linguistic based administration is good. It gives freedom for ethnic groups who live in a particular place. You know we are breathing well after this federalism. Federalism is our guarantee. Know we are governed by our own language and by our sons and daughters. Our mayor is from Gedeo, so this is a gift of ethno territorial arrangement. This should be kept as it is. We are on the side of federalism and the parliamentary system'

The survey shows about 80 percent of the respondent disagree with the proposition to maintain the ethnic aspect of the territorial structure of the Ethiopian federal system. Yet over 76% of the respondents are also in favour of a federal design that somehow caters to the ethnic diversity of the Ethiopian people.

## **7. Article 39**

One of the informants, the businessman, was in favour of Article 39 being repealed. However, the farmer said:

'Article 39 is good for us. It recognises linguistic and cultural rights. As a result of this provision, our culture has been revived. You know in the past we were marginalised and discriminated against, we were negatively stereotyped. This provision recognises our right to use our own language Gedeouuffaa, and our own culture. We have also got self-administration rights. You know it is the first time when Gedeo is ruled by Gedeo, it is the first time when the fate of Gedeo is decided by Gedeo. So this should be kept intact. The right to secession also should be kept intact, because if this article is amended, we may be assimilated by Oromo or Sidama.'

The activist also said:

'I do not know why people hate this provision. You know it gives some natural rights. For instance, sub-article 2 is all about linguistic and cultural development or right, which says "every nation, nationalities, and peoples of Ethiopia has the right to speak, to write and to develop its own language, to express, to develop and promote its own culture, and to preserve its history" so this is a natural right that we have as a citizen of one country. This is given by birth, it is descriptive and ineffable. But my doubt is the right to self-administration up to secession. It should be changed or amended. You know we are beautiful together, we are strong together..... our social, historical, economic, and cultural aspects are intertwined and interwoven, so departing is impossible for us. We have no such psychological makeup.'

The survey shows a little different result. About 50% of those who took part in the survey opposed changing Article 39(2) while 87 percent of them supported changing article 39(3) of the constitution. Also 87 percent of them supported the repealing of Article 39(4).

## **8. Ethnic parties**

The businessman was of the view that establishing political parties along ethnic lines was destructive.

'If they organized along ethnic group, they will be interest groups. They will work only for their economic and political power. The one who has the knowledge and the capacity to rule may be neglected because of his ethnicity. Even ethnic parties are controversial. So, the constitution should support the formation of parties from the different religious, ethnic, political, and cultural backgrounds. I think federalism and the parliamentary system will not work for Ethiopians. We better use the pure presidential system.'

The farmer disagreed with the businessman and said 'ethnic based parties are good for Gedeo'. He added: 'You know we are departed from our region south, in boundary though we are still under the south region. You know there is Sidama region between Gedeo and the south region. So I do not know what would be our fate in the future. But if our politicians are arranged along ethnic lines we may create our own region.'

The survey shows a different result. Above 75 percent of the respondent agreed - some strongly - with the proposition that ethnic-based political parties should be banned. And 95 percent of them agreed with eh proposition that a political party should be required to have a multi-ethnic membership.

## **9. The Status of Addis Ababa**

The businessman said the administration of Addis Ababa should not be presented for choice. Addis Ababa was established by Menelik, but the Oromo claimed it as their own city. This is unacceptable. The farmer said the 'issue of Addis Ababa is not our issue. It should be left for Addis Ababan and the Oromo. But if you asked me for my view, you know all the land of Addis Ababa is the Oromo land and Addis Ababa is surrounded by Oromo, the city receives its water from Oromia, and all its waste go to Oromia. So it should be administered by the Oromo'. The activist said that Addis Ababa should be a city co-administered by the federal government and the Oromia Region. You know Addis Ababa was as small as Dilla town. It expanded by displacing a large Oromo population. So they need to have a say in it. This is a natural and democratic right.

The survey shows extremely strong opposition to changing the constitutional status of Addis Ababa as a federal city. Over 96 percent of the respondent, opposed the proposition that the current status of Addis Ababa should be changed. And 100% of them opposed the suggestion of putting the city within the jurisdiction of the Oromia regional state.

### **III. OPPORTUNITIES, CHALLENGES, AND WAY-OUTS**

#### **1. Opportunities**

Both the business owner and the farmer felt that there was fertile ground. The remaining informants maintained that there was no conducive situation for the amendment. The government has the duty to make it happen. Having a democratically elected and stable government is one fertile ground. What is needed now is a commitment to amend the constitution. The farmer said there was no conducive environment to do that. The activist mentioned the war in Oromia and Tigray, which he thought would hinder proper debate and discussion for a constitutional amendment.

#### **2. Challenges**

All informants have mentioned different challenges that hamper the amendment process. Business person: If you ask me for a challenge, we have many challenges. The Oromo nationalists and activists, the Tigray nationalists and the war between them, the economic and political crisis, the lack of innocent people, and being a landlocked country with bad neighbours may be some challenges. This should not stop the government from pushing a constitutional amendment. The farmer: 'we are in civil war, we are in economic and social crisis, we are in the war with Tigray, we are in the war with Sudan, so it is difficult to talk about a constitutional amendment. Activist: 'There are many challenges which can emerge at the time of amendment. Tigray may declare war; Egypt may also declare a war on us. Even the relationship between Ethiopia and Eritrea is not clear.'

#### **3. Way-out**

All informants have mentioned different approaches that will help to accomplish the amendment process, successfully. The business owner suggested a massive community consultation, while the farmer advised not to rush a constitutional amendment and to give sufficient time for debate and discussion. The activist also suggested it should be done patiently and takes as much time as necessary. He advised against rushing a constitutional amendment.



# GURAGE

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## I. INVESTIGATING THE POPULAR DEMAND AND FACTORS

### 1. Whether the FDRE Constitution should be changed (revised or amended)

The data was gathered from key informants composed of a politician, a civil servant, a lecturer, and a farmer. All informants, except one, reported that the constitution should be changed. They say while it is a great document, it contains certain provisions that endanger the very existence of the country. They blame the constitution for all the conflicts, destructions and displacements, and inter-ethnic hatred. One informant, a farmer held a different view. He said, 'I think this constitution should be kept as it is. It is very clear and adopted by all of Ethiopia's nations, nationalities and peoples. So I think it should be kept intact.'

### 2. Amendment or revision?

All informants, except one, reported that the constitution should be amended, not completely changed. One informant, a politician, said 'as a politician and an old person, I recommend its amendment rather than its complete replacement. There are several good provisions in it including the bill of rights and the principles of democratic governance. However, those provisions which are against national unity, including the secession clause, should be repealed'. The civil servant also said opined that the constitution is the source of the civil war, the conflict, the displacements and all the crisis seen in the country. He also stated how the ethnic aspect of the federal system impacts him personally;

'Look I am from Amhara ethnic group, I and my family do not speak the Gurage language. Now the Gurage are asking for Guragigna to be the working language and language of instruction in primary schools of the Gurage zone. If demand is granted, my children and I would be out of the system. When that happens, I have no option but to leave this area, We need a constitution that makes the Amharic language the only working language in Ethiopia.'

The lecturer also opted for amendment since changing the entire constitution would mean starting from scratch. He added:

'A constitution is like a child; it takes time to grow. It has several good provisions. The problem is the lack of proper implementation. For instance, the prime minister is not implementing the constitution to the letter. Let me give you an example. The constitution says the president should be from the major ethnic groups but currently,

the president is from the Amhara community. The constitution says majority rule and minority rights but this is not being practiced. Again, the constitution clearly provides that ethnic communities can have their own states. Garage has been asking for a state which is never granted.'

The farmer held the view that the constitution should not be tampered with. But if it has to be changed, it is amendment is preferable to completely replacing it.

A survey was conducted in parallel and the respondents were asked whether they were familiar with the constitution and 93% of the respondent replied they were familiar with the constitution. Then they were asked whether they agree with the proposition that the constitution should never be changed, and 82 percent of them disagreed with the proportion. They were then asked if they support an amendment or a complete revision, 88 percent of them said they prefer an amendment to a complete revision.

### **3. Expected disagreements**

The informants stated that political actors who are pushing their political agenda along ethnic lines will object to the amendment of the constitution. Those who are demanding ethnic zones and regions will certainly object to an amendment impacting their political goal. Politician: I think all groups of people will agree on its amendment. According to the civil servant, the Gurage, the Wolayita and the Oromo, the Tigray are likely to object for its amendment or revision. This is because their interest is better protected under the current constitution. The farmer said only the Amharas are asking for a constitutional amendment. No other group is making a similar demand. Everyone else would object any amendment to it. Only the farmer was of the view that after undergoing a process of amendment, the constitution would become a document that addresses the interest of everyone. The farmer said 'The majority of Ethiopians are happy with the constitution in its current form. Amendment would make it only less acceptable'. He added, 'do you think the Oromo, Sidama, or any other ethnic group would support its amendment or change? Completely not. Amending it would only lead to disagreement.

### **4. Level of optimism**

Nearly all informants expressed the view that after an amendment process, the constitution would become an agreeable document. The farmer, however, disagreed. He once again stressed that he see nothing wrong with the constitution and the amendment would only make it less acceptable. He added, 'the Amhara expansionist group wants to use a constitutional amendment to re-establish the past systems. If they do so, it would be the last Ethiopians. We saw many challenges during the Derg Haile Selassie regime. Now we are breathing an air of peace thanks to this constitution'. The respondent who took part in the survey were asked if they think whether the survey would result in the kind of

constitution they would like to see adopted. Close to 70% of them responded in the affirmative.

## II. PROVISIONS FOR AMENDMENT

### 1. On the general dimensions

The design of the Ethiopian federal system, which is predicated on accommodating ethnic differences, is the most debated constitutional issue in the country. Whether and how the federal design could be revised has been discussed extensively. The respondents in the Gurage community were thus requested to answer some general questions regarding the federal system and their responses is summarised in the table below.

**Table 40 Respondents attitude towards the overall federal system (Gurage)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	6	21	2	52	15
There is no need to take ethnicity as factor in the country's constitutional (%)	10	21	4	29	35
Federalism is too divisive and leads to conflicts; there is no need to any form of federalism (%)	17	38	10	27	6

As can be seen in the table above, over 66% of the respondents are in favour of a federal design that somehow caters to the ethnic diversity of the Ethiopian people. Yet almost equal percentage of the respondents (64%) are in favour of ethnicity not being considered as a factor in the country's constitutional design. And barely the majority of the respondents (53%) reject the suggestion that a federal system, its design regardless, is divisive and it should not be implemented in the country.

### 2. Preamble

All informants, except one, strongly argue the preamble, especially, the phrase "[w]e the nations nationalities and people of Ethiopia 'should be kept as is. The politician said the phrase best describes captures the situation in Ethiopia. He added, 'we are not one people, we are different peoples, nations, and nationalities. The phrase should be kept intact. He had a misgiving with the phrase referring to 'unjust relations'. He said Amhara as

community was never an oppressor. There are oppressors in every community. The lecturer also thought the said phrase had no problem. The farmer said 'I think our constitution on its preamble clearly describes who we are. It starts by saying we are nations, nationalities and peoples of Ethiopia. You know my son we are highly grateful to have such an inclusive constitution. You know, in the past, we were not included in the country's constitution, nor were we treated human beings. The preamble should be kept as is. The other part of the preamble that talks about rectifying our historical unjust relations, I think it should be written in bold letter. I say this because still they want to establish that state. Still they think that they are superior and dominant in Ethiopia. You know the Amhara thinks that they are true Ethiopians and the other ethnic groups are ordinary citizens. So this should be kept as it is'.

### **3. National Emblem**

All informants, except one, strongly argue that the star at the center of the flag should be kept as is. Only the civil servant was the view that the national emblem should be removed and the plain green, yellow and red flag should serve as a national flag. The rest of the informants were of the view that the national emblem should be in the flag. The political said 'the national flag without its current emblem does not represent us.' The farmer likewise said 'our national emblem at the centre of our flag should be kept as is.'

The survey paints a different picture since close to 60 percent of the respondents agreed with the proposition that the national emblem at the centre of the flag should be changed or removed while 30 percent opposed it.

### **4. Article 8 (sovereignty of nations, nationalities, and peoples)**

The informants were divided on where sovereignty should lie. Two of the four informants, the civil servant, and the lecturer, said they have misgivings with recognising ethnic communities as sovereign. The farmer and the politician did not see any problem with nations and nationalities being considered sovereign.

### **5. Federal working language**

Once again, the informants were divided on the issue of whether there should be an additional federal language. The political and the farmer were the view that Afan Oromo should be added as a federal language since it is widely spoken not only in Ethiopia but also in countries such as Kenya. Amharic is sufficient as a federal language, according to the civil servant and lecturer. The lecturer mentioned the complication that an additional working language would create in terms of service delivery. The survey also shows clear division among the respondents on this issue. Some 55 percent of those who took part in the survey opposed an additional federal language being introduced, while close to 40 percent of them supported the idea.

## **6. Ethno-territorial Arrangement**

All informants, except one, strongly argue that the ethno-territorial arrangement should be replaced by a geographical arrangement. The politician, the lecturer, and the civil servant were of the view that the territorial arrangement which is along ethnic lines was bad for the country. Instead, they said a geographic approach would serve the country better. As far as the civil servant was concerned there is no point in making a constitutional amendment unless it does away with the ethnic territorial structure. The farmer held a different view. He said the current territorial arrangement helps respond to the people's cultural, linguistic, and developmental demands.

The survey also shows a similar result. The respondents were asked whether they agree with the ethno-territorial arrangement currently in place being left intact and about 64 percent of them responded they would disagree. However, 77% of them were of the view that the federal system somehow caters to the ethnic diversity of the people of the country.

## **7. Article 39**

All informants, except one, strongly maintain that Article 39 and all its sub-articles are divisive and problematic and thus should be totally removed from the constitution. The politician said Article 39(2) is good. One's culture and language should be respected and protected from extinction. It is a natural right. However, the rest of Article 39, including the one that allows every ethnic community to establish self-government and the secession clause, are problematic. Both the civil servant and lecturer had the same sentiment. The lecturer's view is Article 39 was deliberately inserted by TPLF as a tactic of divide and rule. The farmer, in contrast, maintains Article 39, and all its sub-articles were expressions of democratic rights and should not be tampered with.

'I think article 39 and its sub numbers are good. The provision expresses human, democratic, and natural rights. You know the right to cultural and linguistic development is natural and we are naturally endowed with language and culture. So it should be kept intact. Article 39(3) also clearly recognises the right to self-government in each community. You know my sons and daughters want to be led by me as I am their guardian, right? We [the Gurage] want to be led by our own leaders, based on our own culture and language. Article 39(4) is also good for me. You know it brings about respect and a positive relationship between different ethnic groups. It brings about accommodation rather than assimilation. If there were not this article Oromo may want to assimilate us. So it is our backup. So let it be kept intact.'

The survey shows a bit different result. About 65% of the respondent disagreed with the suggestion that Article 39(2) should be repealed. And 70% and 83% of the respondents supported the suggestion that Articles 39(3) and 39(4), respectively, should be amended.

### **8. Ethnic parties**

The politician, the lecturer, and the civil servant responded that establishing ethnic-based political parties should be banned. The farmer disagreed. He said '[w]e have to organise along ethnic lines. You know no outsiders can understand our pain. The pain and the interest of the Gurage people are understood only by Gurage politicians. So the right to form a political party along ethnic lines should get protection in the constitution. The survey also show there is support for banning ethnic-based political parties. Some 76 percent of the respondent agreed with the proposition that ethnic-based political parties should be banned and 85 percent of them supported the idea of a constitutional provision requiring political parties to have multi-ethnic membership.

### **9. The Status of Addis Ababa**

All informants agreed that Addis Ababa should be a city for all. The political said Addis Ababa should have its own boundary. The civil servant said 'all Ethiopians have invested in Addis Ababa and it should continue in its current status. He added, 'you know, in the future, if the Gurage chase me away, my plan is to go to Addis, since Addis belongs to us all. The farmer for the first time agreed with the other informant and said 'Addis Ababa is a place of all Ethiopians'. The lecturer said, currently I am not living in Addis Ababa. But I think it is our common space and the space where we take refuge when we feel unwelcome elsewhere (ማኩረፊዎችንናትሲከፋንዩምናርፍባት). The survey shows a similar sentiment. Over 70 percent of the respondents opposed any change to the constitutional status of Addis Ababa.

## **III. OPPORTUNITIES, CHALLENGES, AND WAY-OUTS**

### **1. Opportunities**

The security and political situation would not provide a conducive environment for debating a constitutional amendment.

### **2. Challenges**

All informants mentioned there are several challenges that may hinder the amendment process. The absence of security and peace are the first things that come to mind. The inter-ethnic conflict, the civil war in Tigray and Oromia, and the displacement of millions were mentioned as a major challenge. The farmer maintained there cannot be a constitutional amendment before the demand of the Garage for a regional state was granted.

### **3. Way-out**

All informants, except the one (the farmer, who preferred the constitution not to be amended, had different approaches/mechanisms to amend the constitution successfully. Using the National Dialogue Commission to create a census around constitutional issues was mentioned by one of the politicians. The civil servant mentioned the need to maintain the rule of law. The lecturer mentioned the active involvement of academicians. The gamer simply said 'I strongly recommend that we do not tamper with the constitution.'

### I. INVESTIGATING THE POPULAR DEMAND AND FACTORS

#### 1. Whether the FDRE Constitution should be changed (revised or amended)

All informants, which included a farmer, a businessman, a journalist, an activist, and a civil servant, save for one, responded that the constitution should be changed. For the farmer, the reason for a constitutional amendment is that the newly created two states need to be recognised in the constitution which entails a constitutional amendment. The businessman thinks the amendment is necessary to ensure that public officials are elected based on merit rather than their ethnic identity. The journalist/activist said there are many reasons that he can give as to why he thinks the constitution should be amended. There are several groups of people who claim not to have been represented in the making of the constitution. There are those who think the constitution is an oppressive document. Yet others think some of the provisions in the constitution are controversial and can potentially cause the disintegration of the country. THE civil servant however was the view that the constitution reflected the interest of the people and thus should be kept intact. The only problem this informant sees is the problem of proper implementation.

#### 2. Amendment or revision?

All informants, except one, reported that the constitution should be amended not completely changed. The informant who said the constitution should be completely revised or replaced was the farmer. He was of the view that the constitution was designed by TPLF to ensure its narrow political interest. The informant thinks the replacement of the constitution was long overdue. The businessman and the journalist/activist were in favour of the amendment. The businessman thinks the constitution has important provisions which are worth maintaining including the bill of rights. There are other provisions to which the society has adapted and it will be difficult for the people to adapt to another system. Thus he is in favour of amendment rather than change. The journalist/activist said 'revision refers to major changes to the constitution including replacing existing constitution within a new one. We cannot do that since some provisions of this constitution are valuable. We can however make changes to specific provisions. The civil servant is the view that the constitution should be left alone. If however, it has to be somehow changed, the amendment is preferable to a complete overhaul of the constitution.

A survey conducted in the area shows about 82 percent of the respondents claim to be familiar with the constitution. Close to 70 percent of the respondents responded said no when they were asked whether they want the constitution to remain unchanged. In terms of



the constitutional change they would like to see, a little over 90 percent of the respondents preferred a constitutional amendment to a complete revision of the constitution.

### **3. Expected disagreements**

The farmer is of the view that political groups such as TPLF would not agree to any change to be made to the constitution. The businessman said most Ethiopians desire its amendment. But certain ethnic political actors are likely to oppose the amendment of the constitution. The journalist/activist said 'our region would not be okay if this constitution is changed even if slightly. There are many who view this constitution as a means of achieving their economic, social and political interest (especially group interest). 'He added 'different groups and ethnicities, have asked for a region or special woreda or special zone and they will not agree to any form amendment that will take away their right to a state, zone or liyu woreda. The Tigrayans, Wolayitas, Gurages do not want to hear anything about constitutional change.'

### **4. Level of optimism**

All informants, except one, replied that the final product of the amendment process would reflect the desire of the public at large. The farmer thinks nothing can be worse than the constitution in its current form which is the cause for ethnic conflict. The business person was the view the amendment could result in a constitutional document that is acceptable to the majority of the people. However, it would mean nothing unless it is properly implemented. The journalist/activist thinks 'the final product of the amendment process would reflect the desire of the public at large'. This is mainly because 'we are in an information era and everyone will know and discuss the amendment process which will ensure that a constitutional document that is accepted by everyone would be adopted.

'After all groups of people have been discussed, they will give their comments and perceptions so that they will be incorporated into the constitutional amendment process. Even as I am an activist and journalist we media peoples have the responsibility to avail information for all communities. It will be part of our agenda on the television screens and other media outlets. The public will thus be highly informed.'

The civil servant held a different view.

'The public is unpredictable and its mood changes with time. When the constitution was drafted in the 1990s everyone was interested and interested to participate. You remember how sad everyone was when Meles Zenawis (the former prime minister of Ethiopia) died. When Abiy came to power everyone began cursing Meles and the TPLF. Now currently Abiy has become much less popular than before. This is

because we love and hate for no real reason. So if you ask me for my view any amendment or revision would not satisfy the public at large’.

The survey shows that over 90% of the respondent expect that a constitutional amendment will lead to the adoption of a constitution they would like the country to have. The farmer said no constitution is as bad as the current constitution and the amendment will address many of its shortcomings. But the constituent assemblies should work in the interest of the people by grasping the view of the people who live in different parts of our country. The journalist/activist, the businessman, and the civil servants were of the view constitutional amendment may have its own positive impact. It will not however solve all political problems in the country. The changes made and the manner in which they are implemented are as important. The civil servant stressed that the very idea of amending the constitution itself is problematic.

## II. PROVISIONS FOR AMENDMENT

### 1. On the general dimensions

The Ethiopian federal system, which is predicted on accommodating ethnic differences, is the most debated constitutional issue in the country. Whether and how the federal design could be revised has been discussed extensively. The respondents from among the Hedy community were thus requested to answer some general questions regarding the federal system and their responses is summarised in the table below.

**Table 41 Respondents attitude towards the overall federal system (Hadya)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	9	9	4	43	26
There is no need to take ethnicity as factor in the country’s constitutional (%)	9	22	-	17	43
Federalism is too divisive and leads to conflicts; there is no need to any form of federalism (%)	22	26	4	22	17

As can be seen in the table above, close 70% of the respondents are in favour of a federal design that somehow caters to the ethnic diversity of the Ethiopian people. Yet, the

majority of the respondents (60%) hold the view that ethnicity should not be considered a factor in the country's constitutional design. And they are equally divided on whether a federal system is a divisive constitutional project that, if possible, should never be implemented: 47% disagreed with the view that a federal system is indeed divisive that should never be implemented while close to 40% agreed with the statement.

## **2. Preamble**

All informants, except one, strongly argue that the preamble especially the phrase 'we the nations nationalities and people of Ethiopia 'should be removed from the constitution. The farmer said he has many issues with the constitution and it begins with this phrase in the preamble. The constitution is preoccupied with ethnicity and does not concern itself with the country, and its people. He added I know no other constitution which begins like this. Other constitutions begin with 'we the people'. He further added 'we had no "unjust relationship" this is the seed woyane sows between us'.

The journalist/activist also said it is preferable if the preamble begins with 'we the people ' because the concept of nation, nationalities, and peoples is divisive. Besides, it is unclear which the nations are, which the nationalities are and which the peoples are. This creates ambiguity, confusion, and suspicion and gives way to ethnocentrism, discrimination, or prejudice. The civil servant in contrast argued that the preamble, especially the phrase 'we the nations nationalities and people of Ethiopia 'provides recognition to different ethnic groups and should be kept as it is.

## **3. National Emblem**

Only a single informant, the farmer, strongly argue that the star at the center of the flag should be removed. For him the plain green, yellow and red flag a symbol of freedom and unity' and he is uncomfortable that what he considered as a symbol of 666 is inserted in the flag. The other informants however maintained the emblem should be in the flag since it symbolises equality among different communities. The civil servant stressed that he did not want to see a flag without the current emblem in the middle'. The journalist/activist was indifferent about the national emblem in the middle of the flag. For him, a flag is simply a piece of garment. What matters is the meaning attached to it. It makes little difference to him whether or not the national emblem is in the flag. The survey shows relatively strong support for changing the national emblem with 55 percent of the respondents supporting the idea as compared to 30% of the respondent who is in favour of maintaining the national emblem.

## **4. Article 8**

The informants were divided on whether or not Article 8 should be kept or amended. The farmer and the businessman have misgivings that the constitution is blind to individual citizens and recognises the sovereignty of ethnic groups. The businessman said 'I think this article was written for thieves. After being engaged in corrupt activities, many thieves hide behind their ethnicity and claim that they are targeted because of their ethnicity. This is mainly because of provisions like this. The civil servant and the journalist/activist do not see a problem in the formulation of Article 8. The civil servant said 'in the past we were not considered as a people, we were not having any sovereignty, even we were considered as uncivilised'. Now I am recognised as a Hadiya I have the right to elect and be elected.

### **5. Federal working language**

The informants were once again divided on the issue of whether there is a need for an additional federal language. The businessman and the journalist/activist were for recognising Afan-Oromo and other languages as a federal working language. However, the businessman wants to stress that it will be very difficult to prepare all official documents in all federal languages. The journalist/activist also thinks Afan-Oromo is well developed and millions of people speak it and should be a federal language. The civil servant and the farmer are against the idea of introducing another federal language. The farmer said additional federal language would lead to a waste of time and money. He added Amharic is enough for Sidama to communicate with Oromo, Afar, Tigre, Amhara or Hadiya and vice-versa. The survey shows relatively strong support for maintaining Amharic as the only federal working language with 65% of the respondent opposing the introduction of another federal language as opposed to the 30% who supported this proposition.

### **6. Ethno-territorial Arrangement**

All informants strongly argue that the ethno-territorial arrangement has brought lots of problems and should be replaced by a geographical arrangement. One informant said this aspect of the constitutional arrangement needs fixing. He added no community has faced more challenge as Hadiya because of the current territorial structure.

'Our zonal administration is too far from our town, Shone. We would have liked to have a zonal administration in Shone. But due to ethno-territorial arrangement we travel many kilometers to Hosana. If it were not based on the ethnic arrangement we could have gone to nearby zones like Halaba, Durame, or Soddo for our social, political, and development or economic purposes. For me, we should have to be re-organised based on geography.'

The farmer, the businessman, and the journalist/activist shared the above sentiment and repeated the story of Shone.

The survey also shows a similar sentiment towards the ethnic-based territorial organisation of the country. Close to 70% of the respondents disagree with the proposition that the current sub-national territorial arrangement, which is predicated on ethnic settlement patterns, should be kept unchanged as opposed to the 21 percent who supported the proposition. Yet again 70% percent of the respondent also want the federal system to somehow cater to the ethnic diversity of the people.

## **7. Article 39**

All informants, save for one, are in favour of having Article 39 repealed, except indeed Article 39(2). For the farmer, the entire provision must be removed. The businessman said one who drafted this provision should apologise to the public. The journalist/activist was the view Article 39(2) was good provision. He added even 39(4) 'okay'. The absence of such a provision does not guarantee that no part of the country would secede. There is no secession clause in the Sudan constitution but South Sudan seceded from Sudan. The survey also shows a similar sentiment. Some 64% of the respondents opposed the suggestion to amend Article 39(2) of the constitution while 82 percent of them supported the proposition to amend Article 39(3). And 94 percent of the respondent said Article 39(4) - the secession clause - should be repealed.

## **8. Ethnic parties**

All informants reported that establishing ethnic-based political parties should be banned or should be prohibited by the constitution. The civil servant said

'I think the organization of political parties directly emanates from the constitution. This has its own pros and cons. It highly hinders patriots or nationalists and paves the way for ethnic nationalists. You know due to the revival of ethnic nationalists the love we have for our country is decreasing from time to time. You know we start to think only in terms of our local and our ethnic group. Thus, for me this part of the constitution needs amendment. Even in my view, I need a presidential system rather than parliamentary one. You know currently, we are following a parliamentary system with a ceremonial or nominal president. But I prefer to have a presidential system like America or other nations in the world.'

The farmer was also of the view that political organisation based on ethnicity was not good for Ethiopians. He preferred for a presidential system to a parliamentary one. He also wants ethnic parties to be constitutionally banned. The businessman and the journalist/activist also held the same view on the matter.

The survey also shows that there is strong support for constitutionally banning the formation of political parties along ethnic lines; over 90% of the respondents supported the

idea of doing so. The same percentage of the respondents support the idea of constitutionally requiring political parties to have a multi-ethnic membership.

### **9. The Status of Addis Ababa**

All informants were asked about the status of Addis Ababa and reported that it is a city for all Ethiopians and should not be given to a single ethnic group. Instead, they argue that it should continue as it is, under the federal government. The survey also shows that over 86 percent of the respondents oppose any change in the current status of Addis Ababa as a federal city.

## **III. OPPORTUNITIES, CHALLENGES, AND WAY-OUTS**

### **1. Opportunities**

All, save for one informant, who was asked whether there is a conducive ground to amend the constitution responded in the affirmative. The farmer said 'we have elected our government 'and this has created a conducive environment. The businessman said, 'we have the prime minister accountable to its citizens, the Ethiopian people desire a constitutional change. It is thus conducive to making a constitutional amendment. The journalist/activist had also a similar sentiment. However, the civil servant was of the view that it was not to amend the constitution. The economic situation (inflation) and the war in the north need to be addressed before one talks about a constitutional amendment.

### **2. Challenges**

The civil war and mistrust among different political actors were mentioned as possible challenges that can hamper a constitutional amendment.

### **3. Way-out**

All informants have mentioned different possible best approaches/mechanisms to successfully amend the constitution. The civil servant said there is no reason to rush a constitutional amendment. We have to give sufficient time for public consultation.

# HAMER

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## I. INVESTIGATING THE POPULAR DEMAND AND FACTORS

### 1. Whether the FDRE Constitution should be changed (revised or amended)

Nearly all informants, who include a PP member, a state official, a teacher, and a member of the state militia, responded that the constitution should be changed. The informant from the PP said the constitution needs amendment since the community, the Hammer, a predominately pastoralist community, did not benefit in terms of development in the country. The state official said the constitution was designed by the EPRDF to cause the disintegration of the country. It is a document designed to encourage division than unity. It thus needs to be amended. The teacher likewise said people are increasingly being resentful of the constitution, it has lost its legitimacy and there are parts of the constitution that a large section of the people do not accept. An HoF member stated that the provision allowing secession should be amended. The militia man said 'I am personally a part of the executive organ of the zonal government. I do not however feel the constitution represents me. The people have a strong desire for change. There is no reason that a constitution will not be amended.'

### 2. Amendment or revision?

All informants replied that the constitution should be amended and not completely changed so that, as the PP representative put it, to ensure that pastoral communities are included. The teacher also said the constitution should be amended by taking into account the country's current reality. The HoF members also said the constitution has several useful provisions and only a few bad provisions. Amendment will fix the problem.

A survey conducted in the research area shows that over 90 percent of the respondents claim to be familiar with the constitution (25% 'very much familiar') and 83% disagree with the proposition that the constitution should remain unchanged implying that they want to see a constitutional change. A constitutional amendment, which is supported by 91% of the respondents is the most preferred form of a constitutional change as opposed to a constitutional revision.

### 3. Expected disagreement

The PP representative said Article 39 will be a controversial issue when the issue of the amendment is tabled for debate since there are many who are in favour of retaining the secession clause. The state official, the teacher, and the militia expressed their fear that

politicians, ethnonational groups and parties, opportunists, and some interest groups may not agree with any initiative leading to the amendment of the constitution.

#### 4. Level of optimism

All of the informants replied that they expect the final product of the amendment process would reflect the desire of the public at large. This is mainly because the public in general and the Hammer community in particular has expressed its desire for a constitutional amendment. The survey also shows that over 75% of the respondents expect the constitutional amendment to result in the kind of a constitution they would like to see adopted. Most of the informants noted that the constitutional amendment process alone will not address their concerns. The teacher said that simply amending the constitution does not mean a positive change will happen automatically. It needs time and hard work. The HoF members stated a constitutional amendment should be supported by the right kind of economic and social policies. The militia and the state official in contrast believe that the constitutional amendment will bring massive change since the people will make more demands for democratic and economic inclusion. The state official said our current problems are caused by the constitution and its amendment will strengthen our unity and brings about trust.

## II. PROVISIONS FOR AMENDMENT

### 1. On the general dimensions

The Ethiopian federal system, which is predicted on accommodating ethnic differences, is the most debated constitutional issue in the country. Whether and how the federal design could be revised has been discussed extensively. The respondents in Hammer were thus requested to answer some general questions regarding the federal system and their responses is summarised in the table below.

**Table 42 Respondents attitude towards the overall federal system (Hamar)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	-	8	8	67	8
There is no need to take ethnicity as factor in the country's constitutional (%)	-	25	-	50	25



Federalism is too divisive and leads to conflicts; there is no need to any form of federalism(%)	-	58	-	17	-
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As can be seen in the table above, 74% of the respondents are in favour of a federal design that somehow caters to the ethnic diversity of the Ethiopian people. A bit inconsistent with the above view 75% of the respondents think there is no need to take ethnic diversity as a factor in the country's constitutional design. Close to 60% of the respondents subscribe to the notion that a federal system, its design regardless, is divisive and should not be implemented in the country.

## 2. Preamble

Nearly all informants, except one, strongly argued that the preamble especially the phrase '[w]the nations nationalities and people of Ethiopia 'should be removed from the constitution. The PP representative also said that the phrase 'rectifying historically unjust relationships 'is problematic since it has led to those who were perceived to be past oppressors being preyed upon by ethnonationalism. For the state official, the problem with the constitution begins with the first phrase of the preamble which, according to him, aims to divide the Ethiopian people along ethnic lines. The teacher, militia man, and member of the HOF had a similar sentiment about the preamble of the constitution.

## 3. National Emblem

All informants, save for the PP representative, strongly argue that the star at the center of the flag is irrelevant and should be removed. The PP representative said even though he did not have an 'in-depth understanding of what a nation should look like, he was of the view that the national emblem should not be changed. The government official was the view the plain green, yellow and red colour only is sufficient and there is no need for an emblem in the flag. The teacher, the militia, and the HoF member expressed similar sentiments toward the national emblem. The survey shows a division among the respondents on the issue of the national emblem even if the majority (57%) support the removal of the national flag.

## 4. Federal working language

All informants noted that Amharic is enough and no need to add other languages as a federal working language. The state official said: 'Amharic is spoken by the Oromo, Tigray, Afar, Somali, and other ethnic groups. The Amharic language already connected every ethnic group. Even the constitution is originally written in Amharic. The Amharic language is enough to be the official language.'

The rest of the informal also maintained that Amharic should remain the only federal language giving a similar justification as the state official. The survey does not show a similar consensus among the respondent on introducing additional federal language. Indeed the majority (58%) are in favour of retaining Amharic as the only working language of the federal government. However, a significant portion of them (41%) support the idea of introducing an additional federal language.

## **5. Ethno-territorial Arrangement**

All informants firmly argue that the Ethno-territorial arrangement has brought lots of problems and should be replaced with a geographical arrangement. The teacher, for instance, said 'the ethnic-based federalism should be changed; we should go back to the previous state arrangements. The country was divided geographically into provinces (Kiflehager). Individuals did not care about ethnicity. The previous regime emphasized geography in order to strengthen Ethiopian identity. 'The HoF members stated that territorial arraignment is the source of all the problems in our country. The militia man also stated the ethnic aspect of the federal system was 'dangerous'. The survey shows a smilier sentiment towards the sub-national territorial arrangement which is based on the settlement patterns of ethnic communities: 75% of the respondents disagree with maintaining the current territorial organisation of the country. Yet 74% of them also hold the view that the federal system should somehow accommodate ethnic differences.

## **6. Article 39**

Nearly all informants argue that article 39, especially 39(4) (the secession clause) should be totally removed from the constitution. The state official said 'the whole Article 39 is unnecessary and nationalists, such as *'Ari Shekel', who label everyone who is not Ari as new comer,* are borne out of it. The teacher had a more nuanced view of Article 39. He said the recognition of a community's right to use one's own language and develop one's culture is good. The right to self-governing is also good. The secession clause is however the 'worst provision 'in the constitution.

The survey also reflects the above sentiment. Over 72 percent of the respondents support keeping article 39(2) as is. The respondents are divided on Article 39(3) with close to 60 percent supporting the idea of amending this specific provision while 40 of the respondents maintain that the provision should be kept as is. There is almost a consensus among the respondents that Article 39(4) should be repealed: 99% percent of the respondent support the idea of repealing this provision.

## **7. Ethnic parties**

All informants responded that establishing ethnic-based political parties should be banned or should be prohibited by the constitution. The state official said

‘We don’t need ethnic-based political parties. In my view, in Ethiopia, only three political parties that base on Ethiopian national identity are enough. These parties should engage in bringing development and democracy to the people. They should emphasise new ideas and ideologies. Parties should have names like “Ethiopian people’s party” or “Ethiopia’s change party”. Currently, the prosperity party is a good example. How on earth does some ethnic group party concerned about other ethnic groups.’

The teacher said ethnic political parties cannot exist in a federal system that is not organised along ethnic lines. Thus, according to the teacher, the root of the problem is in the federal system being linked to ethnicity. The HoF member called ethnic parties ‘machines that incubate hatred and mistrust among the people ’and thus should be banned. The survey likewise shows strong support for banning ethnic-based political parties with over 74% of the respondents support the proposition to do and 73 percent of them are of the view that the constitution should require political parties to have multi-ethnic memberships.

### **8. The Status of Addis Ababa**

Nearly all informants expressed their view that Addis Ababa is for all Ethiopians and should not be given to any single ethnic group. Instead, they argue that it should continue as it is, under the federal government. As far the state official was concerned, not only Addis Ababa but also cities, such as Hawassa, which have multi-ethnic residents, should be administered by the federal government. The militia man blamed the constitution for the confused status of Addis Ababa. He added :‘Addis Ababa is the capital city of all Ethiopians. If we give Addis Ababa to Oromia, where will be the seat of the federal government? What will be the capital city of Ethiopia? This problem is also an extension of ethnic political problems. Addis Ababa should be administered by the federal government.’

There is a consensus among the respondents in the survey on the status of Addis Ababa: 100% of them oppose any change to the current status of Addis Ababa including making it an autonomous regional state or putting it under the jurisdiction of the Oromia state.

## **III. OPPORTUNITIES, CHALLENGES, AND WAY-OUTS**

### **1. Opportunities**

All of the informants under consideration here, save for one, are of the view that there is no conducive environment to amend the constitution. The HoF member said ‘there are

instabilities in many parts of the country including Tigray region, some parts of Oromia region, South Omo (Jinka). There is a palpable sense of insecurity. Given this context, one cannot claim that there is a conducive environment for a constitutional amendment. The militia man differed from the rest of the informants on this specific issue.

‘This constitution is older than 30 years. The people have witnessed the consequence of this constitution. The Ethiopian people clearly understand the goal of this constitution. We are still fighting one another. The current war in Tigray is borne out of the constitution. In addition, the incumbent government is open to bringing change. Besides, competing political parties are part of the government currently. They are given ministerial powers. Hence, the government has other party representatives that can work on behalf of the government.’

## **2. Challenges**

All informants, except the PP representative, mentioned potential challenges that may hinder the amendment process: For the state official, it is the dissemination of false information. For the teacher, the challenge is a potential lack of consensus among the political parties. The HoF member expects strong opposition to the amendment of Article 39. The PP representative is however rather optimistic. This is simply an amendment that is being suggested and not a complete revision. It will not thus face insurmountable challenges.

## **3. Way-out**

All informants have mentioned different approaches/mechanisms to successfully accomplish the amendment process. Their suggestion revolved around ensuring genuine public participation and preventing the possibility of anyone section of the social feeling claiming to have been excluded from the amendment process. Indeed ensuring the rule of law, and maintaining peace and security were also mentioned by the informants.

### **I. INVESTIGATING THE POPULAR DEMAND AND FACTORS**

#### **1. Whether the FDRE Constitution should be reformed**

Most of the Harari survey respondents claim to be familiar with the current constitution. More specifically, 91.67% claim to be “somewhat familiar” with the FDRE Constitution. The Harari respondents’ opinion on whether the FDRE Constitution requires reform is divided, with 41.67% of the survey respondents “agreeing” and 8.33% “strongly agreeing” that the current constitution does not require reform.

#### **2. Amendment or Revision**

From the respondents’ answers to the above question, one can infer that the existing constitutional framework has a considerable degree of legitimacy among the Harari. One Harari respondent pointed out that the Constitution represents the equality of nations, nationalities, and peoples. It is, therefore, no surprise that, in the event that a constitutional reform process was to be initiated, almost all of the Harari respondents prefer an amendment rather than a revision. Only 8% of them “disagree” with amendment.

#### **3. Expected Disagreements**

The issues that are mentioned as controversial mainly pertain to the “ethnic” provisions of the Constitution – the provisions that this report also focuses on – confirming that these are the most contested ones. More specifically, the constitutional provisions related to the flag, Article 39, and inter-regional boundary issues are raised by the Harari respondents in the qualitative interviews.

Respondents also mention that selected articles should be amended to take stock of societal dynamics and changes and suggest the Constitution should also be used to address the socio-economic challenges the country is facing.

Hence, almost all of the respondents advocate for the amendment of specific articles but underscore that a complete overhaul of the existing constitution would not be acceptable. This also implies that the respondents advocate for constitutional amendment pursuant to the constitutionally prescribed procedure.

#### **4. Level of Optimism**

The Harari respondents are relatively optimistic about the prospects of a constitutional reform process leading to a widely accepted and adequate (i.e. an effective) constitution (the survey data indicates that 67% of the Harari respondents are optimistic in this regard). Although they acknowledge that the political, social, and economic challenges the country is facing may create difficulties for a constitutional reform process, the Harari respondents are also optimistic that these challenges can be overcome. In this regard, they mention the Harar Region as exemplary since the region has a history of peaceful cohabitation between different ethnic groups, including the Amhara, Oromo, Somali, and Harari.

#### IV. PROVISIONS FOR AMENDMENT

##### 1. General Dimensions

The survey data (presented on the table below) shows overwhelming support among the Harari respondents for a federal system that caters to ethnic diversity. It is, therefore, not surprising that little support can be found for the opinion that there is no need to consider ethnicity as a factor in the country’s constitutional order. Let alone ethnicity, the survey data leaves no doubt that there is no support for a return to a unitary system of government.

**Table 43 Respondents attitude towards the overall federal system (Harari)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate	8%	/	/	58	33
There is no need to consider ethnicity as a factor in the country’s constitutional order	/	67	8	17	8
Federalism is too divisive and leads to conflicts; there is no need for any form of federalism	4%	42	8	/	/

##### 2. The Preamble

The Harari respondents point out that the preamble rightly recalls a history of ethnic discrimination and marginalization. They value this because they believe that acknowledging past realities is necessary for coming to terms with them, achieving inter-ethnic reconciliation, and laying the groundwork for a peaceful and stable polity; learning from the past to build a better future, as respondents put it. The importance of forward-looking attitudes based on the preambular references to a history of inter-ethnic interaction and shared interests is also emphasized; the future of Ethiopia needs to be based on inter-ethnic trust and respect, an idea evoked by the preamble.

##### 3. The National Emblem

The Harari respondents almost unanimously favor a continuation of the current emblem because it represents the diverse nations, nationalities, and peoples. According to the proponents of the existing national emblem, the emblem represents the equality and freedom of all Ethiopia's ethnic groups, and it evokes an inclusive national identity. The ones who oppose the current flag and want to keep the colors but delete the emblem are designated by the proponents of the current flag as "Amhara extremists" or "Abyssinians", who want to restore a unitary and assimilationist past, a scenario strongly opposed by the Harari respondents. Survey result shows that 92% of Harari respondents either strongly oppose or oppose national amending national emblem.

#### **4. Article 8**

The Harari respondents in the qualitative interviews did not reflect on Article 8.

#### **5. Federal Working Language**

Harari Respondents nearly unanimously advocate an amendment of the constitutional provision designating Amharic as the sole federal working language. 91% of Harari survey respondents advocate additional federal working language so the future amendment should take this into account.

#### **6. Ethno-Territorial Federal Structure**

The Harar respondents support the current ethno-territorial arrangement. The survey data indicates that 41.67% of the Harari survey respondents "agree" and 16.67% of them "strongly agree" that the current ethno-territorial federalism should be kept intact. Yet, it is also notable that 16.67% have a neutral attitude towards the matter.

#### **7. Article 39**

As one could expect, the majority of the Harari survey respondents "oppose" (41.67%) or even "strongly oppose" (25%) an amendment to Sub-article 2 of Article 39, which grants language rights and cultural rights to nations, nationalities, and peoples. Nonetheless, 25% of the Harari respondents "strongly support" an amendment to this provision, which is a much more surprising outcome. The latter opinion could not be found amongst the Harari respondents in the qualitative interviews, who unanimously supported the current provisions of Article 39(2).

**Table 44 Whether and which dimensions of Article 39 should be amended (Harari)**

	Strongly oppose	Oppose	Neutral	Support	Strongly support	I don't know
Sub article 2 of Article 39 which gives nations, nationalities, and peoples language rights and cultural rights should be amended (%)	25	43	/	8	25	
Sub article 3 of Article 39 which gives nations, nationalities, and peoples the right to territorial autonomy should be amended (%)	25	33	8	25	8.33%	
Sub article 4 of Article 39 which gives nations, nationalities, and peoples the right to secede should be amended (%)	16.67%	33	8	17	17	8

The survey data reveals a very similar opinion of the Harari respondents on the third Sub-article of Article 39, which grants the right to territorial autonomy to nations, nationalities, and peoples. Although a sizable majority support this article (with 25% strongly supporting and 33.33% supporting it), more than 30% of the respondents nonetheless advocate an amendment to it.

Harari's opinion on the right to secession, incorporated into Sub-article 4 of Article 39, is divided, although it seems to incline towards a constitutional status quo in this regard.

## **8. Ethnic Parties**

The Harari respondents in the qualitative interviews favor a constitutional ban on ethnic-based parties. They argue that the existence of ethnic-based parties has negative ramifications for people belonging to minority communities and for people with mixed ethnic heritage. These parties have a negative impact on Ethiopia's unity, and political parties should rather focus on national interests, on the interests of the Ethiopian citizenry. Although the survey data also shows that 25% of the Harari respondents strongly agree with a constitutional ban on ethnic-based parties, most survey respondents (58%) have a neutral attitude towards the issue while 25% "strongly agree" and 17% "disagree" with changing the status quo.



## 9. The Status of Addis Ababa

The Harari respondents in the qualitative interviews unanimously reject the option of Addis Ababa becoming a separate regional state, but rather support a joint administration of the city by the Federal and Oromia regional state governments. The survey data confirms that such a joint administration is the preferred option of the Harari respondent as the table below shows.

**Table 45 On how Addis Ababa's status should be changed (Harari)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Addis Ababa should be a separate regional state in the Constitution	/	100%	/	/	/
Addis Ababa should be jointly administered by the Federal government and Oromia regional state	/	/	11.11%	55.56%	33.33%
Addis Ababa should be part of Oromia regional state in the Constitution	/	55.56%	11.11%	22.22%	/

## V. OPPORTUNITIES, CHALLENGES AND WAYS OUT

### 1. Opportunities

Nothing was mentioned in the qualitative interviews.

### 2. Challenges

The respondents point out that the multifarious problems currently afflicting the country (including lack of peace and security, religious tensions, as well as serious socio-economic problems) may create impediments to a constitutional reform process.

### 3. Ways out

Nothing was mentioned in the qualitative interviews.

### I. INVESTIGATING THE POPULAR DEMAND AND FACTORS

#### 1. Whether the FDRE constitution should be changed

The survey participants of Kafa community stated that 96% of them are “somehow familiar” with the constitution while the rest of them said they are “very much familiar”. Likewise, none of the interview participants said they were not familiar with the constitution. Based on this familiarity, 81% of respondents agree the constitution should be changed, of which 51% of them showed their support by saying “strongly disagree” and 30% “disagree”. Only 15% respondents want the constitution should remain intact and 4% are neutral.

Likewise, the majority of informants from the Kafa ethnic group said that the current Ethiopian constitution has to be changed (revised or amended). Stating their reason, some of them believed that the current conflict in Ethiopia is generated by some provisions of the Constitution that unnecessarily entrench ethnic competition and conflict. For example, some articles in the constitution articulated to give the regional states sovereign state powers including regional police, regional special force, and regional flag, and at various times the question of being an independent regional administration and its establishment practically results in a conflict. Therefore, to solve such problems the intended constitutional change is important and it solves such specific security problems. Another informant’s reason for the need to change the constitution is because the current constitution was developed and approved by a specific political group that has their own political interests as well without the necessary genuine people's participation and without getting the acceptance of the community at large. Thus, to have the constitution of all and for all having a constitutional amendment is important. Additionally, the informant believed that the constitution has several hidden and unclear articles that were and will be the source of conflict in the country. For example, the informant noted article 39 sub-article 4 of the constitution that talks about “self-determination up to secession” as the source of conflict through promoting the dominant and undermining the minors in the country and it hinders the country’s sustainability by disregarding the sense of ‘Ethiopianness’. He also believed that the current constitution did not guarantee the country’s unity and promotes separation. As a result, the informant highly recommends a constitutional amendment. An informant who was familiar with the constitutional process back in the early 1990s stated the people gave several comments on the constitution, but the cadres of the time imposed all and approved it as they wanted without incorporating the will of the people. An informant who is a member of an opposition political party in Kafa stated,

Yes I do want it to be changed. Since the document was ignorant of public ideas, comments, concerns and issues. Though there was a hot, inclusive and participative public discussion throughout the country those stages were just to endorse their politics and for reporting purpose. They couldn't include single ideas of the people and they just put their own articles forcefully. Even there were various articles that had ideas totally refused by the majority. Though the approach was very good and it was quite open for public dialogue, yet the discussions were just for show up purposes and in my opinion the core concerns and ideas of the people were overlooked and left out. Thus in order to incorporate our concern and to alter those articles which lead our country for today's mess it should have to be changed.<sup>78</sup>

There was one informant however ho is against any change to the constitution. He stated,

Since am working on the Fm radio we were gathering information about the constitutional articles within our community and most of the people denies the constitutional change. Especially, after the reform by organizing and gathering information from country wide Medias we tried to probe the people through interviews from different segments of our community, (especially from our elders and well experienced individuals) and I as mentioned before the thought of the people is to preserve the constitution as it is. My idea is not also different from this, in my understanding it was designed by highly skilled and well experienced intellectuals and almost all the issues within the constitution are very important. Even the most argumentative and known article which is article 39 with the idea of secession is quite vital and inconsiderate of the peoples interest and it has to be retained as it is. The problem is not the constitution rather it our thought, attitude and knowledge that leads us to disagreement and conflict. It is our understanding and attitude that have to be changed rather than the constitution. Every problem, conflict, disagreement and mess within our country is emanated from our awareness and negative thought than the articles of the constitution which are very clear and relevant. Thus, it has to be reserved as it is.<sup>79</sup>

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<sup>78</sup> Kafa, 28/08/2014, Name: Mr. Bogale Haile Opposition party: Kaffa democratic party, Place of residence: Woreda or City administration: Kaffa, Bonga, Age: 59 Sex: Male Ethnicity: Kaffa Educational Status: Masters Marital Status: Married Household size: 8 Occupation/responsibility: College teacher Year of service in one's responsibility: 37 years Mother tongue language(s): Keffinono Additional language(s): Amharic and Oromifa

<sup>79</sup> Name: Tajeto Kebede Place of residence: Woreda or City administration: Kaffa, Bonga Age: 32 Sex: M Ethnicity: Nao Educational Status: Diploma Marital Status: married Household size: 3 Occupation/role/responsibility: gov't employed Year of service in one's responsibility: nine years Mother tongue language(s): Nao Additional language(s): Kaffinono, Amharic, & Bench

## **2. Amendment or revision?**

As to the survey result, 96% of the informants are in favour of amendment instead of revision. Likewise, all informants who proposed change proposed for amendment instead of revision. The reason for all of them is that the constitution has important provisions that need to be kept intact. It suffices to cite an informant argued at length, as below, and his argument is shared by all informants from Kafa.

Amendment is necessary. Some of the provisions should be kept and some of them needs to be changed and dropped. For instance, the constitution gave equality for the nations and nationalities of the country. But some of them needs to be either amended or totally dropped. For example, Article 39 (4) needs to be scraped from the constitution. Some provisions like the provisions that deal with land also need to be implemented effectively. The constitution says that land is not for sale, but the practice is in contrary, as wealthy individuals and politicians are selling land. Another area that needs clarification is the issue of regional Special Forces. There seems to be a ambiguity on whether the constitution allows regions to organize their own special forces or not. Currently, regional states are amassing large special forces at their disposal that can be used against the state/government itself, like TPLF did. Putting the territorial integrity of the country at risk. Therefore, the constitution should clearly put a restriction on power of regional units. The issue of tax and income distribution have to be clearly also dealt in the constitution to avoid conflict and misunderstanding.<sup>80</sup>

## **3. Expected disagreements**

According to survey results, 93% of survey respondents anticipate a disagreement about the issue of constitutional change. Likewise, all informants anticipated challenge. They believe most of the challenge would come from politicians promoting extreme positions. For instance, an informant said,

For instance, if we are to amend the major spirit of the constitution that clearly gave the ultimate power at the hands of nation and nationalities, the majority of Ethiopian politicians will disagree on it all because of their dependency on ethnic politics and its fruits. I call these politicians of the countries as ‘political-entrepreneurs’. Their survival is based on the presence of ethnic-politics, therefore,

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<sup>80</sup>Kaffa interview code 02, Place of residence: Wereda or city administration- Kaffa zone/Bonga Age- 35 Sex- M Educational background- MBA Martial status-Married Household size- 3, Occupation/role-Representative of Prosperity Party, Years of service- 1 yr Mother tongue language/s- Kaffgna Additional language/s- Amharic)

as soon as this thing is up there open for discussion for amendment, they will strongly dispute it. All the conflicts in the country based on identity and religion are the artificial creations of these parasitic politicians.<sup>81</sup>

Informants stressed the disagreement is at the level of politicians and not the public. An informant stated, “The people will not disagree on the notion of amending the constitution, but the politicians do. Politicians will try to oppose the amendment because it will allow them to use it for their personal interest. Politicians will oppose if article 39(4) is to be amended, as they believe they can use it for their advantage by giving the state an ultimatum, in doing so, they can benefit themselves. If ethnic-politics is also to be banned, politicians who are making a living out of it for sure will oppose.”<sup>82</sup>

Informants also mentioned that religion can be bedrock for generating disagreement. In addition, another informant dictates about the disagreement due to religious differences. Additionally, the informant also said that there is disagreement on the constitution among the politicians at various levels. This informant also added that there is also some disagreement among different ethnic groups at various times across the country. This informant also recommended two things, as the solution to the disagreements. One is that giving the necessary job employment regardless of their ethnic background and second, giving political position only based on academic merit and personal skills without considering the person’s ethnicity.

#### **4. Level of optimism**

The answer by most of the informants for the question whether the constitution amendment would satisfy the desire of the public is qualified. According to them, if the approach is participatory and open to incorporate the idea of the people, it will address the desire of the majority public. Besides, the amendment should be made based on reason and study rather than the whim of politicians. Yet, whatever transparent the process maybe, it cannot satisfy the desire of all the people. Even if it is difficult to have the constitution that addresses 100% the needs of all, it is good to try to work hard to have the constitution that addresses the needs of the majority and through narrowing the existing gaps.

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<sup>81</sup>Kaffa interview code 01, Place of residence: Wereda or city administration- Kaffa zone/Bonga Age- 47 Sex- M Educational background- MSc Martial status-Married Household size- 4 Occupation/role- Teacher, Years of service-27 years, Mother tongue language/s-Amharic Additional language/s- )

<sup>82</sup>(Kaffa interview code 02, Place of residence: Wereda or city administration- Kaffa zone/Bonga Age- 35 Sex- M Educational background- MBA Martial status-Married Household size- 3, Occupation/role- Representative of Prosperity Party, Years of service- 1 yr Mother tongue language/s- Kaffgna Additional language/s- Amharic)

According to survey responses, 60% of respondents are optimistic that the constitutional amendment would address their desire. But, 19% optimistic who answered “no” and 22% said “I don’t know.” Informants stressed that if the amendment process follows the past bad trends, which were not given due attention to people’s comments and feedback, the result may be the same, having the constitution that will result in the same problems. On the other hand, if we follow new trends that focus on the people’s interests we would have a good constitution. The constitution will help solve major, if not all problems. An informant argued,

Even if it is hard to say the whole concerns in my opinion it will assist us to avoid our foremost current and future problems. Most of our problems were emanated from this document and our executives misunderstanding and misinterpreting of it. In addition, since identity had already been associated with land ownership, this concept lead us to say mine only and to discriminate and even to displace our own brothers because of their identity. For example, if you take Jimma the town was a homeland of various ethnic groups, there were Yem, Amharas, Tigrians, Gurage, Dawuro, Konta, Kaffa, Welayita, Sidama, Silte, Hadiya, Kenbata, etc. though I haven’t seen the exact number of each ethnic obviously each of them were significantly identified in a large number. Even I was also learned my high school level education in this town but now as we all know there are lots of problems for those who are non-Oromo ethnic groups. They already have experienced lot of worst difficulties of life because of their identity. Now a days they are living inconsistently, with full of fear, mistrusted life and there is always tension and mistrust. Not only this town we can see a lot of examples especially in Oromia, Somale, Amhara and Harari regional states. This constitution brought ethnic rivals, extrimist and is a major reason for all internal displacements and ethnic based conflicts. Now a day’s those things had limited internal freedom of movement for work, trade, visit, religious rituals etc... Thus, if there is a good chance to amend this document we will be able to solve these major problems of our country.<sup>83</sup>

The constitutional amendment/revision alone will not however address all concerns of the country. There are several parts of the constitution, which are believed to be good in principle. However, several implementation gaps created different problems in the country. Having only a good constitution by itself does not guarantee you in addressing your

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<sup>83</sup> Kafa, 28/08/2014, Name: Mr. Bogale Haile      Opposition party: Kaffa democratic party , Place of residence: Woreda or City administration: Kaffa, Bonga, Age: 59      Sex: Male      Ethnicity: Kaffa Educational Status: Masters      Marital Status: Married      Household size: 8      Occupation/responsibility: College teacher Year of service in one’s responsibility: 37 years      Mother tongue language(s): Keffinono Additional language(s): Amharic and Oromifa

concerns unless it is supported by good practice and implementation. Due to the failures of the political elites and other concerned government bodies, the country has been meeting several different problems. Therefore, the amendment by itself neither may nor address all the concerns unless it should be supported by an implementation.

## II. PROVISIONS OF AMENDMENT

### 1. General provisions

As to the questions that gauge how the Kafa research participants feel about the overall system of ethnic federalism, the findings of survey respondent responses are displayed in the table below. As we can see from the table, for the first statement “Some version of a federalism that seeks to cater ethnic diversity is appropriate”, 77% of Kafa respondents “agree” or “strongly agree” while 22% “disagree” or “strongly disagree” and 3% are “neutral”. For the statement, “There is no need to take ethnicity as factor in the country’s constitutional amendment”, majority of respondents again (59%) “agree” or “strongly agree” while only 36% “disagree” or “strongly disagree”. On the other hand, 59% respondents “disagree” or “strongly disagree” to abandon all forms of federalism for Ethiopia while a significant number of others also are against any form of federalism.

**Table 46 Respondents attitude towards overall federal system (Kafa)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	Don't know
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	11	11	0	33	44	0
There is no need to take ethnicity as factor in the country’s constitutional (%)	11	26	4	18	41	0
Federalism is too divisive and leads to conflicts; there is no need to any form of federalism (%)	22	37	7	11	18	4

### 2. Preamble

Many informants are of the opinion that the recognition given to nations and nationalities is important and should be kept. But, the historical injustice part should be removed as it is creating division and conflicts among the people. An informant stated,

The problem of the constitution begins from its preamble. Its spirit is very divisive and corners one ethnic group, language and religion. The emphasis on the nations and nationalities of the country is a good thing, but it doesn't know or represent Ethiopian citizens and peoples who are from mixed identities.

Therefore, it has to be amended in a way that creates a sense of ownership, unity and solidarity among the majority of the Ethiopian people. If the preamble is divisive and creates mistrust, then the whole document will not be accepted and cherished by the people. Therefore, if the Ethiopian people are to stand together and defend the constitution, then the amendment has to start from the preamble. It is important to recognize nations found in the country and the constitution did that, but gave too much emphasis to them only and forgot citizens. Therefore, it is imperative to amend it in ways that recognize the nations as well as citizens of the country. Regarding the ‘historical injustice’, I personally do not think that there were historical injustices that were perpetrated by specific group against nationalities in the country. The injustices were based on classes. During the feudal period, tenants in all corners of the country used to live a miserable life. Therefore, it is not appropriate to insert this divisive and ill-intentioned sentence in the constitution.<sup>84</sup>

An informant who has no positive understanding of the preamble, especially with the terms that say “We Nations, Nationalities, and Peoples of Ethiopia” discussed the following. According to this informant, who are the nations, who are the nationalities, and who are the peoples as this interpretation? On the other hand, he believed that this constitution targets technically separating the Ethiopian people and through the process creating disunited people in the country. As a result, the preamble of the constitution has to be amended to only “we the Ethiopian people” or “we Ethiopians”. According to this informant, everybody has to claim the ownership of land regardless of any ethnic boundary as an Ethiopian citizen only. The current constitution only gives legality for only the dominant ethnic group/s within the given region, zones, or districts. For example, in the Kafa zone, the indigenous ethnic groups are only three: Kafa, Nao, and Chara. However, there are several other ethnic groups. On the other hand, the current system even triggers divisions within Kafa. For instance, the ethnic Kafa has been divided into sub-categories based on their color and occupation. In this regard, there are Kafa (dominant and the superior) and the Manja (sub-classed as Castes). As a result, there were conflicts between these Kafa sub-groups. According to this informant, traditionally, there were no such strict and conflicting boundaries between the groups. Nevertheless, recently the serious antagonistic category was created, up to, by no means, not entering one's home and even supported by some formal organization. According to the expression by an informant, even dogs are free to enter everybody's home. But, the dominant Kafa do not allow the Manja into their homes

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<sup>84</sup>(Kaffa interview code 01, Place of residence: Wereda or city administration- Kaffa zone/Bonga Age- 47 Sex- M Educational background- MSc Martial status-Married Household size- 4 Occupation/role- Teacher, Years of service-27 years, Mother tongue language/s-Amharic Additional language/s- )



and vice versa. Due to this, the informant saw as there was a serious conflict and so many people died sometime in 1994 in the Ethiopian calendar. He believed that the current divisions and some forms of antagonism seen between different ethnic groups, political parties, and religious organization is the outcome of this constitution. Another informant argued,

It[Preamble] should have to be amended because it has its own problem. At first I doubt if they [drafters of the constitution] even have a clear understanding of the terminologies. What will be the problem if it had been said “we peoples of Ethiopia”? Who will raise a question? Aren’t we peoples of Ethiopia? What was the major reason to put it in this way? We all know there is diversity and it is not the unique feature of Ethiopia. There is ethnic and religious diversity. Within nations and nationalities also there are clan identities that have their own unique characteristics. Diversity and identification is unlimited and we all and the whole world have various identities that make us identified based on various features. Our differentiation is not only ethnic based there are also various futures which make us unique as individual and specific group. Though while we are arranging ourselves as citizens of a single country it important to bring features which lead us to unity rather than considering our diversity. Thus, this classifiable naming was unnecessary and no defining of our country Ethiopia. It only was written in this way just for their own discriminatory, classifiable, strategic and future hidden agenda. In order to align with their consecutive articles, that had similar distractive and argumentative concepts which were inserted for specific plans of their own future. Currently we also are hearing and looking what there hidden agenda was.<sup>85</sup>

Another informant invoked the idea of colonization

It [the preamble] should be amended. This was written specially to target a specific group as colonizers and the others as colonized. The word “unjust” in the preamble-did that injustice exit only in the past? There is also today. It may also exist in the future. Even that injustice that may have existed has existed in relation to governance. One cannot say a certain ethnic group exercised injustice over

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<sup>85</sup> Kafa, 28/08/2014, Name: Mr. Bogale Haile Opposition party: Kaffa democratic party, Place of residence: Woreda or City administration: Kaffa, Bonga, Age: 59 Sex: Male Ethnicity: Kaffa Educational Status: Masters Marital Status: Married Household size: 8 Occupation/responsibility: College teacher Year of service in one’s responsibility: 37 years Mother tongue language(s): Keffinono Additional language(s): Amharic and Oromifa

another. As usual it is obvious this statement was also inserted for a specific distractive purpose and it should be amended.<sup>86</sup>

A few informants, however, are against the amendment of the preamble. According to an informant, it all depends on how we understand it. The clause “We the Nations, Nationalities, and Peoples of Ethiopia” refers the “Ethiopian Peoples” as a whole. The informant believed that these Nations, Nationalities, and Peoples of Ethiopia are part of Ethiopia. Ethiopia is the result of these Nations, Nationalities, and Peoples mixture. Another informant added

Since the peoples of Ethiopia are ethnically, linguistically, religiously, culturally, as well as socially diversified, so, what is the problem with these terms “the Nations, Nationalities, and Peoples of Ethiopia”? However, the basic problem is not with the terms but rather with understanding. Even, there is a problem in understanding Ethiopia by the so-called “intellectuals”. So, what is the rationale behind the term Ethiopia? It needs direction on how we understand the term Ethiopia in this regard. If we agreed on this concept and the existence of those diversified peoples in Ethiopia, there is no problem with the terms in the constitutional preamble “the Nations, Nationalities, and Peoples of Ethiopia”.

Regarding the second concept of the preamble, which says “Fully cognizant that our common destiny can best be served by rectifying historically unjust relationships and by further promoting shared interests”, one of the informants has two ideas. The first one is that there were several bad sides to the history of the country. This might be emanated from the constitution itself or due to the pitfalls of the political leaders. The written documents that we have as ‘Ethiopian history’ might be difficult to accept as ‘Ethiopian history’. Ethiopia has a deep historical, linguistic, and cultural background, but the historical documents neglected it. Written history does not stand for the majority or many of the ethnic groups misrepresented in history. Thus, there were unjust histories in the country. For example, the common food in Ethiopia is considered as “Injera”, but there are several ethnic groups who have not known even what “Injera” mean by itself. So many ethnic groups prefer “Kocho” and others as their stable food, in Ethiopia. Another example is that in Ethiopia, the language that has the largest speakers is Afan Oromo, but it is excluded from the federal working language, which is only Amharic. However, in principle and in

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<sup>86</sup> Kafa, 28/08/2014, Name: Mr. Bogale Haile Opposition party: Kafa democratic party, Place of residence: Woreda or City administration: Kafa, Bonga, Age: 59 Sex: Male Ethnicity: Kafa Educational Status: Masters Marital Status: Married Household size: 8 Occupation/responsibility: College teacher Year of service in one’s responsibility: 37 years Mother tongue language(s): Keffinono Additional language(s): Amharic and Oromifa

many countries the numbers of speakers have the power to decide the federal working language.

Overall, the majority is in favor of a preamble that balances both unity and diversity, past and present.

### **3. National emblem**

For the Kafa informants, having another emblem in place of the current one, is not an option. The option is rather to have a flag with or without the current emblem. They are not in favour of another emblem in place of the current one. 37% of survey respondents “strongly opposed” or “opposed” removing the national emblem, while 44% either “support” or “strongly support” removing it. 15% are neutral and 4% don’t know.

From this point of view, those informants who are against the emblem raised different points. Some informants discussed that the three-colour Ethiopian flag without the emblem of any type is the symbol of freedom. So, the current emblem should be removed and only green-yellow-red flag should be used. An informant argued,

Our flag without the emblem at the centre is famous over the world and represents freedom. A lot of nations use the colours in their flags and people all over the world use it to symbolise the fight for freedom. Therefore, we also use the green, yellow and red without any additional emblem at the centre. As we all know the emblems come and go as rulers change through time, but the green, yellow and red has been here for centuries. There are some groups who try to associate the flag to one ethnic group and religion. But, we have to remember that our forefathers fought and died for this flag, therefore we have to keep their legacy and ambition. So, the current flag has to be changed.<sup>87</sup>

Another informant also reiterated almost the same idea as the above quoted, referring to history and symbolism of the Ethiopian flag of green-yellow-red colour.

As one of the ancient countries of the world, Ethiopia has a flag that existed for a long period of time. Related with our history of independence, our flag is taken as a symbol that signifies freedom and as a result adopted by different countries and movements. We are recently witnessing different conflicts regarding this issue. Therefore, I strongly believe that there are a lot of people who don’t like the current emblem, hence it should be changed. The people should be allowed

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<sup>87</sup>(Kafa interview code 01, Place of residence: Wereda or city administration- Kafa zone/Bong Age- 47 Sex- M Educational background- MSc Martial status-Married Household size- 4 Occupation/role- Teacher, Years of service-27 years, Mother tongue language/s-Amharic Additional language/s- )

to pick the emblem that they deem is representative. Then, possible conflicts based on emblem /flag will be solved once and for all.<sup>88</sup>

History often recurs to the argument of informants against the emblem. Informants our flag is one of the oldest in the world. But the emblems have been subject to changes as regimes come and go. The current one even though I do not accept it, I believe it would be less conflictual among the people. But, the government has to stop banning people from using the old as it is their right and our forefathers have paid their lives for it.<sup>89</sup> Once again to quote the leader of ethnic opposition political party leader:

It should have to be amended. As usual, the emblem has been an expression of an ideology of a certain political group in power. If we can look back to the period of Emperor Hialesilase I, the emblem was a lion of Judah. President Mengstu changed it with something that expresses its ideology, and so does REPRDF. What we can understand from this is that as a country, we Ethiopians have no national consensus an emblem which will not be changed with governments. For example, if you can see USA, the stars on the flag represents the states of the country and they increased in their number in relation to numerical changes of states in USA. Otherwise, there is no change with the stars as such. Similarly, our country Ethiopia should also have a national flag and emblem which will not be changed and related with specific political interest and ideology. The emblem should be unchanging; it should not be politically engineered and should also be reflective of the desire of Ethiopians. For instance the major three colours of the flag were constant through various governmental systems while the emblem was not. What if we only have the three major colours only without any additional decoration? In my opinion havening the original and historical flag without anything on it is advisable. Thus, I suggest removing the emblem and using only the three colours which are still graceful and sensational is essential and enough.<sup>90</sup>

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<sup>88</sup>(Kaffa interview code 02, Place of residence: Wereda or city administration- Kaffa zone/Bonga Age- 35 Sex- M Educational background- MBA Martial status-Married Household size- 3, Occupation/role- Representative of Prosperity Party, Years of service- 1 yr Mother tongue language/s- Kaffgna Additional language/s- Amharic)

<sup>89</sup>Kaffa Interview - code 03, Place of residence: Wereda or city administration- Kaffa zone/Bonga, Age- 33 Sex- F Educational background- MSc, Marital status- Married, Occupation/role- Stream officer at a college, Years of service- 3yrs, Mother tongue language/s- Amharic, Additional language/s- Guragign

<sup>90</sup> Kafa, 28/08/2014, Name: Mr. Bogale Haile Opposition party: Kaffa democratic party, Place of residence: Woreda or City administration: Kaffa, Bonga, Age: 59 Sex: Male Ethnicity: Kaffa Educational Status: Masters Marital Status: Married Household size: 8 Occupation/responsibility: College teacher Year of service in one's responsibility: 37 years Mother tongue language(s): Keffinono Additional language(s): Amharic and Oromifa

In addition to the historical significance of the having the flag without the current emblem, informants also argued that the emblem reminds of all about ethnicity and hides the national unity.

Other informants, who are minority, on the other hand are against amendment of the emblem clause in the constitution, which means they see it good to keep the current emblem. An informant stated, “The current flag and emblem reflects the unity and equality between the multiple nations of the country. There are a lot of individuals who favours for the old flag, but that will be unacceptable by a lot of people. So we should stick to the current one”.<sup>91</sup>

#### **4. Article 8**

Informants from Kafa have no objection about this provision except the clause on sovereignty of nations, nationalities, and peoples. While all informants agree on the rest of the clauses under this article, all of them disagree on sovereign right granted to ethnic groups under sub article 2. An informant strongly stated, “This provision is the main source of all evils of the country. The thinking behind this provision is that nations and nationalities are sacred, while human beings and citizens were supposed to be the ones who are sacred. Therefore, it should be avoided. But, the presence of nations in the country should be recognized and the ultimate power should reside upon the citizens.”<sup>92</sup>

An informant, a pensioner, is even critical of the expression of rights of nations, nationalities, and peoples through their representatives. According to him, said that the idea that talks about political representation are only the superficial part of the constitution since there was no true and trustful election held in the country. Additionally, the informant believed that there were no people’s representatives, but the representatives were political representatives and only worked for the party they represented rather than for the people. The informant took part during this constitutional approval in 1987 and thus, he knew well about the situation and said it was a false representation, which had no people acceptance. It was done only for their own political interest through deceiving the people. Similarly, another informant starts his discussion by asking the question that say “what it means sovereign power in the constitution? He also said that the article is confusing, and thus it needs interpretation of the basic concepts of the term. Whatever the case, the informant is

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<sup>91</sup>Interview Kaffa - code 04, Place of residence: Wereda or city administration- Kaffa zone/Kaffa , Age- 55  
Sex- W Educational background- Read and write Marital status- Married Household size- 2  
Occupation/role- House wife, Mother tongue language/s- Kulo (Dawuro) Dawuro living Kafa Zone  
Additional language/s- AMharic,Kaffgna and Oromiffa

<sup>92</sup>Kaffa interview code 01, Place of residence: Wereda or city administration- Kaffa zone/Bonga Age- 47  
Sex- M Educational background- MSc Martial status-Married Household size- 4 Occupation/role-  
Teacher, Years of service-27 years, Mother tongue language/s-Amharic Additional language/s- )

not favoring the continuity of this article. If sovereign power is given to every ethnic group, it creates confusion, conflict, and competition, rather than cooperation and so on. Therefore, this informant also recommends the amendment of this article 8 of the constitution and the sovereign power should be given to all Ethiopians regardless of their ethnic diversity. Alternatively, the sovereign power should be given to the federal ruling government to keep the unity of the country.

An informant, he supports the amendment of the sovereignty clause expresses his frustration, because it would no longer be possible to amend this of provisions because the consciousness of ethnic groups has already been very strong.

They [nations, nationalities, and peoples] became sovereign and now they have a sovereign territory to rule. This arrangement is rendering people who are living outside of their homeland as secondary Ethiopian citizens, violating the very basic Human Rights of citizens. But, changing this arrangement now will be futile, since having an exclusive region to rule has been entrenched in the country, removing it will be problematic. I fear the regions are more powerful than the federal government and a lot of civilians in the country will be subject to ethnic motivated attacks. But, in the long run the federal government should try and dissolve them. But, first it has to reduce the powers of the regional governments while strengthening its own.<sup>93</sup>

## **5. Federal working language**

The opinion of Kafa informants about having additional working language for the federal government is mixed. Many of them believe that Amharic is enough, others believe it is important to have additional language, and others have mixed belief, which is while they support additional language in principle, however, its implementation would be difficult and even more conflict triggering.

Those who rejected the idea of additional working language argued as follows. According to them, in fact, learning language is important and useful had it not been for political interference. But, when it comes to the working language of Ethiopia for the federal government, Amharic is the working language already, and should continue as the only working language of the federal government. First, it is economically expensive to have more languages as working language. Other countries may have adopted two or more languages as working languages, but adding other languages for Ethiopia will create an

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<sup>93</sup>Kaffa Interview - code 03, Place of residence: Wereda or city administration- Kaffa zone/Bonga, Age- 33  
Sex- F Educational background- MSc, Martial status- Married Household size- 4, Occupation/role-  
Stream officer at a college, Years of service- 3yrs, Mother tongue language/s- Amharic, Additional  
language/s- Guragigna

economic challenge on weak economy. Second, informants believe that Amharic is the only language that can bring together two individuals whose mother-tongues are not Amharic, i.e., it is the lingua franca. Other languages in Ethiopia do not have this capacity so, we should stick to Amharic. Third, using Amharic has a symbolic significance because the language uses indigenous orthography. Fourth, Amharic has developed more than other language. It has been a bureaucratic language since ea long time. Fifth, another major problem the government might face with this regards is, competition among languages/nationalities or imposition of one dominant languages over others at the expense of multilingualism. There are a lot of languages in the country, and if the country adopts some of them as working languages, then a constant competition among nationalities will be created which might transform into conflicts. Sixth, informants also doubt the feasibility of additional working languages at regional or federal levels. An informant stated,

The informant noted that the working language within the Kafa zone is “*Kafinono*” or Kafa language, but for reporting purposes, every work would convert to Amharic, since the working language of the region is Amharic. As a result, the workers of the zone prefer to work in Amharic rather than “*Kafinono*” from the beginning to avoid double work. This working language platform systematically hinders the local language to develop as it putted in the constitution. Thus, it needs systematic and legal support in the implementation of those languages.

Some regions may use different languages than that of the federal government, while some regions within the region use their own local language, which may be different from the regional working language. In such cases, there may be three or more working languages at different government levels such as federal, regional, and zonal (even sometimes at the district level). Therefore, to solve such cases, the constitutional amendment is crucial in considering this Multilanguage use in Ethiopia.

On the other hand, those who are in favour of having additional language argued as follows, and they are few in number. They often to resort to the fact that since the country has many languages, more languages should be added to the working language of the federal government. When informants are asked which languages they would like to see added, they mention Afan Oromo, Somali, Afar, Walaita, Sidama, Tigigna, and n informant suggested even English.

An informant recommended that about having Multilanguage not only at federal level, but also at each regional states (where there are many languages in the region) based on in the order of the number of speakers. The regional states that have many languages have to

declare at least three regional government-working languages based on the numbers of speakers as well as by considering the educational level of the language. Thus, since Ethiopia is a multiethnic and linguistically diversified country, having multi languages both at federal and regional level is logical and reasonable.

The survey data also shows that the majority are in favour of additional federal language. 41% of survey participants either “strongly oppose” or “oppose” having additional federal working language while about 55% are in favour. The rest “don’t know”.

## **6. Ethno territorial arrangement**

At this point as well, Kafa informants have a mixed opinion. Some informants saw the advantage of having ethnic-based territorialisation, because it would safeguard minorities and their resources. Yet, they are concerned with its implementation. Because of dualistic classification between the “owners” and “settlers”, this arrangement has generated ethnic based conflicts. Thus, there should be mechanisms for a better implementation where the rights of minorities can be protected while at the same time protecting the rights of “non-indigenous” groups too so without necessarily amending it.

On the other hand, more informants are in favour of amendment of this provision. They believe that this system is goes in line with Art 8 of the Constitution. An informant stated,

This system creates a problem, the problem being ‘restricting the free movement of people. People should be capable to move and reside in any place they deemed comfortable, but this issue threatened this basic right of people. The centuries old tradition of the people of Ethiopia is inter-ethnic marriages, forming social organizations that are inter-racial etc. But, this arrangement eroded these diversity friendly cultures in the name of preserving diversity among the people. So, the ethno-territorial arrangement should be changed in to geographical one.<sup>94</sup>

An informant also stressed,

Amending the contemporary ethnic-based territoriality is important to avoid ethnic conflicts as well as to allow every citizen to move and live anywhere across the country. For instance, there is Amhara ethnic group who came to Kafa during the 1977’s Ethiopian drought from the north. If it was within this regime, the system did not allow such settlement outside their regional states. If the land is given to the ethnic group by saying Kafa land, Bench land, and so

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<sup>94</sup>(Kafa interview code 01, Place of residence: Wereda or city administration- Kafa zone/Bonga Age- 47 Sex- M Educational background- MSc Martial status-Married Household size- 4 Occupation/role- Teacher, Years of service-27 years, Mother tongue language/s-Amharic Additional language/s- )



on, it did not accommodate the other ethnic group even during a crisis time like that of the past. Additionally, it creates and escalates the conflict between different ethnic groups that lived for a long time harmoniously with each other. During the past regimes, there were several people of different ethnic backgrounds who moved everywhere without having any fear or restriction across the country. Since the land is Ethiopian land and the peoples are Ethiopians, having a geographical-based territory is preferable for the second informant from Kafa. For instance, the second informant said that before the coming of this constitution, every graduated teacher was given placement across the country without having any job barrier. However, during the EPRDF regime, it became challenging to get job opportunities out of the region as well as out of your birthplace (out of your zone or district, especially if they are ethnically different). Therefore, the informant prefers geographic-based territory rather than ethnic territory.

Another informant also agrees with the amendment of this system. The informant has no faith in the ethnic-based territory. The ethnic-based territoriality may create the assumption of thinking of each ethnic-based region as an independent country. For example, the informant shared his personal experience during his BA degree study at Jimma University. He said that in the summer when he returns home his father asked him about dorm life, and he replied by way of complain “I am living with the students who came from Oromia, Amhara, Tigray, and SNNP *countries*. Immediately his father asked him a question that said, “How many countries do you have?” According to the informant’s explanation about his personal incident, his father replied to him that he went to university to know more, but you return home stupidly. For his father, Ethiopia is a single country, but for the university students, each regional state is assumed as a country. As for the informant's concern, the confusion resulted from the territorial system that is based on ethnicity. He knew nothing about ethnicity before his unity study, but he was well acquainted with ethnicity during his university life. Thus, to avoid such confusion, and to create a harmonious coexistence between different ethnic groups, the geographic territory is recommendable. He believed that the ethnic-based territorial system is anti for the sustainability of Ethiopia as a country. For him, among the several regional states in Ethiopia, the newly established South Western regional state and South Nations Nationalities and people’s regional state are relatively a model for coexistence as well as for supporting each other due to the regions set up on geographic territory rather than ethnicity. Having several ethnic groups within a single regional state is a resource, power, unity, and beauty for him. An informant stated,

It (ethno-territorial system) should have to be amended. It has brought a question of possession everywhere, and lead us to say my region, my city, mine only place and to displace others. With our low level of political

awareness having this kind of arrangement means letting the country to be miserable and fail down. It opened room for ethnic extremist and this couldn't fit and align with our culture. Our country had subsisted for this long in our Ethiopian feeling not on our ethnic based segmentation rather was based on our unbroken unity. Our regional or ethnic or even clannish identity was not our strength rather it was our unity that kept us unique and safe and sound. Thus, as I mentioned it earlier this article will lead us ruin our unity and it has to be amended.<sup>95</sup>

According to the survey results, 63% of survey participants either “strongly disagree” (37%) or “disagree” (26%) with the ethno-territorial arrangement while about 36% of others “agree” or “strongly agree” with keeping this arrangement intact. The results of the survey data are consistent with qualitative research participants majority of who rejected ethno-territorial system.

## **7. Article 39**

Informants also agree that this article mixes both good and dangerous provisions. The good side of this article is that it recognizes nations and nationalities the rights of using languages and keeping culture and history. But the article also consists of a dangerous sub article that needs abolition. The nation, nationalities, and peoples in sub article 4 are allowed to secede from the country as long as they meet some criteria. This rights compromises territorial unity of the country. Therefore, it is the opinion of all informants that the secession clause should be removed while the rest of Article 39 can remain intact. An informant stated,

I see the article as a package, first it starts by giving nations and nationalities the right to speak their language and use their culture, then it goes to giving them rights of forming their own territory over which they can rule and finally it states that they can secede from the federation. So, for me the article puts the nations (major ones) in a process of forming their own regional states and through the process they will finally end up in establishing their sovereign country. Therefore, it is should be amended, if we are to keep Ethiopia together and unified. The constitution should rather organize the regional states based on geography which can create unity and solidarity among the people of the country. Sub-article 2 of the article is good and should be kept, but the rest should be scraped all together. Nations and nationalities should use their own

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<sup>95</sup> Kafa, 28/08/2014, Name: Mr. Bogale Haile Opposition party: Kaffa democratic party, Place of residence: Woreda or City administration: Kaffa, Bonga, Age: 59 Sex: Male Ethnicity: Kaffa Educational Status: Masters Marital Status: Married Household size: 8 Occupation/responsibility: College teacher Year of service in one's responsibility: 37 years Mother tongue language(s): Keffinono Additional language(s): Amharic and Oromifa

language and keep their history and culture as it is one of the fundamental Human Rights.<sup>96</sup>

As the table below shows, the survey data results are consistent with the qualitative research results. Overwhelming majority of respondents are hostile towards sub article 4 of Article 39 while they are favourable towards others.

**Table 47 Whether and which provisions of Article 39 should be amended (Kafa)**

	Strongly oppose	Oppose	neutral	Support	Strongly support
Sub article 2 of Article 39 which gives nations, nationalities, and people’s rights to language and culture should be amended (%)	33	37	0	11	19
Sub article 3 of Article 39 which gives nations, nationalities, and peoples the right to territorial autonomy should be amended (%)	4	41	7	15	33
Sub article 4 of Article 39 which gives nations, nationalities, and peoples the secession should be amended (%)	4	4	4	22	67

## 8. Ethnic parties

Most of the informants argued that the constitution should ban political parties organized along ethnic groups. According to informants, these parties are group specific and are also creating hatred and mistrust among the people of the country. An informant argued,

When people organize along ethnic lines, it created a sense of ‘we and them’ that is dangerous for a country like Ethiopia. Many countries boldly do not allow such parties. We should also follow their foot-steps. These parties frequently are freedom and liberation oriented parties, and I always wonder from who are they liberating and seeking freedom. They are creating antagonistic feelings among the people of the country, so parties have to be based on diversity and their programs should be nation-wide focusing on resolving poverty, underdevelopment and lack of democracy.<sup>97</sup>

<sup>96</sup> (Kaffa interview code 01, Place of residence: Wereda or city administration- Kaffa zone/Bonga Age- 47 Sex- M Educational background- MSc Martial status-Married Household size- 4 Occupation/role- Teacher, Years of service-27 years, Mother tongue language/s-Amharic Additional language/s- )

<sup>97</sup>(Kaffa interview code 01, Place of residence: Wereda or city administration- Kaffa zone/Bonga Age- 47 Sex- M Educational background- MSc Martial status-Married Household size- 4 Occupation/role- Teacher, Years of service-27 years, Mother tongue language/s-Amharic Additional language/s- )

Informants discussed the importance of having national parties based on the non-ethnic party system. However, the intended national party should incorporate the members from each ethnic group as well as should work equally for each ethnic group. Such a party system is important to sustain the ethnic integration of the country as well as avoid ethnic fundamentalism and antagonism. An informant who is the leader of an ethnic party himself said,

Yes, I do. Now a day it is a fashion to give ethnic name for everything, not only political parties including economic, social, cultural, and even religious institutions are acquiring based on ethnic name. Since they are particular to a specific group, in nature they are intolerant and exclusive of others. Not only for those who are living outside of their definite area but also those who live together for so long by sharing their land. Therefore this kind of arrangement is not good for our unity as Ethiopians.<sup>98</sup>

An informant who is critical of the role of those parties in serving the interest of the ethnic communities they claim to represent also stated,

The major similarity of such parties is that they all claim there are un-answered national questions, but it is all fake. They are trying to advance their personal interests using the cover of national questions. They should be banned because they are creating unhealthy competitions among the nations of the country and anti-unity and solidarity. Therefore, the constitution should clearly stipulate that organizing a political party along the line of ethnicity is banned. Rather, the parties in the country should be organized on political, social and economic programs that are country wide and their members should be coming from a multiple of nationalities.<sup>99</sup>

Even those who are in favour of the ethnic based political parties advised a careful management of the politics where ethnic political parties operate.

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<sup>98</sup> Kafa, 28/08/2014, Name: Mr. Bogale Haile Opposition party: Kaffa democratic party, Place of residence: Woreda or City administration: Kaffa, Bonga, Age: 59 Sex: Male Ethnicity: Kaffa Educational Status: Masters Marital Status: Married Household size: 8 Occupation/responsibility: College teacher Year of service in one's responsibility: 37 years Mother tongue language(s): Keffinono Additional language(s): Amharic and Oromifa

<sup>99</sup>(Kaffa interview code 02, Place of residence: Wereda or city administration- Kaffa zone/Bonga Age- 35, Sex- M, Educational background- MBA Marital status- Married Household size- 3, Occupation/role- Representative of Prosperity Party, Years of service- 1 yr Mother tongue language/s- Kaffigna Additional language/s- Amharic)

An ethnic-based political system needs conscious management. The so-called Nations, Nationalities, and peoples equally receive help from the past political system. As a result, all of them have their own demands and questions that they want to meet. In this regard, the existence of an ethnic-based political system will become normal and unproblematic. However, ethnic-based politics and ethnic conservatism (ethnic radicalism) are quite different. In one way, sometimes, some ethnic groups come together and set up a political party to struggle for development or to become free from any domination. In this case, condemning such an ethnic-based political system will become difficult and again it did not fair. In another way, the other ethnic group set up a political party for the sake of supremacy which may lead to the existence of antagonistic competition among different ethnic groups. Therefore, to avoid unnecessary competition between different ethnic groups through their own political parties as well as to sustain the country, having a national party, which incorporates all or several ethnic groups as its members within it and has a clear policy that equally helps all ethnic groups is preferable

The informants advised that ethnic groups members can be fairly represented in the national parties. Having national parties not based on ethnicity does not mean ethnic representation of these parties must be banned. In that case it is important that the national multiethnic parties can operate.

The survey results also support the results of the qualitative research participants. Majority of respondents as shown on the table below are against such parties and the future constitutional amendment should consider banning them.

**Table 48 Whether ethnic parties should be banned be the would-be amended constitution (Kafa)**

Items	Strongly oppose	Oppose	neutral	Support	Strongly support	Don't know
The formation of political parties along ethnic line should be constitutionally banned (%)	4	7	11	26	48	4
There should be a constitutional requirement for a party to have multi-ethnic members (%)	0	4	7	37	48	7

### **9. The status of Addis Ababa**

For most of the informants from Kafa, the current status of Addis Ababa is fine. Whether or not they clearly understand the current status, informants quickly rebuffed that the city's status should not be changed. They seem to answer this question against the background of

the debate or rumours in the country today about the role of Oromia region in Addis Ababa. An informant stated, “The status of Addis Ababa should be kept as it is. All Ethiopians irrespective of their racial difference invested their time, money and energy to build it. So, it should not be given to one ethnic group exclusively. The issue of special interest should also be deleted from the constitution as it is creating disagreement among different people.”<sup>100</sup>

Many informants even went beyond the idea of others and argued and removing the special interest thing of Oromia region from Addis Ababa. The Oromia regional state has to search for its own regional state out of Addis Ababa.

It should have to be amended. Especially the statement which utters about the special praiseworthy of Oromia region is biased. By the way what was the main reason to give this much priority for Oromia? And even why they are claiming a possession of Addis Ababa? Those are unanswered questions for me. While there are a heterogonous people living in the city what is the reason behind to ask a single ownership right. Is that because of the water projects of Addis Ababa? If this is the question there should be a way to compensate this. Unless Addis Ababa is majorly belonged to its people and in general belonged to all Ethiopians. Thus, it should be governed as city administration and a capital city directly accounted to the federal government. Addis Ababa is in my understanding is the capital city of Ethiopia and even Africa.<sup>101</sup>

Another informant argued that Addis is clearly stated as the capital of the country and should continue as it is. It does not belong to a certain ethnic group. Politicians instigating such kind of interest among certain ethnic groups should stop and should be held accountable for their actions. The constitution should avoid the issue of special interest totally, as it created a sense of entitlement and ownership in Oromos. Or, it has to clearly stipulate what special interest mean to avoid confusion and possible bloodshed and conflict. Addis like other cities inside and abroad, expand by appropriating frontier lands as it is

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<sup>100</sup>Interview Kaffa - code 04, Place of residence: Wereda or city administration- Kaffa zone/Kaffa , Age- 55  
Sex- W Educational background- Read and write Marital status- Married Household size- 2  
Occupation/role- House wife, Mother tongue language/s- Kulo (Dawuro) Dawuro living Kafa Zone  
Additional language/s- AMharic,Kaffgna and Oromiffa

<sup>101</sup> Kafa, 28/08/2014, Name: Mr. Bogale Haile Opposition party: Kaffa democratic party , Place of residence: Woreda or City administration: Kaffa, Bonga, Age: 59 Sex: Male Ethnicity: Kaffa Educational Status: Masters Marital Status: Married Household size: 8 Occupation/responsibility: College teacher Year of service in one’s responsibility: 37 years Mother tongue language(s): Keffinono Additional language(s): Amharic and Oromifa

natural process. But, those who are suffering because of this expansion should be compensated individually, but not in the sense of group or ethnically.<sup>102</sup>

Another and the only informant took a liberal stand. He stated,

The current status of Addis Ababa is ok with me. However, I don't have a rigid stand, which favors or disfavors the current city administration system of Addis Ababa. Based on the necessary research, and if necessary, there should be some amendments about its boundary with Oromia regional state. The city administration has to prepare its own plan that is based on research and the problems it meets to make the necessary amendment to its administration boundary with Oromia by considering the principle of giving as well as taking, not only taking.<sup>103</sup>

The survey data results also show that Addis Ababa should not fall under the administration of Oromia region either jointly with the federal government or independently. The city should be either under the federal government or should be an autonomous city state.

**Table 49 How Addis Ababa's status should be changed (Kafa)**

Items	Strongly oppose	oppose	Neutral	Support	Strongly support
Addis Ababa should be a separate regional state in the constitution (%)	0	29	14	0	57
Addis Ababa should be part of Oromia regional state in the constitution (%)	57	29	14	0	0
Addis Ababa should be jointly administer by the Federal government and Oromia regional state(%)	57	14	0	29	0

### III. OPPORTUNITIES, CHALLENGES AND WAY OUTS

#### 1. Opportunities

- Most of them do not see a fertile ground
- Most of them see infertile ground due to conflict
- Some see both fertile and infertile ground. While infertile is discussed below, the fertile is as follows: great demand among the public, well experienced international scholars that can get the country through the challenges

<sup>102</sup>(Kaffa interview code 01, Place of residence: Wereda or city administration- Kaffa zone/Bonga Age- 47 Sex- M Educational background- MSc Martial status-Married Household size- 4 Occupation/role-Teacher, Years of service-27 years, Mother tongue language/s-Amharic Additional language/s- )

<sup>103</sup>

## 2. Challengers

The absence of peace and security throughout the country (repeatedly said)

- The second informant believed that due to this constitutional amendment, the group received help from this constitution (especially those who benefited a lot from article 39 and who were in a position in the past) may entrepreneur the conflicts here and there. Nevertheless, the country has the potential to tackle such challenges and undertake amendments.
- Resistance of elites, especially the political elites resistance and their acceptance by their own society will be a major obstacle for this process. Beside this I do not think any other challenges except some areas which had been deceived by these elites mostly Ethiopian people's will be supportive and cooperative of the process.

## 3. Way outs

- The people should be allowed to identify the articles they think should be kept intact, amended or totally changed and then the new constitution should be written accordingly.
- It should be a priority for the Commission
- An independent entity should be organized and should overlook the process. The entity should represent all interests inside the country to look the various interests and questions within Ethiopia and to bring the feeling of 'being represented' among the public. Then, the findings and the proposed solutions should be given to the public to reflect upon them so as to avoid possible misunderstandings and conflicts.
- The elites should first agree on the importance of amending the constitution, then we can start the process. The constitution is a political document therefore, politicians should come on the same page about the amendment. Otherwise, as I indicated earlier, they will hinder the process of amending the document. Then, the different associations and civil societies should discuss on the specific provisions to be amended, since they consist of professionals. And finally, the layman will be consulted on the issue. Top-down approach should be employed.
- The process should be bottom-up whereby the general public will be part of the discussions thoroughly. Then after the public discussed and identifies its concerns and their solutions, then the representatives of the people will take it from there. Then finally, the amended constitution that all peoples feel represented will be reached at.
- The process should be inclusive: at all levels and all community-based organizations to get the necessary feedback and comments, which are believed to be important to a successful constitutional amendment. In addition, the government



has taken the necessary action to incorporate all political parties, religious leaders, civic organizations, NGOs, etc. in the intended constitutional amendment process.

- The third informant opined that for the successfulness of the amendment, there should be equal participation by all stakeholders. The government has to avoid the dominant political elites from dominating the idea of the community during the discussion process and the local people have to give the necessary comments and feedback.
- Deep and rigorous study needed about the demand of the people and all other things important

# KAMBATA

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## I. INVESTIGATING THE POPULAR DEMAND AND FACTORS

### 1. Whether the FDRE Constitution should be changed (revised or amended)

A civil servant, an activist, an expert, and a farmer were interviewed during the process of data gathering. All of these informants, save for the last two, were of the view that the constitution should be changed. As far as the civil servant was concerned, the constitution had both upsides and downsides and he thinks there is a need to improve/work on its upsides and correct its downsides. He said some of the provisions in the constitution have an adverse effect on 'for our mutual coexistence, for our cooperation and mutual respect'. The activist similarly thinks the constitution needs some changes. He said 'go to the South, the North, the East and the West directions of our country. All you see is conflict, internal displacement, and murder. And I think all this is because of the constitution'. The expert had a different view and thinks the constitution should not be tampered with. He holds the view any change to it will make matter worse; it would not improve them. What the constitution needs, according to this informant is, proper implementation. The farmer said:

'You see my son, I lived through Haile Sellassie, the Derg, and the EPRDF systems. And I think the current constitutional system was much better than its predecessors. I thus do not support any initiative to change it. 'During Haile Selassie we lost all our properties, lands, and cattle. During the Derg we lost all our sons. During EPRDF we got a chance to use our language and culture and to pray and worship using our language. So it should be kept as it is.'

### 2. Amendment or revision?

All informants, except the last two, replied that they prefer the constitution is amended. The civil servant was the option that amendment was preferable to a complete revision of the constitution. He provides his reasons as follows

'A revision of the constitution needs several years and requires massive human and financial resources. So changing the constitution in its entirety is counterproductive. Besides, this constitution is promulgated by representatives who were duly elected for the purpose of ratifying the constitution as an instrument that binds us, in a mutual commitment to fulfilling the objectives and the principles. Besides, there are several provisions in the constitution that should not be altered. So I support the idea of rooting out the unworkable provisions and retaining the workable ones'.

The activist also thinks the amendment is preferable to complete revision since the constitution contains several important provisions including the bill of human and democratic rights. Moreover, the constitution is underpinned by the need to protect the interest of the nations, nationalities, and peoples of Ethiopia. Completely changing it is thus not an option. The farmer and the expert, different from the other informants, support neither a constitutional revision nor an amendment.

In a survey conducted on parallel, respondents were asked whether they were familiar with the constitution to which 95% of the respondents replied they were indeed familiar with it. And 92 percent of them said they were against the idea of keeping the constitution unchanged implying the need for a constitutional change. Close to 90 percent of them expressed their preference for a constitutional amendment to a complete revision of the constitution.

### **3. Expected disagreement**

According to the informants, there will be numerous points of disagreement if and when a process of constitutional amendment is begun. People from ethnic communities, such as Sidama, Tigray, Oromo, Wolayita, and Gurage are likely to object to any attempt towards amending the constitution. The expert said:

‘Let me tell you, my son, Tigray will not negotiate on Article 39. If it is amended they will not feel comfortable. That is why they are in war today. Again this constitution gives recognition and right to the Oromo and every Oromo will object a constitutional amendment negatively impacting on the recognition. The constitution gives the option for small communities to have their own region or special zone. The small communities would object any amendment that will take away these options. So as I think the points of disagreements can be seen with a group of people who have different perspectives and ideology and interest.’

The civil servant and the activist expressed a similar sentiment to the expert. Similarly, the farmer said ‘people like us who were in the past discriminated will object its amendment.’

### **4. Level of optimism**

All informants replied that the final product of the amendment process would not reflect the desire of the public. According to the farmer, his ‘desire and interests have received protection in the current constitution and he does not ‘want to move back to the past injustices’. The expert likewise is of the view that the amendment process would not bring about the kind of constitution that he would like. In any case, according to the expert, the

most important issue is not whether the kind of condition he likes has been adopted but one that is good for the country is adopted. The survey shows the opposite result since about 80 percent of the respondents said they expect the constitutional amendment to result in a kind of constitution they want to see adopted. All informants replied that the amendment alone will never address their concerns. Quite the opposite the amendment may end up causing disputes, controversies, and even violence. The expert said ‘amendment is a paperwork and the paper alone cannot be a solution for our social, economic and political problems’. The farmer once again said he was not for amendment.

## II. PROVISIONS FOR AMENDMENT

### 1. On the general dimensions

It goes without saying the design of the Ethiopian federal system, which is predicted on accommodating ethnic differences, is the most debated constitutional issue in the country. Whether and how the federal design could be revised has been discussed extensively. The respondents in Kembata were thus requested to answer some general questions regarding the federal system and their responses is summarised in the table below.

**Table 50 Respondents attitude towards the overall federal system (Kembata)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	8.33	12.50-	8.33	45.83	12.50
There is no need to take ethnicity as factor in the country’s constitutional (%)	16.67	12.50	4.17	12.50	50
Federalism is too divisive and leads to conflicts; there is no need to any form of federalism (%)	16.67	41.76	8.33	12.50	12.50

As can be seen in the table above, close to 60% of the respondents are in favour of a federal design that somehow caters to the ethnic diversity of the Ethiopian people. Yet 62% of them hold the view that ethnic diversity should not be considered as a factor in the country’s constitutional design. And close to 60 percent of the respondents reject the suggestion that a federal system, its design regardless, is divisive and it should not be implemented in the country.

## **2. Preamble**

All informants, except one, strongly argue that the phrase “[w]e the nations nationalities and people of Ethiopia ‘shows the diversity and should remain as it is. According to the expert, the phrase captures the character of the Ethiopian population which are diverse. On the issue of ‘past injustices,’ the activist said ‘our parents witnessed many unjust things. They were not considered human beings. They were discriminated against and negatively stereotyped. I think this should remain as it is for the coming generation. ‘The farmer also said since we are many and diverse the phrase captures our context well. The civil servant held a different view:

I think our constitution says we nations, nationalities, and peoples of Ethiopia, and when we see the countries that say we peoples. You know it says strongly committed, in the full and free exercise of our right to self-determination, to building a political community founded on the rule of law and capable of ensuring lasting peace, guaranteeing a democratic order, and advancing our economic and social development.....but my question is that how we can create one economic and political community? How can we create lasting peace and justice? You know it is controversial.... .... You know the constitution simply talks about nation nationalities and peoples not speak about citizens. So for me, it is better to say ‘we people ‘rather than ‘we nations, nationalities and peoples’.

## **3. National Emblem**

All informants strongly argued that the star at the center of the flag shows diversity and unity and should be maintained. The expert was of the view that this should not be even debated. The civil servant said the national emblem reflects our hope, it reflects the religious and ethnic diversity of Ethiopians. It also reflects equality and unity within diversity. So we should keep it. The farmer said:

‘I think the national emblem reflects our unity and equality within diversity. You know in the past the flag and the emblem was only and only the interest of the ruling class and the Amhara. But this flag and the national emblem at the centre reflect our interest. It also helps for mutual and cooperation life. Why did you come up with such kind of question? I think the national emblem at the centre of our flag should be as it is. If there are groups who need removal it is “timkit”. We do not need Ethiopia without its current emblem. I know what my ethnic and religious groups saw by this flag, how they have been ethnically, culturally, politically, and economically marginalized and excluded.’

The survey, in contrast, shows there is support for changing (removing) the national emblem with 62% expressing a view in support of doing so.

#### **4. Article 8**

All informants replied that Article 8 and all its sub-articles are important for the ethnic groups so they should be retained. The expert said:

'I didn't see any problem with what you read for me now. You know it gives all sovereign power to us the constitution is an expression of our sovereignty. Currently, unlike in the past we have a full right to elect and be elected and also our sovereignty is expressed through our representatives elected in accordance with this constitution and through our direct democratic participation. You know currently, our voices have been heard from the local to the federal level. In the past our parents and grandparents had to through many challenges, they were made to be ashamed for being Kambata, their voices were not heard, and their culture was not respected. Currently, we have our own representatives in the federation and in federal governments and in the house of people's representatives.'

The civil servant has a similar sentiment about Article 8 of the constitution. He however laments that the sovereignty of the ethnic communities is not given practical effect through the proper implementation of the constitution. 'The activist also thinks Article 8 is a good provision even though it has barely any practical relevance. The farmer also has a similar view to the rest of the informants.

#### **5. Federal working language**

All informants, except one, noted that other languages, especially Afan-Oromo, should be added as a federal working language. The civil servant said the Oromo is a dominant ethnic group in eastern Africa having the largest population and covering the largest geographical area. So it is only natural that Afan-Oromo becomes a federal language. The rest of the informants, save for the expert, share the same view on the need to make Afaan-Oromo a federal working language. The expert held the view that there was no need for an additional federal additional language. Adding any language as a federal language will lead to a similar demand from other communities and the country cannot afford that.

The respondents in the survey were divided on the issue of whether an additional federal working language should be introduced. About 40% of them supported the introduction of an additional federal working language while 49% opposed it.

#### **6. Ethno-territorial Arrangement**

All informants strongly argue that they support the ethno-territorial arrangement since it has benefits to be ruled by their own people and maintain their identity. The civil servant said the territorial arrangement has both benefits and drawbacks.

'If you go to Hadiya for instance they do not want the current territorial arrangement. But in our case the territorial arrangement is preferable. You know we start to know ourselves in the last 30 years. Before that our identity, our culture, and our language were buried. We were indigenous people in the southern region. But our indigenesness is found respect only since the adoption of the current territorial arrangement some three decades ago. We had our own language - Kambatissa. However, in the past, we were forced to use Amharic language. As Kambata we have our own geographical territory and settlement but we had no right on our territory. And this was possible because of the ethno-territorial arrangement.'

The other informants also shared a similar view with the civil servant and provided more or less the same reason why the ethno-territorial arrangement should be maintained. The survey, however, shows a different sentiment about the ethnic-based territorial organisation of the country. Close to 75 percent of the respondent were against maintaining the current territorial arrangement. Only 12% said they support the idea of maintaining the current territorial organisation. Yet 56% of the respondents are in favour of a federal system that factors in the need for the management of ethnic diversity.

## **7. Article 39**

The following two informants strongly argue that article 39 and its sub-articles are crucial for the unity of Ethiopians and to maintain ethnic identities. So, they believe that it should be kept as it is. However, they think Article 39(4) is problematic. The expert is less than comfortable with Article 39(4) the sub-article that allows communities to secede from the federation. He however appreciates some of the benefit of Article 39. He believes Kambata was able to develop its language and cultural because of Article 39. Thanks to Article 39 'we have got equal representation in state and federal government.' This is an important achievement that has to be linked to the constitution. Article 39(4) however is unnecessary and problematic. The farmer and the other informants share this view.

There is strong support for repealing Article 39(4) of the constitution with 87% of the respondents showing support for repealing this provision. However, the majority of the respondents (63%) are in favour of maintaining Article 39(2) while 74% of them support repealing Article 39(3).

## **8. Ethnic parties**

All informants reported that establishing ethnic-based political parties should not be prohibited by the constitution. The expert thinks it is good to be politically organised along

ethnic lines. This is because no other politicians would be equally accountable and responsible for one ethnic group other than ours.

‘The formation of political parties along ethnic lines has to give, recognition by the constitution and should be protected by the law. Let me tell you by example Amhara would not be respected if there were no Amhara nationalists and Oromo would not be feared and respected if there would not be Oromo nationalists.’

The farmer also said ‘I think currently we are better respected and this is because we struggled for our right through our ethnic-based political party’. Ethnic-based political organizations must exist in Ethiopia. The state employee held a different view. He said ‘ I think ethnic-based political parties are not good in our case. The survey showed a different sentiment since 80% of the respondents were in favour of constitutionally banning ethnic-based political parties while 70% of them favour a constitutional requirement to the effect that all political parties should have a multi-ethnic membership

### **9. The Status of Addis Ababa**

Nearly all informants responded that Addis Ababa is for all and should not be under the jurisdiction of any particular state. The survey also shows strong support (87% ) for maintaining the current status of Addis Ababa.

## **III. OPPORTUNITIES, CHALLENGES, AND WAY-OUTS**

### **1. Opportunities**

All informants noted there is no conducive environment to amend the constitution. The conflict, the mutual suspicion, the violence, and the sense of insecurity would not allow a peaceful constitutional amendment process.

### **2. Challenges**

All informants have mentioned different challenges that may hinder the amendment process. The civil war in the north was mentioned as an obstacle. There is likely to be a disagreement among political elites about the amendment process.

### **3. Way-out**

All informants mentioned different approaches/mechanisms by which the concerned bodies will successfully accomplish the amendment process. Government employee: ‘I strongly recommend that the concerned body should consult intellectuals from different backgrounds. Currently, we have different intellectuals so we need to call for their concerns, for their intellectual and professional imputes. The activist: I think if you ask me for a recommendation the government should allocate sufficient time for the amendment



process. It should not rush it. Besides, it is also better if we brought intellectuals from outside universities and countries. The government should be free from any bias. Besides, if he consults with local elites, religious leaders, and people from kebele level to the federal level. After its draft, it should be also open to the public. Farmer: I think for the time being and the next decade we shall continue by this constitution. If the amendment is mandatory it is better to do a need assessment on how best to approach it.

## I. INVESTIGATING THE POPULAR DEMAND AND FACTORS

### 1. Whether the FDRE constitution needs to be changed

Komo informants argued that minority ethnic groups like them did not fully participate in the constitutional development and law making process of the working constitution. The FDRE constitution has given the right and opportunity to develop their culture (including speaking and learning using ethnic language and others) and self administration but there was unfair distribution of resources such as infrastructures like school, health center, road and electricity in between regions, zones, woredas. Also, the economic, political and attitudinal improvements were observed within the past 30 years. Therefore, the constitution needs amendment which runs inline with the current development of the country and the amendment process should be participatory which is all inclusive regardless of ethnicity, religion, gender and other difference. 83% of Komo informants in Benishangul Gumuz said they are “somehow familiar” while 6% others said they are “very much familiar”. Only 11% said they are unfamiliar. Based on their familiarity, 83% of informants agree the current constitution of Ethiopia should be changed while 6% said it should remain intact and the rest are neutral.

### 2. Amendment or revision?

Regarding the kind of change 74% of respondents are in favor of amendment. The constitution should be amended instead of revision because it has included democratic and human rights which are important for co-existence, self development and national development. Changing the constitution means starting at zero, ignoring the previous state rules and laws and developments. Therefore, it is important to keep important provisions and amending restricting rules and adding other important provisions on the existing provisions in the constitution.

### 3. Expected disagreements

Since, Ethiopia is the home of diverse ethnic, political and cultural groups, it is not possible to say every Ethiopian citizen will agree on the same point (revision/Amendment). Therefore, some will disagree on the constitutional change. The disagreement may mainly arise among politicians who prioritize their personal or group political goals instead of the goal for overall Ethiopians. The survey data shows that 90% of respondents see disagreement in the amendment process while the rest do not see disagreement.

### 4. Level of optimism

The commitment and composition of the members who participate in amendment process of the constitution, accepting criticism and respecting diverse view point are important pre-conditions to get the expected result/constitution. 78% of the respondents are optimistic while the rest don't know.

The amendment may be one element rather than final means to address the community concern. It is better to take lesson from the FDRE constitution having implementation problems more than constitutional content problem. Hence, periodic evaluation and follow up of the implementation of the amending constitution will be needed. Furthermore, the attitudinal change and commitment of the leaders and the general citizen are crucial features to address the concern of the community in addition to the constitutional amendment.

The amendment alone will not address the concern of the community, rather the the commitment to implementation the constitution is important to address the concern of the community. The FDRE constitution has many important provisions and articles with implementation problems. Therefore, in addition to constitutional amendment the implementation of the constitution is the most important to address the concern of the community.

## II. AREAS OF AMENDMENT

### 1. General dimensions

As to the questions that gauge how the Komo research participants in Benishangul Gumuz Region feel about the overall system of ethnic federalism, the findings of survey respondent responses are displayed in the table below. As we can see from the table, for the first statement "Some version of a federalism that seeks to cater ethnic diversity is appropriate", 94% of Komo respondents "agree" or "strongly agree" while 6% "disagree". For the statement, "There is no need to take ethnicity as factor in the country's constitutional amendment", majority of respondents again (55%) "agree" or "strongly agree" while only 39% "disagree" or "strongly disagree". On the other hand, 89% respondents "disagree" or "strongly disagree" to abandon all forms of federalism for Ethiopia while a significant number of others also are against any form of federalism.

**Table 51 Respondents attitude towards the overall federal system (Kembata)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	0	8	0	33	61
There is no need to take	22	17	6	33	22

ethnicity as factor in the country's constitutional (%)					
Federalism is too divisive and leads to conflicts; there is no need to any form of federalism (%)	89	6	0	0	5

## 2. Preamble

The preamble nations, nationalities and peoples of Ethiopia needs to be kept as it is in the constitution: due to its greater emphasis on the recognition of ethnic groups. Those minority ethnic groups such like Komo are in favor to be such terms are kept as it is because, they believe that replacing such terms with citizen or people will results their culture to be assimilated with dominant groups.

## 3. National emblem

The emblem at the center of the flag is the symbol of representation, integration and equality of nations, nationalities, peoples, religion and others. The symbolic representation focusing on equality of nations, nationalities and peoples, religions in the flag enhance the sense of belongingness, ownership and unity than difference. Hence, the emblem at the center of flag has to be kept. The most important issue that lead to difference is not the emblem itself but the attitudinal, view point and understanding difference by individuals and groups beyond the meaning given by the constitution to the emblem. Therefore instead of changing the emblem it is better to work hard to create awarness and common sense about the emblem and unity. 82% of the respondents either: strongly oppose” or “oppose” changing the national emblem while 11% are neutral and the rest support changing it.

## 4. Article 8

Even if the there were implementation problems, in this article the constitution have given the ownership of sovereign power to nation, nationality and people of Ethiopia. This enhance the belief and sense of ownership of the nations and nationalities towards the constitution. The article 8 should be kept and maintained with out any need of further change of any of its clauses.

## 5. Federal working language

Amharic should be continued as federal working language, having more federal working language results to inconsistency of the reporting language which need interpretation and results lack the originality of the report and create communication barrier and also it is not possible to make all languages to be federal working language. Therefore, if one or two languages were selected to be additional language, others will complain. It is necessary to

describe on the constitution as being one language is the federal working language does not mean that language is superior or advanced than other language. Some argued that having multiple federal working language has advantage over disadvantage: our rural community can not speak Amharic, but other language such as Afan Oromifa which is largely spoken in the locality become Federal working language, the people can simply understand, communicate and participate in decision making process. 56% of informants “oppose” or “strongly oppose” introducing additional working language for the federal government while 17% are neutral. Only 22% supported it and 6% do not know about it.

## 6. Ethno-territorial arrangement

Most of qualities research participants of the Komo people believe that the ethno-territorial system should be kept intact. The presence of ethno-territorial arrangement in constitution provides right and opportunity to minority ethnic groups to participate in decision making and ruling their locality. Arranging the communities having similar social and cultural background as one administrative unit facilitate the administrative system through using the belief system and indigenous knowledge in addition to modern administrative system, help to develop their culture and communicate easily. Hence, the ethno-territorial arrangement should be continue in the constitution. Similarly, 72% of Komo survey respondents “agree” or “strongly agree” that the ethnic based territorial system should be kept intact

## 7. Article 39

The right to self-determination including secession is not good for co-existence. This provision should be avoided in the constitution.

**Table 52 Whether and which provisions of Article 39 should be amended (Kembata)**

	Strongly oppose	Oppose	neutral	Support	Strongly support	Refused or don't know
Sub article 2 of Article 39 which gives nations, nationalities, and people's rights to language and culture should be amended (%)	56	33	6	0	0	5
Sub article 3 of Article 39 which gives nations, nationalities, and peoples the right to territorial autonomy should be amended (%)	22	39	0	28	11	0
Sub article 4 of Article 39 which gives nations, nationalities, and peoples the secession should be amended (%)	11	11		44	28	6

## 8. Ethnic parties

The constitution should recognize and allow ethnic parties due to the fact that they are delegates of their ethnic group to discuss, suggest possible solution for social problems, ask the government equally distribute resource. Ethnic based party is not necessary for the unity of the people and national development, it focus to difference and uniqueness of the ethnic than humanity as whole. Therefore, the constitution should ban ethnic based parties and recognize national parties which are focusing to humanity.

**Table 53 Whether ethnic parties should be amended by the would-be amended constitution (Kembata)**

Items	Strongly oppose	Oppose	Neutral	Support	Strongly support	Refused/don't know
The formation of political parties along ethnic line should be constitutionally banned (%)	11	17	0	50	17	6
There should be a constitutional requirement for a party to have multi-ethnic members (%)	0	17	0	50	28	6

## 9. The status of Addis Ababa

No need of amendment on the status of Addis Ababa, it should be kept as it in the constitution due to the reason that every resources in Addis Ababa is all Ethiopian citizens resource. Hence, there is no legitimate and moral reason to provide this resource for particular community or society. Making Addis Ababa part of Oromia, Independent region or share between Federal government and Oromia will result the conflict of interest among all Ethiopians.

The survey data shows that 78% of respondents responded “yes” to support change to the current status of the city, while 22 % of them said agree Addis Ababa continue under the current status. Those respondents who sought change to the current status of the city reported the following:

**Table 54 On how Addis Ababa's status should be changed (Kembata)**

Items	Strongly oppose	Oppose	Neutral	Support	Strongly support
Addis Ababa should be a separate regional state in the constitution (%)	29	71	0	0	0

Addis Ababa should be part of Oromia regional state in the constitution (%)	57	36	7	0	0
Addis Ababa should be jointly administer by the Federal government and Oromia regional state (%)	64	36	0	0	0

### III. CHALLENGES, OPPORTUNITIES AND WAY OUTS

#### 1. Challenges

The governmental change in the country and the conflicts rising in different parts of the country are crating ferile ground for the constitutional amendment.

#### 2. Opportunities

Due to conflicts in different parts of Ethiopia at this time, it is not possible to reach the communities in different parts of Ethiopia where conflict exists to discuss and collect data and feedback about the constitutional amendement.

#### 3. Way outs

The inclusive national consultation and law inforcement are the important instrument to overcome or reduce the non violent and violent conflicts in Ethiopia. Free, fair and transparent participation all parts of the community regardless of gender, age, religious, language, color, occupation and other differences in to the constitutional amendment process. Generally: peacefull and successful constitutional amendment needs time, national consulation and free, fair and transparent participation of all parts of the community.

### **I. INVESTIGATING THE POPULAR DEMAND AND FACTORS**

#### **1. Whether the FDRE constitution should be changed**

Konta respondents, 100% of them, said they are “somehow familiar” with the Ethiopian constitution. All of the respondents also support the constitutional change, of which 57% of “strongly agree” while the rest “agree”. According to them, the current constitution did not go through the required public deliberations, so the public deserve a constitution which they feel they have been part of the process of making it. Additionally, because this constitution is over 30 years old, it did not take into account the interests of the younger generation, and amendments are necessary to do so.

#### **2. Amendment or revision?**

All of the Konta survey respondents (100% of them) support amendment instead of revision. Some parts of the constitution need to be modified or discarded during an amendment, or others should be kept intact without throwing away the entire constitution. There are a number of constitutional provisions that have received worldwide recognition and must be upheld; on the other side, there are other contentious provisions, such as article 39. Therefore, having an amendment is sufficient to change such contentious articles.

#### **3. Expected disagreements**

Most of the informants from Konta stated that the country's differences did not directly result from the constitution; however, due to the challenges the country encountered, many people attributed it to the constitution. The persistent issues caused by poor implementation led to the problems that were observed. Other informants claimed that the current problems are being caused by intellectuals and politicians. Another point of contention is ethnicity-based politics, and ethnicity-based self-identification. All of the respondents as well as informants expect there will be a disagreement among different political, religious and other interest groups in the process of altering the constitution.

#### **4. Level of optimism**

One of the biggest issues individuals had with this constitution has to do with how it was created and approved. The Konta Prosperity Party informant estimates 75% of members of the public do not feel the constitution was created by public participation. As a result, the public constantly question its legitimacy. Therefore, having a true public discussion prior to the constitution's passage is crucial in creating a constitution that answers the needs of all residents. Many informants are optimistic such a dialogue will occur. Among the survey respondents 75% of them are optimistic about the anticipated constitution in addressing their



concerns while the rest 25% of the respondents were responded that they do not think that the anticipated amended constitution will address their concerns. According to Konta sources, the constitutional change does not entirely address all of the issues facing Ethiopians.

## II. AREAS OF AMENDMENT

### 1. General dimensions

As to the questions that gauge how the Konta research participants felt about the overall system of ethnic federalism, the findings of survey respondent responses are displayed on the table below. As we can see from the table, for the first statement “Some version of a federalism that seeks to cater ethnic diversity is appropriate”, 94% of Benishangul respondents “agree” or “strongly agree” while only 6% disagree. For the statement, “There is no need to take ethnicity as factor in the country’s constitutional amendment”, 59% of respondents “Agree” or “strongly agree” while about 44% of the respondents opposed the statement. On the other hand, 82% respondents opposed abandoning all forms of federalism for Ethiopia.

**Table 55 Respondents attitude towards the overall federal system (Konta)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)		6		44	50
There is no need to take ethnicity as factor in the country’s constitutional (%)	38	6	6	37	13
Federalism is too divisive and leads to conflicts; there is no need to any form of federalism (%)	44	38	6	12	0

### 2. Preamble

Majority of Konta informants are in favor of the phrase "we the Ethiopian people" in the preamble instead of "nations, nationalities, and peoples of Ethiopia." According to them, "we the Ethiopian people" represents all Ethiopians, regardless of their ethnic distinctions, and demonstrates their oneness. Given that history cannot be changed, it is preferable to focus on the future rather than fret about the unjust historical relationship.

### 3. National emblem

Since the Green, Yellow, and Red flag is based on the interests of the Ethiopian people as a whole, not even the informant has an opinion on whether or not it should be changed. The informants thought, however, that given Ethiopia's history, the three-color flag has a

special significance and is closely linked to Ethiopia's successes (for example, the Adwa victory). To honor these black African wins over the Europeans, several African nations have been utilizing these colors as their flag by just shifting the placement of the colors. In Ethiopia, various symbols from various governments were used, including the lion of Emperor Haile Selassie (ጥኅአት ነበረ ሰጸ ጥንጥን ደይሁዱ). If an insignia is required, the informants suggested placing a picture of the Grand Ethiopian Renaissance Dam (GERD) in the middle of the Ethiopian flag because everyone in Ethiopia supported the project. But the current emblem is ideological and thus needs to be amended. Survey response also supports the majority view of Konta informant who supported changing the emblem. Among the respondents to survey question 44% of them said that they are against the change in the national emblem while 50% of the respondents support the change of emblem and only 6% of the respondents remained neutral in answering this question.

#### **4. Article 8**

Regarding article 8 of the constitution, it is wise to recognize the political representations made for each ethnic group in the nation. The clause granting Ethiopia's nations, nationalities, and peoples sovereign power, however, is riddled with issues. Article 8's provisions, which granted nations, nationalities, and peoples sovereign power, did not take into account the country's actual circumstances. Therefore, the informants suggested that the "Ethiopian people," regardless of their ethnic origin, should be granted the same sovereign power as that granted to the nations, ethnicities, and peoples.

#### **5. Federal working language**

Many of the Konta informants, including a representative of the prosperity party, did not suggest additional language for the federal government. Everyone in Ethiopia is vying for the right to speak their own language. They held the opinion that added language may lead to needless conflict between speakers and pose a new security risk for the nation. Amharic is sufficient for use as a working language at the federal level and aids in communication amongst the nation's various ethnic groupings. Among the respondents to the survey question, 70% of them were against having more working language for the federal government.

#### **6. Ethno-territorial arrangement**

Many of the Konta informants choose regional territoriality over ethnic territoriality. They consider ethnic-based territoriality as a pretext for conflicts across the nation at various points in the past few years. Because of this, a geographic one is preferable than an ethnic one for working with many ethnic groups equally under a single administration and allowing everyone to travel anywhere in the nation without facing employment restrictions. Geographical territory also enables residents from various cultural origins to interact with one another for a variety of objectives in order to exchange their culture and languages.

The survey result however contradicts the qualitative results. 62% of the respondents to the survey questions “agree” or “strongly agree” the ethno-territorial system should be kept intact, while the rest believe it should be changed.

### 7. Article 39

According to some Konta informants, some clauses of Article 39 need amendment. The informants have no issues with the article's sub-articles one and two that deal with language and cultural rights. The sub-article that requires the most serious revision is subsection 4 (self-determination up to secession). As shown on the table below, 94% of the survey respondents also support amendment of sub article 4, which means, removing the secession clause.

**Table 56 Whether and which provisions of Article 39 should be amended (Konta)**

	Strongly oppose	Oppose	neutral	Support	Strongly support
Sub article 2 of Article 39 which gives nations, nationalities, and people’s rights to language and culture should be amended (%)	44	38	0	12	6
Sub article 3 of Article 39 which gives nations, nationalities, and peoples the right to territorial autonomy should be amended	0	18	7	25	50
Sub article 4 of Article 39 which gives nations, nationalities, and peoples the secession should be amended	0	6	0	44	50

### 8. Ethnic parties

The Konta informants suggested ethnic based political party must be outlawed by the constitution because it conflicts with the interests of the diverse population. Even the ethnic parties did not guarantee the rights and privileges of the ethnic group they stood for, which is why they are a constant source of strife. Instead of helping and advancing their community, the ethnic parties just use their ethnicity as a source of political status. An overwhelming majority of survey respondents also support the view of qualitative research participants about the need to outlaw ethnic parties.

**Table 57 Whether ethnic parties should be banned by the would-be amended constitution (Konta)**

Items	Strongly oppose	Oppose	Neutral	Support	Strongly support
The formation of political parties along ethnic line should be constitutionally banned (%)	6	0	0	44	50
There should be a constitutional requirement for a party to have multi-ethnic members (%)	6	0	0	44	50

### 9. The status of Addis Ababa

According to the Konta informants, the complexity of Addis Abeba City began when the Oromia Regional State approved its regional state constitution, which stated that Addis Abeba would be the region's capital city. An informant from the prosperity party believes that the main cause of troubles for Addis Ababa city was the fact that, as stipulated in the constitution, Addis Abeba is the capital of the nation and that the Oromia regional state is allowed to claim Addis Abeba as its capital. In addition, the city serves as the African Union's headquarters. It is undeniable that the city is situated geographically in the middle of the Oromia regional state. It is therefore better to maintain the city on its current foundation in order to balance the interests of the Oromia regional state and the interests of the other ethnic groups in the city. The view of survey respondents also attests to this idea where 56% of the respondents said “no” to amendment of Addis Ababa’s current status while the rest wanted a certain change. Those who wanted the change to the current status of the city have the following preferences:

**Table 58 On how Addis Ababa’s status should be changed (Konta)**

Items	Strongly oppose	Oppose	Neutral	Support	Strongly support
Addis Ababa should be a separate regional state in the constitution (%)	/	/	/	/	100
Addis Ababa should be part of Oromia regional state in the constitution (%)	100	/	/	/	/
Addis Ababa should be jointly administer by the Federal government and Oromia regional state (%)	100	/	/	/	/

## III. OPPORTUNITIES, CHALLENGES, AND WAY OUTS

### 1. Opportunities

It is the right time because

- The ruling party and many other political forces are apparently willing to accept it.

- The current conflict is a proof that the constitution should be amend instead of delayed or kept intact.

## **2. Challenges**

One issue that can be presented in respect to the national flag is one of the obstacles that are anticipated with the constitutional revision. On the other hand, other difficulties may arise as a result of the constitutional revision. For instance, those who opposed this modification might start unforeseen arguments.

## **3. Way outs**

The first and most crucial piece of advice from the Konta informants is that everyone needs to be prepared for consensus in order to build the peaceful nation they desire. Participation in the amending procedure is required. For the national consensus, everyone is accountable. Additionally, there should be public discussions with the relevant public stakeholders at different phases depending on the study that was undertaken and the data that was gathered. Additionally, the group in charge of guiding the discussion in public must be impartial and free of any personal agendas or desires, and they must refrain from doing so.

### I. INVESTIGATING THE POPULAR DESIRE

#### 1. Whether the FDRE constitution should be changed

All of the survey respondents from Me'enit community replied that they are “somehow familiar” with the constitution. Based on their familiarity of the constitution, 75% of the respondents replied that they do not agree with the current constitution of Ethiopia in which 6% of them “strongly disagreed” with the current constitution. The Me'enit informants believe the constitution requires modification for a number of reasons. Some of the reasons include the fact that some articles invite conflict while the others systematically exclude a certain set of people. Another source emphasized the significance of amending article 39 of the constitution, which will define self-determination up to secession, and owing to numerous security issues nationwide.

#### 2. Amendment or revision?

The Me'enit informants favor constitutional amendment over revision or adjustment. They held the opinion that a number of articles are crucial for the nation and must be continued. There are several articles that cause problems and did nothing to protect citizens' and individuals' rights and freedoms. Among the respondents who replied that they have concern on the constitution 94% of them perceived that the constitution should be amended while 6% of them said that the constitution should be revised.

#### 3. Expected disagreements

Politicians are the main challenges to constitutional amendment. Those politicians who feel that their means of livelihood through politics is threatened will disagree on the amendment. Besides, intellectuals or those who believe they are more educated cause conflict. Another reason for discord in the nation is political leaders who lost their posts for a variety of reasons always favor inciting discord among the populace and turning them into an adversarial force to government as a means of recovering those positions by using the populace for their own political ends. According to survey, 82% of the respondents perceived that there will be a disagreement among different interest groups in the process of constitutional amendment while 12% of the respondents said that there will not be a disagreement and 6% of them were neutral in answering this question.

#### 4. Level of optimism

The successful constitutional amendment can be ensured if it undergoes several public discussions at all levels. A better procedure and one that helps to address the concerns of the general public is to have the appropriate conversation with the public at large before

incorporating their views into the amendment. Accordingly informants state that if the process is a genuine one, then the amendment process will reflect the desire of the public. According to the respondents, 70% of them believe that the anticipated constitutional amendment will address their concern while 30% of them do not perceive that the constitutional amendment will address their concern and the rest of the respondents were neutral to answer this question.

According to Me'enit sources, constitutional change does not by itself address all of the issues facing Ethiopians. Along with constitutional modification, it is crucial to engage in the appropriate public discourse in order to raise more public concerns and implement the necessary solutions. Only a constitutional amendment might not be able to stop politicians from deceiving the populace since they pose a threat to national security due to their personal political gains in the nation. As a result, the government works diligently to raise public knowledge of the constitution and other concerns that will be uncovered by the research, in addition to the anticipated constitutional reform.

## II. AREAS OF AMENDMENT

### 1. General dimensions

As to the questions that gauge how the Me'enit research participants feel about the overall system of ethnic federalism, the findings of survey respondent responses are displayed on the table below.

**Table 59 Respondents attitude towards the overall federal system (Me'enit)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	19	13	0	18	50
There is no need to take ethnicity as factor in the country's constitutional (%)	6	12	0	32	50
Federalism is too divisive and leads to conflicts; there is no need to any f	38	18	6	19	19

### 2. Preamble

Regarding the preamble, informants from Me'enit respond, the clause “we the nations, nationalities, and peoples” should be amend and replaced by “We Ethiopian People”. Informants believed the term “we the nations, nationalities, and peoples” are the threat for Ethiopian people’s unity.

### **3. National emblem**

Many Me'enit informants respond on the current emblem, by saying though facing a huge opposition, it is lesser evil and it should remain. The historical flag without the emblem will create a far serious problem among nations and religions. So they prefer to stick with the current one. Other informants believe the emblem is added for political reason, so it should be removed. Among the survey respondents 80% of them were against amending the emblem while 20% of them supported amendment.

### **4. Article 8**

Me'enit informants claimed that nations, nationalities, and peoples are the very important elements of our country, so they have to be sovereign and the ultimate power should reside in them. As a result, informants advised to keep all clauses of article 8 in its current form.

### **5. Federal working language:**

Amharic has been the working language for so long and got an advantage over other languages and advanced as a result. Therefore, it is better to use Amharic as a federal working language. Introducing other languages will create an economic burden and will be time consuming. It also creates competition among the different nations to make their language a working language. 44% of the respondents were against the inclusion of additional working language while 55% of the respondents agreed on the inclusion of additional languages as additional working language.

### **6. Ethno-territorial arrangement**

With regard to territorial system, informants from Me'enit prefer geographic territorial system to ethnic based. They argued ethnic based territoriality causes different conflicts across the country at various times within the past few years. Therefore, geographic one is better than ethnic based to cooperate with different ethnic groups under a single administration equally. Survey results also supports the qualitative one where 57% of the informants were against the continuation of ethno-territorial federalism while 36% of the respondents support the existing ethno-territorial federalism and 5% of the respondents were neutral to this question.

### **7. Article 39**

Me'enit informants recommended the removal of sub-article 4 of article 39, which talks about self-determination up to secession. The other sub-articles under article 39 of the constitution are important and thus recommended for their perpetuation. However, sub-article four of article 39 is tremendously risky part of the article thus, suggested for its removal from the constitution. The survey result shown on the table below is also consistent with the qualitative results.



**Table 60 Whether and which provisions of Article 39 should be amended (Me'enit)**

	Strongly oppose	Oppose	neutral	Support	Strongly support
Sub article 2 of Article 39 which gives nations, nationalities, and people's rights to language and culture should be amended (%)	57	25	0	0	18
Sub article 3 of Article 39 which gives nations, nationalities, and peoples the right to territorial autonomy should be amended	0	38	0	6	56
Sub article 4 of Article 39 which gives nations, nationalities, and peoples the secession should be amended	0	0	0	19	81

## 8. Ethnic parties

Me'enit informants are against ethnic based parties; they believe those parties are creating differences among the people of Ethiopia. Therefore they have to be banned. Like other countries in the world, parties should not use ethnicity and religion as a criterion to organize. They have to have diverse members and they should operate throughout the country. The survey result, shown on the table below, also clearly supports the view of qualitative informants.

**Table 61 Whether ethnic parties should be banned by the would-be amended constitution (Me'enit)**

Items	Strongly oppose	Oppose	Neutral	Support	Strongly support
The formation of political parties along ethnic line should be constitutionally banned (%)	0	0	0	25	75
There should be a constitutional requirement for a party to have multi-ethnic members (%)	0	0	0	25	75

## 9. The status of Addis Ababa

The informants from Me'enit recommended the continuation of Addis Ababa according to its current status. Because they believe it belongs to all of Ethiopians and suggest the constitution should guarantee that. The special interest issue has to be removed from the constitution because, it creates confusion. In addition, the seat of Oromia region has to be

removed from the city. 63% of Me’enit survey participants said “yes” to support the current status of Addis Ababa while the rest said “no”. Those who disagreed with the current status have the following proposals.

**Table 62 On how Addis Ababa’s status should be changed (Me’enit)**

Items	Strongly oppose	Oppose	Neutral	Support	Strongly support
Addis Ababa should be a separate regional state in the constitution	/	/	/	//	100
Addis Ababa should be part of Oromia regional state in the constitution	100	/	/	/	/
Addis Ababa should be jointly administer by the Federal government and Oromia regional state	100	/	/	/	/

### III. OPPRTUNITIES, CHALLENGES AND WAY OUTS

#### 1. Opportunities

The Me'enit informants had opinion that the current circumstances were not favorable for enacting constitutional amendment. The amendment should be postponed until the government addresses the security issues because they exist in odd areas around the nation. There are currently a number of security issues around the nation, including the war in the north and numerous displacements in other locations. Having the essential preparedness for the constitutional change is sufficient up till those mistakes are cleaned up. Other informants states that even if there are certain security issues in the nation, having the amendment may help as a different way to address the issues, therefore having it now is preferable to waiting for a more suitable moment.

#### 2. Challenges

Due to the presence of various hostile groups in the nation, constitutional amendment may result in some disputes as well as some security issues. There are also factions that do not require unity and those who are completely opposed to the amendment. Some political parties prefer the current political, territorial, and administrative structure and are unwilling to change it. On the other hand, there are also individuals and groups who are seen as not necessarily supporting the political establishment. Additionally, there are politicians that wait for opportunities to divide the populace based on such differences and maybe cause chaos.

#### 3. Way outs

To have a good constitutional amendment, the people must play a role in resolving their own issues and assisting the government by handing over criminals who had hidden among them and maintained local security. In order for the government to earn the trust of the people, it must then take the necessary corrective actions against the criminals it received from the people. In general, meaningful constitutional amendment requires cooperation between the government and the populace to achieve a common goal. Informants suggest the process should start from the grass-root level and should slowly go up. In this way it will include the interests and needs of the people. And finally will lead to widespread acceptance.

### I. INVESTIGATING THE POPULAR DEMAND AND FACTORS

#### 1. Whether the FDRE constitution needs to be changed?

Responses of Mejang survey participants show that 55 % of them are unfamiliar with the constitution 40% reported they are familiar, and only 5% reported they are “very much familiar”. Despite the low level of familiarity, many Mejang informants agree that the FDRE constitution needs to be changed. It could not answer the dynamic events occurring after its adoptions and it even encourages conflicts. It undermines the integrity and reputation of Ethiopia. One informant however proclaimed, “No it is perfect constitution”<sup>104</sup> while another informant was not sure about it.<sup>105</sup> Results of survey participants however show mixed results. Only 30% of them believe the current constitution should be changed. Other 30% believe the constitution should not be changed while the rest are either “neutral” or don’t know.

#### 2. Amendment or revision?

Those who feel the constitution should be changed proposed amendment as the kind of change. They feel that most part of the constitutions has important aspects such as the human rights provisions. The survey data shows that 50% of the respondents either agree or strongly agree with amendment while 35% do not know about the issue. 15% of the respondents either disagree or strongly disagree with amendment, which means they are in favor of revision.

#### 3. Expected disagreements

Informants anticipated each ethnic group would like to promote the interest of own ethnic group, so this maybe the cause of conflict. Some expressed their idea intermesh of disagreement along ethnic lines in general, but some nuanced such disagreement would actually be among elites such as ethnic based political parties. An informant stated, “Ethiopian people have no problem but I assume that the government and political parties

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<sup>104</sup> PoulosBanki, Place of residence: Woreda or city administration: mejang zone, GodereGoshine, Age: 36 Sex: Male Educational status: Diploma, Marital status Married Household size: 8, Occupation/role/responsibility: Representative of community, Years of service in one’s responsibility: 5 years, Mother tongue language(s) mejang, Additional language (s) Amharic

<sup>105</sup> Anonymous, Place of residence: Woreda or city administration: mejang zone, GodereMeti, Age: 49 Sex: Male Educational status: write and read , Marital status Married Household size: 12, Occupation/role/responsibility: Business Man , Years of service in one’s responsibility: 15 years, Mother tongue language(s) mejang , Additional language (s) Amharic

don't agree"<sup>106</sup> Similarly, survey data shows that 75% of respondents foresee a disagreement.

#### 4. Level of optimism

According to Mejang informants, the amended constitution would reflect public desire provided that the process is agreeable. The output cannot be satisfactory, unless its process is. Informants have expressed their concern that as everybody sees their own benefit, eventually, the envision constitution may be the product of heavy influence from those who have upper hand in the process. Survey respondents showed that 40% of them would satisfy the public desire while 35% and 25% answered “no” and “I don't know” respectively. The majority if respondents tend to be non-optimistic.

About how much the constitutional amendment would solve the country's problems, some informants argued at the since the constitution is the bedrock of many of the problems, it would substantially change the problem. But, this is only one effort and it is not enough to bring solution all problems. It needs another discussion n among different political interest groups to minimize the gap among each other.

## II. AREAS OF AMENDMENT

### 1. On the general dimensions

As to the questions that gauge how the Mejang research participants feel about the overall system of ethnic federalism, the findings of survey respondent responses are displayed on the table below.

**Table 63 Respondents attitude towards the overall federal system (Mejang)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	/	20	30	25	5	20
There is no need to take ethnicity as factor in the country's constitutional (%)	/	30	35	15	5	15
Federalism is too divisive and leads to conflicts; there is no need to any form of federalism	/	15	50	10	15	

<sup>106</sup>Anonymous, Place of residence: Woreda or city administration: mejeng zone, GodereMeti, Age: 49 Sex: Male Educational status: write and read, Marital status Married Household size: 12, Occupation/role/responsibility: Business Man, Years of service in one's responsibility: 15 years, Mother tongue language(s)mejeng, Additional language (s) Amharic

## 2. Preamble

Many informants skipped the question on preamble. Majority of those who have answered it stated that the concerned phrase, “we, the nations, nationalities, and peoples” in the preamble is good and do not need to be amended. A couple of others proposed amendment in a way that should balance the needs of the country and the nations, nationalities, and peoples. A few informants are also critical of a statement about past injustices and they believe that such historical injustices, real or putative, should not have been promoted to the level of the constitutions.

## 3. National emblem

Interestingly, every single Mejem informant has the opinion that the national emblem should be kept as it is. It is the symbol of diversity of nations, nationalities, and peoples. The survey data also shows the same result. 45% of the respondents support the emblem should remain as it is while others 45% were not sure about it. Only 10% either support or strongly support removal of the emblem from the Ethiopian flag.

## 4. Article 8

Interestingly again, except one informant, all Mejem informants either want all parts of Art 8 intact or they preferred to skip this question. The reason for those who are not in favor of amendment is that it guarantees ethnic rights. An informant stated, “There should not be an amendment to the aspect of art 8 as it helps them to safeguard from once again exposed to other ethnic discrimination which they face in past history of the country”.<sup>107</sup> Only one informant had a different opinion in favor of amendment as he stated, “Those article seems smart and inclusive but it is fake to us not working underground and it needs implementing properly. For example Majem as minority we didn’t have higher power. So other means of options amendment should formulate to inclusive equally”.<sup>108</sup>

## 5. Federal working language

Most of Mejem informants argued it is not necessary to have additional working language for the federal government. It will provoke competition and domination. Amharic is enough as it has served so far and as most Ethiopians can speak it. Two informants have contrary view stating that additional language is important. One of those informants suggested “Afan-romo, Somali, Afar, Tigirigna, Guragegnya, and Sidamigna” can be

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<sup>107</sup>(Anonymous, Place of residence: Woreda or city administration: mejem zone, mengeshi woreda, Baya kebele, Age: 34 Sex: Male Educational status: Diploma, Marital status Married Household size: 3, Occupation/role/responsibility: Government Employee, Years of service in one’s responsibility: 12 years, Mother tongue language(s)mejem, Additional language (s) Amharic

<sup>108</sup>(Anonymous, Place of residence: Woreda or city administration: mejem zone, Mengeshi Mission , Age: 52 Sex: male Educational status: BA, Marital status married Household size: 10, Occupation/role/responsibility: Community Representative, Years of service in one’s responsibility 10, Mother tongue language(s)mejem, Additional language (s) Amharic)

additional languages.<sup>109</sup> However, the survey data does not confirm the qualitative result. In the former, 40% of the respondents support additional language can be federal working language and 25% said they are neutral. Only 25% either oppose or strongly oppose the idea of having an additional working language. The rest 10% do not know about the idea at all.

## 6. Ethno-territorial arrangement

Majang opinion on this is about half-half. Some said that it should be changed. An informant stated, “I agree to change because most part of the country conflicting each other due to Ethno-territorial arrangement.”<sup>110</sup>The current administration system is better to change it as Geographical locations or other by systematic studying arrangement of administrative system. Other informants argued the current system should remain intact because it will help ethnic communities develop their identity and exercise their rights. 40% of survey respondents agreed the ethno-territorial system should be kept intact, while 30% disagree with keeping this system intact. Other 30% are neutral or do not know.

## 7. Article 39

All of Mejang informants agree that article 39 should be kept intact except the secession clause. The opinion is divided on the secession clause only. The reason of those who are against amendment of the secession clause are because it guarantees a full measure of democracy to the ethnic communities. A couple of informants on the other hand want to see the secession clause amended. An informant stated, “This article is not good for this country there is no hope for the future how to live together”.<sup>111</sup> Another added,

Answer for all article 39 questions: That is obvious after EPRDF took power specially Article 39 sub article 4: The right to self-determination, including secession Drafted as divided rule for the confrontation of ruling party. Everybody rise the question of this sub article is generally dividing Ethiopia that may result disintegration. That happening the situations of the country. So better amend this article.<sup>112</sup>

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<sup>109</sup>Anonymous, place of residence: Woreda or city administration: mejeng zone, Godere, Age: 40 Sex: Female Educational status: Degree, Marital status Married Household size: 6, Occupation/role/responsibility: Teacher, Years of service in one’s responsibility: 10 years, Mother tongue language(s)mejeng, Additional language (s) Amharic

<sup>110</sup>Anonymous, Place of residence: Woreda or city administration: mejeng zone, Mengeshi Mission, Age: 68 Sex: male Educational status: read and write, Marital status married Household size: 1, Occupation/role/responsibility: Retired, Years of service in one’s responsibility -----, Mother tongue language(s)mejeng, Additional language (s) Amharic

<sup>111</sup>Anonymous, place of residence: Woreda or city administration: mejeng zone, Godere, Age: 40 Sex: Female Educational status: Degree, Marital status Married Household size: 6, Occupation/role/responsibility: Teacher, Years of service in one’s responsibility: 10 years, Mother tongue language(s)mejeng, Additional language (s) Amharic

<sup>112</sup>(Anonymous, Place of residence: Woreda or city administration: mejeng zone, Mengeshi Mission, Age: 52 Sex: male Educational status: BA, Marital status married Household size: 10,

The survey response as shown on the table below shows that the majority of the Mejang informants even the secession clause intact.

**Table 64 Whether and which provisions of Article 39 should be amended (Mejang)**

	Strongly oppose	Oppose	neutral	Support	Strongly support	I don't know
Sub article 2 of Article 39 which gives nations, nationalities, and people's rights to language and culture should be amended (%)	10	15	7	25	5	2
Sub article 3 of Article 39 which gives nations, nationalities, and peoples the right to territorial autonomy should be amended (%)	3	15	65	10	10	2
Sub article 4 of Article 39 which gives nations, nationalities, and peoples the secession should be amended(%)	5	40	30	10	5	0

## 8. Ethnic parties

Informants have mixed opinion on whether the constitution should ban ethnic parties. Some of them said political parties along ethnic lines are threats to the peace and stability of the country can be sources of conflict directly or indirectly so the constitution should ban them. Others said that the constitution should not ban because these parties safeguard the rights of ethnic communities. Others took the third way and proposed for all types of parties-whether ethnic or otherwise. The survey result as shown below however leads to a conclusion that majority of Mejang research participants do not favor ethnic parties so the constitution should ban parties constituted solely based on a single ethnic group.

**Table 65 Whether ethnic parties should be banned by the would-be amended constitution (Mejang)**

Items	Strongly oppose	Oppose	neutral	Support	Strongly support	I don't know
The formation of political parties along ethnic line should be constitutionally banned (%)	0	10	20	45	10	15
There should be a constitutional requirement for a party to have multi-ethnic members (%)	5	5	25	45	10	10

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Occupation/role/responsibility: Community Representative, Years of service in one's responsibility 10,  
 Mother tongue language(s)mejeng, Additional language (s) Amharic



## 9. The status of Addis Ababa

All of them unequivocally agreed for the current status of Addis Ababa as the seat of the federal government and as a city administration. However, the survey data shows that 60% of respondents responded “yes” to show the status of Addis Ababa should be changed to what it is today while 10 % of them said it is ok for Addis Ababa live under the current status. 30% said they don’t know about what was being said. Those respondents who sought change to the current status of the city reported the following:

**Table 66 On how Addis Ababa’s status should be changed (Mejang)**

Items	Strongly oppose	oppose	Neutral	Support	Strongly support	I don’t know
Addis Ababa should be a separate regional state in the constitution (%)	8	0	17	42	17	17
Addis Ababa should be part of Oromia regional state in the constitution (%)	0	17	17	33	25	8
Addis Ababa should be jointly administer by the Federal government and Oromia regional state (%)	8	8	42	16	8	12

## III. OPPORTUNITIES, CHALLENGES AND WAY OUTS

### 1. Opportunities

- The troublingsituations of the country necessitate constitutional amendment.

### 2. Challenges

- Competing political interest by political elites may hinder the process. Besides, the current conflict ad instability is challenging to start an amendment process.

### 3. Way outs

- By open public discussions
- Giving awareness every nation nationality of Ethiopia and political parties the important of amendment
- Everyone should bring to National dialogue discussions.
- All should take its part responsibility, to avoid any controversial thing. (Anonymous, Place of residence: Woreda or city administration:
- The whole concerned body or parties should participate even those who have different interests.

### I. INVESTIGATING THE POPULAR DEMAND

#### 1. Whether the FDRE constitution needs to be changed

Among the Nao respondents 11% of them were responded that they are “quite familiar” and 74% of them are somehow familiar while 16% of them were responded as they are unfamiliar with the EFDRE constitution. Among those respondents who replied that they are familiar and somehow familiar with the constitution, 64% of them replied that they “disagree” or “strongly disagree” with the current constitution so propose some sort of change. Yet, 27% of them responded that they “agree” with the constitution and 9% of them replied that they do not reply to this question.

Nao informants felt that there are some elements in the constitution that could lead to strife between various religious and ethnic groups. In order to eliminate superfluous articles and include crucial ones, an informant suggests a constitutional amendment. For instance, article 39 of the constitution is the most important of the numerous needless articles.

#### 2. Amendment or revision?

According to the informant from Nao, the more fruitful action that is needed for the constitution is doing revision. 62% of the respondents either agree or strongly agree to the amendment, while 10% of them don't know. The rest seek revision.

#### 3. Expected disagreements

The country's constitution is the subject of some controversy. The most obvious conflict in Ethiopia is the one that politicians are causing, especially when they want to create a favorable environment for their own positions. Believe that Politicians are the major ones in the disagreement. Politicians from both the unionist and the ethno national camps will for sure disagree since their ambitions are contradictory. Unionists tend to favour for the dismantling of the ethnic federation while the other camp favours it. Therefore, the main disagreement lies among the politicians. 74% of the respondents perceived that there will be a disagreement among different actors in the process of constitutional amendment while 11% of the respondents do not perceive that there will be a disagreement. the rest of the respondents were neutral to this question.

#### 4. Level of optimism

According to the informants from Nao, unless it is created and developed in accordance with the public desire, the constitutional amendment does not answer the demand of the

general public. It is conceivable to state that the amendment may address the desires of all if it was developed with the essential participation and contribution from all stakeholders, including farmers, thinkers, youth, women, and religious leaders, etc. It will be difficult to expect the constitution that meets the demands of everyone without the required involvement.

Many informants reflect their fear that politicians will derail the process to meet their personal interests. Most of them state that they are young when this constitution was implemented and at the time the interest and needs of the public were not represented and consulted at all. The politicians forcefully implemented their ambitions and interests at the expense of the general public. Accordingly they fear that history may repeat itself. Politicians who are at the top may work for the interest of their group in the amendment process.

A constitutional amendment by itself has no impact unless it is backed up by effective implementation and good practice. For instance, although the current constitutional declaration states that all languages are equal, during previous EPRDF regimes numerous languages in the SNNP regional state are actually on the verge of extinction (for example, Nao language). Even though the constitution mentions language equality, all languages should have equal access to employment and educational opportunities. If not, the language will perish since the necessary implementation will make it grow. Therefore, creating a law (constitution) on its own does not ensure that citizens will be able to meet their demands, unless it is accompanied by the appropriate implementation at all levels. 58% of the respondents perceive that the anticipated constitutional amendment will address their concern while 6% of the respondents are not optimistic about the anticipated constitutional amendment and they do not think that it will address their concern and 36% of them remain neutral to this question.

Majority informant say no, even though the constitution is amended they don't think that the challenges they face currently will be addressed. The issue of democracy and development are more or less dependent on the willingness of politicians. Even though they might have one of the democrat constitutions in the world, believe that the people are still witnessing dictatorship. Therefore, amending the constitution is not a solution for all of our problems. Hence, implementing the constitution will be the main solution to our concerns.

## **II. PROVISIONS FOR AMENDMENT**

### **1. General dimensions**

Regarding the attitude of Nao research participants to the general aspects of the current federal system, the following table shows the result. They believe that some form of

federalism that caters diversity is appropriate, but are not in favor of the role of ethnicity in the politics.

**Table 67 Respondents attitude towards the overall federal system (Nao)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	5	5	6	36	48
There is no need to take ethnicity as factor in the country's constitutional (%)	32	21	11	27	11
Federalism is too divisive and leads to conflicts; there is no need to any form of federalism (%)	37	21	11	21	10

## 2. Preamble

Majority of the informants from Nao felt that the phrases in the preamble are less acceptable for them. Instead of "We the Nations, Nationalities, and Peoples", they prefer to use the phrase "We Ethiopians" or "We the Ethiopian people." For them "We the Nations, Nationalities, and Peoples" emphasizes division and sub-division rather than unification. It is crucial to direct clear of such separating language and instead use phrases like "We the Ethiopian citizens."

Also other informants respond the preamble contained a phrase which states there were historical injustices in the country between people, and for a lot of people this has worsened the racial cleavage between people. The historical injustices might happen sometime in our past, but stating them in our constitution brings a lot of differences and in some cases led to violent conflicts. Therefore the preamble should be amended in ways that create unity and solidarity

## 3. National emblem

Informants believe that the emblem should continue as it is. People have been protesting the emblem, but it is the sign of unity and diversity of the country. Therefore, most informants think that the emblem that signifies their unity and diversity. 57% of respondents were against the changing of emblem while 36% of the respondents support the change of emblem. The rest 8% of the respondents were neutral to this question.

## 4. Article 8

According to Nao, the Ethiopian people should have sovereign power rather than certain ethnic groupings. The citizens of a country are supposed to be sovereign, not any group or entity. Democrat countries of the world gave sovereignty to their citizens, an experience

that Ethiopia should follow. Because of this article, the country entered in to a lot of crises, so it has to be changed.

### **5. Federal working language**

A few informants from Nao, the use of multilingualism as the working language of Ethiopia's federal government is persuasive. As a result, the informant suggested Afan Oromo, Somaligna, Afarigna, and Tigrigna as the additional working language in accordance with the number of their speakers. However, the majority of qualitative study participants anticipate competition amongst speakers of different languages during the selection of these new working languages because everyone would want to have their language used by the federal government, which may leads to conflict so care should be taken during selection. They think Amharic is an advanced language that helps to communicate different nations of the country. For them other languages are group specific and do not help to communicate two or more individuals from different ethnicities. The survey data however contradicts with qualitative one. 35% of respondents were against the inclusion of additional languages as working language while 69% of the respondents support the inclusion of additional languages as working languages.

### **6. Ethno-territorial arrangement**

Nao informants believe that by its own nature, the ethnically oriented territorial system was exclusionary because it excluded ethnic groups from various ethnic origins. As a result, the ethnically based territorial system is challenging to implement and hinders residents' freedom of movement. The territorial system based on ethnicity prioritizes power over putting the needs of the populace first. Therefore, the informant recommends the more inclusive territorial system which looks at each regional state only as an administrative unit in the country rather than looking at it as a sovereign state, is geographic based territoriality. The majority of survey participants are against the ethno territorial system confirming the qualitative data results. Accordingly, 54% of the respondents were against the ethno-territorial arrangement of the federal state while 42% of the respondents support the continuation of the ethno-territorial arrangement.

### **7. Article 39**

Nao informant thought the article's opening sections are good. For instance, we must uphold the rights outlined in article 39 sub-articles 2, which states that "every nation, nationalities, and people in Ethiopia 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." Every Nation, Nationality, and People in Ethiopia have the right to the full measure of self-government, which includes the right to establish institutions of government in the territory that it resides in and to equitable representation in state and local government, according to

Article 39 sub-article 3 of the constitution. This subsection is very helpful for local people to preserve their unique cultures and make the best use of their resources.

However, all informants are skeptical of the secession clause of sub-article 4. According to informants, this sub-article is the reason for all current political challenges in the country. Therefore informants suggest that this sub article should be removed from constitution because it is a threat for our territorial integrity.

The survey data displayed on the table below also confirm the qualitative study results. The majority of informants are in favor of the provisions in article 39 except the secession clause.

Table 68 Whether and which provisions of Article 39 should be amended (Nao)

	Strongly oppose	Oppose	neutral	Support	Strongly support
Sub article 2 of Article 39 which gives nations, nationalities, and people's rights to language and culture should be amended (%)	26	53	6	0	15
Sub article 3 of Article 39 which gives nations, nationalities, and peoples the right to territorial autonomy should be amended (%)	27	37	4	0	32
Sub article 4 of Article 39 which gives nations, nationalities, and peoples the secession should be amended(%)	4	5	5	43	43

## 8. Ethnic parties

Nao informant claimed that ethnic political parties have contributed to the mess the country is in today. Hence, they should be banned by the constitution. Political parties should be composed of members from diverse identities. The current ones are ethnic specific and are creating competition and hatred between peoples and ethnicities. The survey result on the table below also confirms the idea of qualitative study participants.

Table 69 Whether ethnic parties should be banned by the would-be amended constitution (Nao)

Items	Strongly oppose	Oppose	Neutral	Support	Strongly support
The formation of political parties along ethnic line should be constitutionally banned (%)	5	6	10	37	42
There should be a constitutional requirement for a party to have multi-ethnic members (%)	11	6	5	31	47

## 9. The status of Addis Ababa

For all Nao informants, Addis Ababa is the capital of all Ethiopians and should continue in its current status under the administration of the federal government. But, the provision consists of a concept about special interest that the Oromia regional state is entitled to ask, which is creating confusion among the people of Ethiopia. Therefore, the constitution should be amended by clearly stating that the city belongs to all Ethiopians and the seat of Oromia has to move out of Addis. Survey data also confirms the opinion of qualitative study participants. 63% of respondents believe the current status of Addis Ababa should continue while the rest seek it should be amended. Those who seek amendment seek more autonomy to Addis Ababa instead of putting it under the administration of Oromia Region independently or jointly with the federal government.

**Table 70 On how the status of Addis Ababa should be changed**

Items	Strongly oppose	Oppose	Neutral	Support	Strongly support
Addis Ababa should be a separate regional state in the constitution (%)				20.00	80.00
Addis Ababa should be part of Oromia regional state in the constitution (%)	80	20			
Addis Ababa should be jointly administer by the Federal government and Oromia regional state(%)	80	20			

## III. OPPORTUNITIES, CHALLENGES, AND WAY OUTS

### 1. Opportunities

Even though there are many issues in the nation, according to Nao-based informant, the constitutional amendment may help in some little way to resolve these issues. Also informant sees the national dialogue commission's creation as another exceptional opportunity to pass the desired constitutional modification.

### 2. Challenges

The informant from Nao held the opinion that several articles were anticipated to be altered or omitted during this constitutional reform. As a result, individuals who favor the continued publication of such pieces run the risk of causing unanticipated upheavals in the nation. It shouldn't be a major deal because all parties involved will progressively and procedurally control the disturbance. Every new work, including the constitutional change, is inevitably met with criticism and some unease.

### 3. Way outs

The first and most crucial suggestion made by the informant from Nao for a successful constitutional amendment is the people should be consulted first and the needs and interests of the people have to be identified then the elites should discuss on them on how to address them. After that, the proposed constitution should be given back to the people to discuss upon them leading to the production of the final constitution.



## NUER

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### I. INVESTIGATING THE POPULAR DESIRE AND FACTORS

#### 1. Whether the FDRE constitution needs to be changed?

Most of the Nuer informants who participated in the survey said that they are either very much familiar (13%) or somehow familiar (78%) to the constitution of Ethiopia. Only 9% of them said they are unfamiliar. Based on this familiarity levels, most of the Nuer informants believe that the constitution should be changed. The reasons they invoked are the following. First, it is natural for a constitution to be changed periodically as the national and global conditions change. Second, the Ethiopian constitution lacks legitimacy, so it needs to be changed. Many citizens are deeply dissatisfied with some provisions of the constitution. Besides, the constitution making process in the first place was not nor legitimate, many people didn't participate. Third, they believe that the constitution is the source of the current conflicts, where Gambella region has become "conflict zone"<sup>113</sup> Yet a couple of informants opposed the constitution need not be changed. One of them said, "No because the FDRE constitution is the perfect constitution that grants all rights".<sup>114</sup> Another informants also added "I and most our community didn't want to change the constitution because It response every aspect of our questions are responded by this constitution"<sup>115</sup> 61% of the respondents also believe that the constitution needs to be changed (revised or amended) while 17% were neutral. About 20% of the informants are against revising or amending the constitution.

#### 2. Amendment or revision?

There is no division of opinion among informants regarding the type of change they suggest to be made. All informants advised that amendment is better than revision. Among reasons they mentioned, revision was further exacerbate the political crises because there would be still many and influential political; forces that do not want revision. Revision may mean taking away the rights of nations, nationalities, and peoples that are granted in today's constitution. This would create conflict. Amendment would better satisfy all or

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<sup>113</sup>Gathbel Gathluak, Gambella o1 kebele, 65,M,Diploma, Meried with a household size of 16, Employer, 20 years of work exps, Nuer/Thuk nuer mother tongue with Additional language of Amharic and English)

<sup>114</sup>(Nnyabel Tut, Gambella o1 kebele,36, M, Diploma, Married with 9 household size , privet worker, 5 year of work exps, Nuer/Thuk nuer mother with Amharic and English additional languages)

<sup>115</sup>(Anonymous, Place of residence: Woreda or city administration: Gambella town, Age: 55 Sex: M Educational status: TVET, Marital status: Meried Household size: 12, Occupation/role/responsibility: Community Representative, Years of service in one's responsibility:- 3 Year, Mother tongue language(s):- Nuer/Thuk nuer, Additional language (s):- Amharic and Anyawak/ dha-anywaa)

most of the Ethiopian people. 74% of survey respondents are also in favor of amendment while about 9% are neutral or are not sure about the kind change.

### **3. Expected disagreements**

All qualitative research informants anticipated a disagreement. Let alone a disagreement on the constitutional change, we can expect disagreement a minor issue given the political sensitivity in our country. They expect disagreement among political parties. Different parties have radical positions and that may be an obstacle for constitutional amendment. Some of the points of disagreement mentioned by informants are proper political representation among different ethnic groups, identity recognition, self-determination, and land/territorial claim. The disagreement can be minimized by making the amendment process inclusive, participators, and transparent. The survey result also shows that 91% of the respondents anticipate disagreements over constitutional amendment.

### **4. Level of optimism**

Most of the informants are either not optimist or unsure about the outcome of the constitution would be amended. Others expressed a more optimistic opinion stating that the amendment outcome can satisfies them the public if the process satisfies them. An informant stated, “If there should be transparency and inclusiveness. And all inclusive public participation is very important; the political interest should respect public desire.”<sup>116</sup> However, 65% of survey respondents are optimistic that their desire would be met by the constitutional amendment.

Informants stated do not believe amendment alone will fix all the problems of the country. It may fix only certain dimension of it. The security issue should be addressed first, for example. Proper enforcement is also a must. An informant expressed, “As we can easily understand constitution is just a means to build democratic and developed country. Thus, unless the amended version of the constitution is accompanied by proper enforcement the intended result of democracy and development will not achieved”<sup>117</sup>

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<sup>116</sup>**(Gathbel Gathluak, Gambella o1 kebele, 65,M,Diploma, Meried with a household size of 16, Employer, 20 years of work exps, Nuer/Thuk nuer mother tongue with Additional language of Amharic and English)**

<sup>117</sup>(Anonymous, Gambella Twon, kebele 01, 43, Male, Degree, Married, Leader in an opponent party, 14 ys in responsibility, Nuer mother tongue and Amharic and Eng)

## II. PROVISIONS OF AMENDEMENT

### 1. General dimensions

The attitude of Nuer informants the federal system in general is shown on the table below. The table shows that the respondents have a good attitude towards the federal system of any type, but their response to the role of ethnicity in the federal system is low.

**Table 71 Respondents attitude towards the overall federal system (Nuer)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	Refused or don't know
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	9	4	13	39	26	9
There is no need to take ethnicity as factor in the country's constitution (%)	13	26	13	21	17	9
Federalism is too divisive and leads to conflicts; there is no need to any form of federal system in Ethiopia (%)	30	30	17	4	4	13

### 2. Preamble

Many informants believe the preamble is a good one and does not need to be changed. An informant stated, "I don't have alternative idea just keep the preamble as it is"<sup>118</sup>. Another informant added, "We the people of Ethiopia are all about more than 86 nation nationality so this preamble is the favorite one."<sup>119</sup> Another informant added,

I think this preamble is correct which take into consideration the past mistreatment and discrimination together with the hope of nation, nationality and people of Ethiopia to build a country common home the people of Ethiopia. Thus,

<sup>118</sup>Guaner Gathluak ( Place of residence: Woreda or city administration: Mekuey, Age: 46 Sex: M Educational status: BA, Marital status: Meried Household size: 10, Occupation/role/responsibility: Government Employee, Years of service in one's responsibility:- 10 Year, Mother tongue language(s):- Nuer/Thuk nuer, Additional language (s):- Amharic)

<sup>119</sup>(Gathluak Choul, Place of residence: Woreda or city administration: Lare, Age: 49 Sex: M Educational status: MA, Marital status: Meried Household size: 14, Occupation/role/responsibility: NGO, Years of service in one's responsibility:- 14, Mother tongue language(s):- Nuer/Thuk nuer, Additional language (s):- Amharic and English)

I don't think that there will be other preamble that best serve the intention of the people of Ethiopia so it should be maintained.<sup>120</sup>

Similarly, an informant added,

The preamble which profoundly establishes the concern of nation, nationality and people of Ethiopia, a corner stone of the country, shall be maintained as it is. At the end of the day Ethiopia is belongs to the nation, nationality and its people and giving a proper statement in the preamble helps to draw a road map for the detail text of the constitution.<sup>121</sup>

Other informants however are in favor of amendment of the preamble. These informants proposed that individual rights should be emphasized in the preamble and the premise of "historical injustice:" should be corrected. An informant said,

Yes, the amendment needed to include the very concepts of the preamble of the constitution so as to address the political problem of the country. I think, the Preamble isn't proper one as it stands on wrong premise of ethnic discrimination in the country. Because of this wrong premises the constitution open up for counter discrimination subjecting the alleged non-indigenous citizen discrimination under indigenous citizen of the country. Thus, I recommended it the preamble is amended in reflecting unity and equality of citizen.<sup>122</sup>

But, the opinion of the majority of Nuer informants is positive towards the preamble.

### **3. National emblem**

Regarding the national emblem, no Nuer informant proposed changing it. They believe that the emblem represents equality, hope and commitment to live together of nations, nationalities, and peoples of Ethiopia and there is nothing wrong in that. An informant expressed his worry regarding intention of those who argue in favor of change, "If the emblem is going to be changed it will bring us to the historical discrimination of feudal ruling system. The emblem at the center is convey the message ethnic equality and willingness to live together which need to be furthered instead of being changed."<sup>123</sup> An informant stressed,

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<sup>120</sup>(Anonymous, Gambella Town, kebele 01, 34, Female, Diploma, Married Household size: 10, Government Employee, 14 years of work exps, Nuer mother tongue with Amharic and English additional lan)

<sup>121</sup>(Anonymous, Gambella Town, kebele 01, 43\_ Male, Degree, Married, Member of House of Federation, 14 years in this responsibility, Nuer mother tongue with Amh and Eng additional languages)

<sup>122</sup>(Gat kek Thomas, Gambella Town, kebele 01, 34, Master of Law (LL.M), Married Household size: 3, Teacher, work exps 4 years, Nuer Mother tongue with Amharic and English additional languages)

<sup>123</sup>(Anonymous, Gambella Town, kebele 01, 34, Female, Diploma, Married Household size: 10, Government Employee, 14 years of work exps, Nuer mother tongue with Amharic and English additional lan)

In fact there are a massive rumor and propagandas directed towards discrediting the emblem at the center of the flag. However, one thing that need to be stressed is that none of the propagandas will shadow the grand national message such emblem carries. The emblem is a symbol that reflects the equality of the people of the country and their consent to live together. Thus, I don't that there will be a symbol which better serve this message so that the emblem need to be maintained.<sup>124</sup>

If at all a different idea, instead of taking for granted that the emblem should not be changed some informants proposed that the agenda can be subject to public discussion during the constitution amendment process. 77% of the survey participants either “strongly opposed” or “opposed” any potential amendment to this provision, and only less than 5% supported amendment.

#### **4. Article 8**

The opinion of the informants on article 8 is divided. Some informants argued all of sub articles of article 8 should be kept intact while others said the sovereignty clause of this provision should be changed. An informant representing those who said the article should remain intact stated:

Article 8 of the constitution is one among fundamental principle of the constitution that give recognition for the right of national, nationality and people of the country. I think if this article is going to amended national, nationality and people of the country will lose the influence they have that may end up in revolt. Thus, it shall remain unchanged in order to give proper place for national, nationality and people of the country.<sup>125</sup>

Those who support the sovereignty clause also added that all sub article of article 8 provide mechanisms to establish a legal framework for their political participation. The FDRE constitution has not done anything wrong. It just established the right of Nations, Nationalities and Peoples of Ethiopia to actively participating in the country politics. So it should be maintained as it is.<sup>126</sup>

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<sup>124</sup>(Anonymous, Gambella Town, kebele 01, 43 \_ Male, Degree, Married, Member of House of Federation, 14 years in this responsibility, Nuer mother tongue with Amh and Eng additional languages)

<sup>125</sup>(Anonymous, Gambella Town, kebele 01, 38, Male, Diploma, Married Household size: 7, Government Employee, 11 years of work exps, Nuer mother tongue with Amharic and English additional)

<sup>126</sup>(Anonymous, Gambella Town, kebele 01, 34, Female, Diploma, Married Household size: 10, Government Employee, 14 years of work exps, Nuer mother tongue with Amharic and English additional lan)

Those in favor of amendment of the sovereignty clause at least the population of the country stated that is not ethno-territorially bounded. Besides, the notion of “nations”, “nationalities”, and “peoples” is vague and politically interpreted. An informant said,

I think, the sovereign should be the whole Ethiopia people instead of the fragmented nation, nationality and peoples. This, article as it claimed end up in dividing the sovereignty of the country. Thus, there should be an amendment to this article in a way that grant sovereignty to whole Ethiopian people thereby ensure the unity of the country.<sup>127</sup>

### **5. Federal working language**

Overwhelming majority of qualitative research participants stated that it is not necessary to have additional working language for the federal government. Reasons raised include, first, Amharic already has nationality utility and it not necessary to add another one. Adding another language adds only confusion and conflict. Second, by using more languages, we are wasting more resources. An informant stated, “The duplication of language at the federal government is wasting the limited budget/resource of the country. What I want to say is that, as a country there are a number of need to which we give a priority instead of wasting the government budget on langue.”<sup>128</sup>A couple of informants however suggested other languages can be added to serve as the federal working language. The proposed Somali, Afan Oromo and Tigrigna can be the ones. 65% of the respondents either “opposed” or “strongly opposed” additional working language. Only 8% supported it.

### **6. Ethno-territorial arrangement**

Results of qualitative study on the need for amendment to ethno-territorial arrangement are mixed. Some informants believe that the ethno-territorial system should be amended. The ethno-territorial system dominated by a certain ethnic group is the source of discrimination of another group who is minority in the area. In addition to discrimination, it has also become the source of conflict. An informant said, “The current ethno-territorial arrangement of the country should be changed if we looking for long lasting peace of the country. This is because of the fact that is a source of territorial conflict between regional governments of the country”.<sup>129</sup>

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<sup>127</sup>(Gat kek Thomas, Gambella Town, kebele 01, 34, Master of Law (LL.M), Married Household size: 3, Teacher, work exps 4 years, Nuer Mother tongue with Amharic and English additional languages)

<sup>128</sup>(Anonymous, Gambella Twon, kebele 01, 43, Male, Degree, Married, Leader in an opponent party, 14 ys in responsibility, Nuer mother tongue and Amharic and Eng)

<sup>129</sup>(Gat kek Thomas, Gambella Town, kebele 01, 34, Master of Law (LL.M), Married Household size: 3, Teacher, work exps 4 years, Nuer Mother tongue with Amharic and English additional languages)

On the other hand, other informants oppose amendments to this arrangement. An informant said,

Ethnic group which are located and lives in certain geographical area since immemorial time need to have their own administrative unit. Based on this, territorial arrangement is something which reflects the reality of life in the country. By doing so, we can let them to have their own administrative space which is to be administered by their of regional context including language.<sup>130</sup>

They believe that Ethno-territorial arrangement is answer for the claim of ethnical organized force that ensures the overthrow of dreg regime. Amending Ethno-territorial arrangement is something which restore to past discrimination feudal system. Thus, if the amendment is done with aspiration of peace and development we shall not affect the constitutionally recognized right of people. Another informant warned,

“No, I don’t think that the Ethno-territorial arrangement of state administration be changed. One think that need to be stressed is that this system of arrangement is related with the right of people for self-administration that is recognized under the FRDE constitution. In sum, as the right to self-determination is realized by Ethno-territorial arrangement, such arrangement shall not be altered.<sup>131</sup>

The survey data shows that the majority of Nuer are in favor of the ethno-territorial system. Accordingly, 56% of informants either “agree” or “strongly agree” with ethno-territorial federalism while 21% of them are supported it should be changed. The rest are either neutral, or don’t know.

## 7. Article 39

A response of informants on Art 39 provisions except secession clause is similar in that they want them to be kept intact. There is difference in the opinion on secession clause. While some said it is unnecessary clause while others said it is really necessary. Those who are in favor of the amendment of the provision argued this provision is the cause ethnic fragmentation; it cultivates mistrust among the Ethiopian ethnic groups because one would think a certain ethnic group break away one day. An informant argued,

There is no doubt as to the necessity to give recognition and right for the right of nation, nationality and people of Ethiopia to develop their culture, identity and history. This is something that goes with diversity management. The same is true

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<sup>130</sup>(Anonymous, Gambella Town, kebele 01, 34, Female, Diploma, Married Household size: 10, Government Employee, 14 years of work exps, Nuer mother tongue with Amharic and English additional lan)

<sup>131</sup>(Anonymous, Gambella Town, kebele 01, 43\_ Male, Degree, Married, Member of House of Federation, 14 years in this responsibility, Nuer mother tongue with Amh and Eng additional languages)

for people right to self-determination. But, our concern regarding art 39 is the danger poses by the right to succession which needs to be abolished.<sup>132</sup>

On the other hand, some informants argued this clause should be maintained. The right of nations, nationalities, and peoples should be an absolute right. An informant argued,

Art 39 of the constitution encompasses a broad range of right that practically pertain the right of nation, nationalities and people of Ethiopia. In my opinion all the rights included under this art are equally important to effectively protect the right of people and the well-being of the country at large. In fact some individual cast a doubt as to the impact of the right to self-determination up to succession. However, the right to succession is a safeguard to build the trust of peoples to continue within the federation. In the event of discontent between federal or regional government and any other self-administered group the right could be used to ensure the peaceful divorce of the seceding group and the federation. In fact, all the sub article of art 39 are equally important to ensure peace and development in the country.<sup>133</sup>

The survey data however shows that the majority of Mejang have a favorable acceptance of the secession clause itself and they don't want it to be emended.

**Table 72 Whether and which provisions of Article 39 should be amended (Nuer)**

	Strongly oppose	Oppose	neutral	Support	Strongly support	Refused/don't know
Sub article 2 of Article 39 which gives nations, nationalities, and people's rights to language and culture should be amended (%)	13	13	30	22	17	4
Sub article 3 of Article 39 which gives nations, nationalities, and peoples the right to territorial autonomy should be amended (%)	17	22	35	4	13	8
Sub article 4 of Article 39 which gives nations, nationalities, and peoples the secession should be amended	30	35	17	4	9	4

<sup>132</sup> (Anonymous, Gambella Twon, kebele 01, 43, Male, Degree, Married, Leader in an opponent party, 14 ys in responsibility, Nuer mother tongue and Amharic and Eng)

<sup>133</sup>(Anonymous, Gambella Town, kebele 01, 43\_ Male, Degree, Married, Member of House of Federation, 14 years in this responsibility, Nuer mother tongue with Amh and Eng additional languages)



## 8. Ethnic parties

Majority of Nuer informants do not agree with banning ethnic parties. They argued different arguments. In the first place, they fight for political rights of ethnic groups historically marginalized. So long as such Ethnic political get supported and recognized by people it one democrat right of people to form parties along Ethnic line. An informant argued,

As it is tried to be recalled in the preamble of the constitution there was a historical discrimination and unjust treatment in the past Ethiopia. With the view of curbing this discrimination there was a number of Ethnic organized armed force in the country. The move to realize liberalization has get achieved in 1983. Eventually, such ethnic based organized armed force has changed in civil political organization that seize a power after the election made by Transitional government. There after the emergence ethnic based organization is a common phenomenon. Thus, as these Ethnic parties *are reaction of the problem of the day such organization shall not be banned.*<sup>134</sup>

Besides, informants argued, the right to association is part of international human instrument and also recognized under our constitution. Accordingly, individual who prefer to make political organization exercise the right to form an association. To prohibit ethnic parties means to defeat such right of people and I recommend if it remain intact. The constitution need to be governed by the principle of freewill of people and individuals. Accordingly, if individual or certain groups are with the plan to establish [parties alongside their ethnic group they should be left free.

The survey data shows that the Mejang community generally welcomes political parties based on ethnicity; therefore the future amended constitution should not ban them.

**Table 73 Whether ethnic parties should be banned by the would-be amended constitution (Nuer)**

Items	Strongly oppose	Oppose	Neutral	Support	Strongly support	Refused/don't know
The formation of political parties along ethnic line should be constitutionally banned (%)	22	17	26	13	13	22
There should be a constitutional requirement for a party to have multi-ethnic members (%)	13	17	39	9	13	9

<sup>134</sup>(Anonymous, Gambella Town, kebele 01, 43\_ Male, Degree, Married, Member of House of Federation, 14 years in this responsibility, Nuer mother tongue with Amh and Eng additional languages)

## 9. The status of Addis Ababa

All informants unanimously believe the current status of Addis Ababa is fine and there is no need to amendment. An informant stated, Addis Ababa hosts all nation, nationality and people of Ethiopia. Furthermore, it also hosts a number of international and diplomatic organizations. Given all this it shall remain to under its own municipal administration instead of merging with Oromia or forming new region. Changing the status of Addis Ababa is “just adding a fuel on a fire”<sup>135</sup> The survey data shows that 78% disagreed with change to the current status of the city, while 9% of them said it is ok for Addis Ababa live under the current status. The rest are uncertain. Those respondents who sought change to the current status of the city reported the following:

**Table 74 On how Addis Ababa’s status should be changed (Nuer)**

Items	Strongly oppose	Oppose	Neutral	Support	Strongly support	Refused/don’t know
Addis Ababa should be a separate regional state in the constitution (%)	44	28	5	0	0	11
Addis Ababa should be part of Oromia regional state in the constitution (%)	17	11	6	33	22	11
Addis Ababa should be jointly administer by the Federal government and Oromia regional state(%)	22	17	17	28	11	6

## III. CAHELLENGES, OPPORTUNITUIES AND WAY OUTS

### 1. Opportunities

Informants raised the current ethnic based conflicts can be an opportunity to amend the constitution because such conditions can be used as factors to initiate an amendment process. It can be argued that political deterioration can be changed by an amendment.

### 2. Challenges

<sup>135</sup>(Anonymous, Gambella Town, kebele 01, 43\_ Male, Degree, Married, Member of House of Federation, 14 years in this responsibility, Nuer mother tongue with Amh and Eng additional languages)

Other informants saw the situation is unfavorable now to amendment. There are different challenges to pursue it. The war in northern Ethiopia, the social media that could run disinformation and fake news, and the like can be challenges.

### 3. Way outs

Identifying the underlying societal issues and defining the agenda for reform; developing a national consensus on the goals of the constitution; resolving outstanding national or regional issues and difficulties<sup>136</sup>

- First let we let the people to aware of what is constitutional amendment, it pushing factors and goal to be achieved. Then, let the people give an informed decision in transparent and inclusive manner.<sup>137</sup>
- This is somehow requires expertise opinion so let I skip it.<sup>138</sup>
- The amendment should be conducted in the process set for by the constitution in order to ensure it legitimacy.
- Let the people representative seat on the two federal parliament and regional legislature decide the amendment as provided in the constitution.<sup>139</sup>

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<sup>136</sup>, **(Gathbel Gathluak, Gambella o1 kebele, 65,M,Diploma, Meried** with a household size of **16, Employer, 20 years of work exps, Nuer/Thuk nuer mother tongue with Additional language of Amharic and English**)

<sup>137</sup>(Gat kek Thomas, Gambella Town, kebele 01, 34, Master of Law (LL.M), Married Household size: 3, Teacher, work exps 4 years, Nuer Mother tongue with Amharic and English additional languages)

<sup>138</sup>(Anonymous, Gambella Town, kebele 01, 34, Female, Diploma, Married Household size: 10, Government Employee, 14 years of work exps, Nuer mother tongue with Amharic and English additional lan)

<sup>139</sup>(Anonymous, Gambella Twon, kebele 01, 43, Male, Degree, Married, Leader in an opponent party, 14 ys in responsibility, Nuer mother tongue and Amharic and Eng)

### I. INVESTIGATING THE POPULAR DEMAND AND FACTORS

#### 1. Whether the FDRE Constitution should be changed (revised or amended)

The informants in this interview were a student, an Ezema member, a civil servant, a state official, and a teacher. All of these informants, save for the student, had the view that the constitution should be changed. The Ezema member claimed that the current constitution was adopted hastily which can be seen in the 'ill-advised' arraignment that puts 56 ethnic communities in a single state limiting the cultural and linguistic development of the communities. The arrangement has also resulted in poor attention for the infrastructural development of communities in the periphery with all the attention being on areas close to the centre, such as, Arba Minch. The authorities at zonal and state levels do not even understand the reality at the woreda level. The existing structure is not able to transmit the voices of our community through the intermediary organization ( i.e. woreda and zonal representatives) to the highest level of the federal government. Once requests are lodged by the community then there should be a mechanism to rapidly respond.

A state official said the constitution should be changed. Some provisions in it need to be revised including those that deal with minority representation. There is a situation where 11 ethnic communities are represented by one individual. Every ethnic group should have its own representatives. The word minority per se should be changed. Since many ethnic groups are represented by one individual, diversified questions that should be raised are not articulated. Moreover, South Omo has four pastoralist weredas and the constitution doesn't clearly articulate how to ensure the benefit of these communities. These areas are not treated as pastoralist areas; rather the focus is on pastoralists in Afar and Somalia regions.

Another state official opined the constitution should be amended since our community, mainly a pastoralist know little about it. It should be amended because the participation of the people should be ensured. Besides, the idea of the people should be heard. Another informant, a teacher, said the constitution should be changed. The reason is that conflicts, poverty, famine, and displacement are increasing more than ever and the constitution is the primary reason is that the constitution is the main cause. He further said the constitution is not inclusive and the government has forsaken small communities like theirs. Small ethnic communities do not have political representation. A case in point is that Nyangatom is represented by a representative from another ethnic group-Dime-who had never held a discussion with the community. The last informant, a grade 7 student, held a different view and maintained that the constitution should not be changed.

## **2. Amendment or revision?**

Some informants preferred amendment to a complete revision of the constitution while the rest were of the view that the constitution needs to be replaced by a new one. The state official supports amendment as opposed to revision. The informant from Ezema, who also argues the constitution should be only amended, said a constitution that results in perfect horizontal and vertical intergovernmental relations within the context of federalism is suitable. There is a need for a mechanism for transmitting the interests and needs of the community to senior levels of government. It was because of the lack of such mechanisms that the importance of sediments for cultivation by pastoralists was completely ignored. And as a result, the community is suffering from food insecurity. The second state official and the teacher however held the view that the constitution needs to be revised.

According to the survey conducted in the research area, 82% of the respondents are they view that they are familiar with the constitution and about 70 percent of them want a constitutional change. Again 70% of them favour a constitutional amendment as opposed to a constitutional revision.

## **3. Expected disagreement**

All informants have pointed out different points of disagreement in relation to the amendment of the constitution. The informant from Ezema said the amendment of Article 39(4) which he thinks should be retained will be a cause of disagreement.

## **4. Level of optimism**

All informants, except the last one, replied that the final product of the amendment process would reflect the desire of the public. The informant from Ezema is convinced that the amendment will address the concern of the public. The state officials also shared a similar view. The teacher held a different view and said, the process is likely to exclude pastoralist communities. The state official responded to the above that the constitution being the primary cause for the current multitudes of crisis in the country, its amendment if done properly, will certainly address some of the major problems.

# **II. PROVISIONS FOR AMENDMENT**

## **1. On the general dimensions**

The Ethiopian federal system, which is predicated on accommodating ethnic differences, is the most debated constitutional issue in the country. Whether and how the federal design could be revised has been discussed extensively. The respondents in Afar were thus requested to answer some general questions regarding the federal system and their responses is summarised in the table below.

**Table 75 Respondents attitude towards the overall federal system (Nyagatom)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)		-	-	70.59	17.65
There is no need to take ethnicity as factor in the country's constitutional (%)	-	35.29	5.88	29.41	17.65
Federalism is too divisive and leads to conflicts; there is no need to any form of federalism (%)	11.76	58.82	11.76	5.88	-

As can be seen in the table above, close to 90% of the respondents are in favour of a federal design that somehow caters to the ethnic diversity of the Ethiopian people. The respondents are divided on whether ethnic diversity should be considered at least as one factor in the country's constitutional design with 47 percent agreeing while a little over 35 percent disagreeing. And close to 70 percent of the respondents reject the notion that a federal system, its design regardless, is divisive and it should not be implemented in the country.

## **2. Preamble**

All informants believe the phrase “[w]e the nations nationalities and people of Ethiopia” deteriorates the unity of Ethiopians and should be replaced by “We Ethiopians ’needs to be revised. The informant from Ezema maintained that this should be replaced with ‘citizens of Ethiopia’. The phrase ‘[f]ully cognizant that our common destiny can best be served by rectifying historically unjust relationships and by further promoting our shared interests ’ can be understood as the historically inequitable level of development. The state officials were also of the view the preamble of the constitution emphasises division than unity. Similarly, the teacher said the preamble is divisive and has brought ethnocentrism and should be replaced with ‘we Ethiopians’.

## **3. National Emblem**

All informant strongly argue that the emblem at the center of the flag is not representative and need to be removed. The informant from Ezema said he did not have a sufficient understanding of what the emblem means and he thought the usual plain green yellow and red flag is sufficient. The other informants also held a similar view. Yet close to 60% of the

respondents in the survey opposed the suggestion to remove the national emblem from the national flag and less than 30 percent supported the idea.

#### **4. Article 8**

The informant from Ezema expressed his understanding of the concept of sovereignty in relation to repelling foreign aggression. And that the concept of sovereignty should be about empowering citizens.

#### **5. Federal working language**

All informants, except one, noted that Amharic is enough and no need to add other languages as a federal working language. The informant who argued that there was a need for additional federal working language was the one from Ezema. However, the informant does not support the idea of using another local language as a federal language. It will create expectations and encourages demands for the inclusion of other local languages in the list of federal working language. The solution according to this informant is to introduce a neutral language, especially the English language. The survey shows there is strong support from among the respondents for retaining Amharic as the only federal working language with 70% of them expressing this view. Only a little over 20% of the respondents showed support for the proposition that an additional federal working language should be introduced.

#### **6. Ethno-territorial Arrangement**

All informants strongly argue that the current ethno-territorial arrangement has created multitudes of problems and needs to be replaced by geographical federalism. One of the state officials said 'that ethnic-based federalism is the catalyst for all the problems we have. It divided us. It encouraged [ethnic] radicalism and separatism. We should practice territory/geographical based federalism.' The other informants also held a similar view on this specific issue. The survey however paints a different picture since the respondents are divided on this specific issue. About 45% of the respondents want the current territorial structure to be kept intact. The rest are in favour of changing the territorial structure (30%), unsure (18%) or neutral on the issue (6%). Yet 70% of the respondents are in favour of a federal system that somehow caters to the ethnic diversity in the country.

#### **7. Article 39**

The informants were divided on which sub-article of Article 39 should be amended. All the informants are in favour of maintaining Article 39(2) which recognises the right of each community to develop its own language and culture.

'For instance, I can mention the case of "Murule" in our woreda. Their language is dominated by the Nyangatom. The language of the court is Amharic and the

procedure they employ is not amenable for the community. Rather the community access the traditional conflict resolution rather than the formal courts. For instance, I began to develop a manuscript of the Trilingual dictionary of Nynagaton-English-Amharic until I was impeded by lack of finance. Irrespective of this development, no substantial effort has been done to develop the languages of the community. To this day, Nyangatom was not privileged for mother tongue education in our woreda. Therefore Article 39 (2) has to be kept as it was.'

The informants were divided on whether Article 39(4) should be amended. For instance, the informant from Ezema was in favour of maintaining Article 39(4) which he said would be a disincentive against an authoritarian rule. The state official disagreed and said Article 39 (4) only creates a favorable condition for the disintegration of the country.

The survey also shows division among the respondents on whether Article 39 should be kept intact. Over 70% of the respondents are in favour of retaining Article 39(2). The respondents on equally divided on whether to repeal Article 39(3) with 40% of them supporting and equally 40% opposing the suggestion. Likewise, only 45 percent of the respondents supported the proportion that Article 39(4) should be repealed.

## **8. Ethnic parties**

All informants reported that establishing ethnic-based political parties should be banned by the constitution. The informant from Ezema was the view that 'political parties should serve all irrespective of their ethnic background.'. The state official said 'the formation of the ethnic-based political party brought hatred and grudge which led to deaths and displacements throughout the country'. He added 'the right to self-government should not be all about and political parties should be established based on citizenship or nationality'. The rest of the informants also shared a similar sentiment. The survey shows there is no agreement among the respondents on this specific issue with 40% supporting the banning of ethnic-based parties while equally 40% opposing doing so.

## **9. The Status of Addis Ababa**

All informants were asked about the status of Addis Ababa and replied that it is for all Ethiopians and should not be within the exclusive ownership of an ethnic community. Instead, thus remain under the federal government. There is also strong opposition (82%) to changing the current status of Addis Ababa, unless that change means, according to 82% of those who supported a change in the current status of Addis, that Addis Ababa becomes an autonomous regional state.



### **III. OPPORTUNITIES, CHALLENGES, AND WAY-OUTS**

#### **1. Opportunities**

Asked whether there is a fertile ground for amending the constitution, most of the informants replied the security and political context does not allow a constitutional amendment. The state office was the view that being wracked by diversified conflicts, there is no peace and order in the country and thus one cannot talk about a constitutional amendment. The informant from Ezema and the teacher however maintained that it is high time that the constitution is amended since many have demanded its amendment and there are several proposals regarding how it can be amended.

#### **2. Challenges**

All informants mentioned different challenges that may hinder the amendment process including lack of sufficient financial resources, lack of commitment from the politicians, and disinterest from international funders. Ethno-nationalists who do not want to see the constitution amended can pose challenges.

#### **3. Way-out**

The informants have different views on how to successfully amend the constitution. The informant from Ezema said if the constitutional amendment is to be successful, the mistakes committed during the last general elections should not be repeated. The state official said that the successful amendment of the constitution entails adequate participation from the public. It is vital to understand to create various platforms for the public to express its wants and desires. The teacher maintained the government should ensure peace and order in every part of the country.

### I. INVESTIGATING THE POPULAR DESIRE AND FACTORS

#### 1. Whether the FDRE constitution needs to be changed

Regarding familiarity with the FDRE Constitution, Opo respondents response show that while 95% of them are “somehow familiar”, 5% of reported they are “very much familiar”. No respondents reported they are unfamiliar to the constitution. Based on their familiarity, all the qualitative research participants of Opo informants agreed the constitutions needs to be changed. Their reason is that it has stayed for a long time without change and arguably it being responsible for the many conflicts we witness today in Ethiopia. Likewise, 73% of survey respondents “agree” or “strongly agree” the constitution should be changed (either amended revised) while 24% of them are neutral and the rest either don’t know or believe the constitution should remain intact.

#### 2. Amendment or revision?

About the kind of change they seek, all qualitative research participants of Opo are in favor of amendment instead of complete change. They argued it is not good to take extreme positions, so it good to learn from lessons from the implementation of the constitution for the last thirty years and then make amendment to certain provisions. Similarly, majority of survey research participants (77%) either “agree” or “strongly agree” with the idea of amendment.

#### 3. Expected disagreements

All survey participants of Opo as well as qualitative research participants anticipated disagreements if the constitution would be amended. Regarding parties that would enter into disagreement, they mentioned that most often, disagreement between political parties would challenge the process. An informant stated,

The disagreement lies between politician of different ideology and ethnic background. In this regard those who are unionist claim the constitution give more emphasis to nation, nationality and people of Ethiopia and it denies space for non-indigoes people that resides in different corner of the country.<sup>140</sup>

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<sup>140</sup>(Julelangan, Gambella town, 05 kebele, 50 ,Male, Degree, Married, member of HoF , 10 yrs of service, OPogna\_+ Amharic, Nuer and Aguaa)

As the disagreement among political elites would spill down to the community, there would also be disagreement among the common public representing diverse ethnic groups.

Above all the most dangerous for this country is the youth movement which is managed by invisible hands. Such movement has also occurred in Gambella between Dildime and Gualmal, organized youth movement form Aguaa and Nuer ethnicity. As the two ethnic group cover substantial amount of the region population each of them are influential that is manifested by these organizations. We Opos and other like Majang has no such organization so that we are endangered by such movements. Secession and claim for territory are also other controversial thing in the constitution<sup>141</sup>

As to the subject matter of disagreement, many suggested that all the “ethnic provisions” of the constitution would be contentious. They anticipated not only disagreement, but also conflict. This includes the secession clause of article 39, administrative and territorial sovereignty of ethnic groups, claim over identity, and representation.

#### **4. Level of optimism**

Many informants expressed their concern that the amendment process would be derailed by politicians. However, if there is active participation of institution like Human right institutions and other civil society, it is possible to minimize the negative role of politicians. An informant stated,

It is clear that politicians may derail the process to pursue their interest instead of the public. But, the government needs to discharge its leading role to manage the process so that ensure genuine amendment. In addition to the government, institution like media, ombudsman, civil societies and human right need to get the right to attend and make watch over the process<sup>142</sup>.

Survey respondents (81%) reported that they are hopeful that the constitutional amendment will be materialized soon and the result would be good.

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<sup>141</sup>(AballaGnoch, Itang special wereda, Wanke kebele, 34, Male, Diploma, Married, Government Employee/member of the ruling party, 11 years, OPogna mother t, Amharic, Nuer, Aguaa& English additional)

<sup>142</sup>Anonymous, Itang special wereda, Wanke kebele, 30, Female, Diploma, Married, Government Employee, 8 yrs of exps, Opogna, Amharic

Many informants are aware of the fact that amendment of the constitution per se is the end of the problem solving effort of this country. Additional requirements include proper implementation of the constitution and building institutions. An informant voiced, “The ultimate change depends on the institution established in the constitution which will going to play vital role in the administration of the country. If the constitution includes an institution which are led by proper science and human power the amendment will bring the desire change.”<sup>143</sup> According to informants, amendment is only half way to ensuring peace and democracy. The amendment need to be supplemented by proper enforcement. No the fruit the amendment will not ripe unless it is supported with the practical application.

## II. PROVISIONS FOR AMENDMENT

### 1. On the general dimensions

The following table shows the attitude of Opo informants about the general dimensions of the federal system. The result shows that a federal system that caters diversity important for the country and any of them agree believe that certain federalism is a viable option for Ethiopia.

**Table 76 Respondents attitude towards the overall federal system (Opo)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	Refused/I don't know
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	5	5	0	77	9	5
There is no need to take ethnicity as factor in the country's constitutional (%)	0	14	9	64	9	5
Federalism is too divisive and leads to conflicts; there is no need to any form of federalism (%)	0	64	0	23	9	5

### 2. Preamble:

Regarding the phrase, “We the Nations, Nationalities and People of Ethiopia” all Opo informants argued it should be amended and replaced with “We the people(s) of Ethiopia”. They believe that the preamble of the constitution is appear to be divisive it should be a term that reflect unity. An informant argued,

<sup>143</sup>AballaGnoch, Itang special wereda, Wanke kebele, 34, Male, Diploma, Married, Government Employee/member of the ruling party, 11 years, OPogna mother t, Amharic, Nuer, Aguaa& English additional)

The preamble of the constitution is shall be changed as it depict confused and wrong image. In this regard, the claimed nation, nationalities and people are not entrusted with what is promised in the constitution. What is more I don't agree with the alleged historical unjust as the ancient Ethiopia people are properly not known each other let alone discriminate one another.<sup>144</sup>

The other point which justifies the need for amendment of the preamble is that "its objective to establish one social economic society is not supported by its main text as the later propagate division and separatist."<sup>145</sup> There is no doubt that the preamble reflect the general essence of the detail thus, the FDRE constitution defect begin form its preamble which need to change in a way that ensure unity and equality of Ethiopia people. What is more, the main text of the constitution like the power of Hof federation to interpret the constitution needs to be for full time worker like court. In addition to this, the classification of basic human rights in to democratic and Human right need to be avoided and merged together as one unifies human right.<sup>146</sup>

About historical injustice, informants are also skeptical of the fact that this stamen is political instead of historical as such. An informant stated, "

Regarding the preamble it's important to ask whether there is really historical inequality and unjust relationships. This is something which is fiction rhetoric of the TPLF regime that is targeted to divide the sovereignty of the country. I felt proper that if this is changed by statement which leads to unity instead of disintegration.<sup>147</sup>

An informant added "In my opinion the historical unjust and discrimination alleged to be committed in history are simply fiction fabricated by the previous regime. We need to look forward instead of looking backward which doesn't add a value to current Ethiopia".<sup>148</sup>

According to an informant, even if the FDRE constitution seems to be one that brings equality to nation, nationality and people, the reality is to the contrary. In this regard, we

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<sup>144</sup>(AballaGnoch, Itang special wereda, Wanke kebele, 34, Male, Diploma, Married, Government Employee/member of the ruling party, 11 years, OPogna mother t, Amharic, Nuer, Aguaa& English additional)

<sup>145</sup>(Anonymous, Itang special wereda, Wanke kebele, 68, Male, Diploma, Married, Religious leader, 40 years of exps, Opogna + Amharic, Nuer, Aguaaand English)

<sup>146</sup>(Julelangan, Gambella town, 05 kebele, 50, Male, Degree, Married, member of HoF, 10 yrs of service, OPogna\_ + Amharic, Nuer and Aguaa)

<sup>147</sup>(GnapiwBitwa, Itang special wereda, Wanke kebele, 38, Female, Diploma, Married, Government Employee, 10 years of experience, OPogna with Amharic as additional lan)

<sup>148</sup>(Anonymous, Itang special wereda, Wanke kebele, 28, Female, Degree, Married, Government Employee, 4 years of exps, Opogna + Amharic)

the Opos in Gambella region are under the domination of other ethnic group which is with substantially high population number. Thus, I can say that number of the population still matter which defeats equality.<sup>149</sup> For Opos, the domination that this community is acing today is more important than the purported historical injustices propagated by the constitution.

### **3. National emblem**

Opo informants have divided opinion about the emblem. Some of them argued that the meaning of the emblem is to symbolize equality of nations, nationalities and peoples. Thus, there is no problem that it becomes the cause of dispute. An informant stated, “In my opinion the flag reflect the equality of all nation, nationalities and people of Ethiopia so that it shall remain as it is”<sup>150</sup> Other informants like this issue to be opened for discussion as well, because the emblem still is a point of disagreement for many people. However, there are informants with the opinion that the emblem should be necessarily changed. The majority of the survey participants however are in favor of removing the emblem. According to survey respondents, 5 % of them strongly opposed changing the national emblem, 23 % opposed, 50 % supported and 9% strongly supported.

### **4. Article 8**

Many informants of Opo see this article has only a rhetorical for them, and may be it is there for the benefit of dominant ethnic groups who benefit from “sovereignty”. An informant stated idea which is shared by many others: “the idea that the Nations, Nationalities and Peoples of Ethiopia are power holder is false. Power is belong to few both at federal and regional level. Thus this notion shall be amended.”<sup>151</sup>For the Opo, it is simply a false promise so should be amended.

### **5. Federal working language**

Majority of informants are open to accept other working languages for the federal government. Some informants are even specific as to mention the name of languages that need to be included in addition to Amharic. One informant listed Opogna, Nuer, Aguuwa, English. Another informant listed Oromifa, sidama, somali, and Tigray. On the other hand, some informants argued that Amharic, which is common to all Ethiopians can be continued to be used as the federal working language. An informant even stated, “I recommend that if Amharic is assigned to working language of all regional government in order to bring ease of

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<sup>149</sup>(KiwchWiw, tang special wereda, Wanke kebele, 53, \_ Male, Degree , Married, Government Employee/higher administrative, 18 years of exps, Opogna with additional Lang of Amharic, Nuer, Aguaa, English

<sup>150</sup>Julelangan, Gambella town, 05 kebele, 50 ,Male, Degree, Married, member of HoF , 10 yrs of service, OPogna\_+ Amharic, Nuer and Aguaa)

<sup>151</sup>(Dech Bon, Itang special wereda, Wanke kebele, 49, Male, Diploma , Married, Government Employee 30 years of service, OPogna\_ with additional languages of Amharic, Nuer, Aguaa)

government work and inclusiveness. <sup>152</sup>Similar results were also reported from survey respondents. Accordingly, 5% of respondents “strongly opposed” additional federal language, and 73% “opposed” it.

## **6. Ethno-territorial arrangement**

Opo response to the above questions is also unequivocally against territorial arrangement and thus should be amended. They raised both theoretical and practical arguments where this mode of arranging administrations does not work. From the theoretical point of view, this arrangement divides communities into those owners of the territorial administration and otherwise settlers. From the practical point of view, this arrangement has caused suffering to many people who are treated secondarily in the regions designated to specific groups. They have used strong terms like a system of “divide rule” that colonialist have used to rule Africa, or a tactics by rulers to divide Ethiopians. An informant stated ide which seems to summarize the ones mentioned by most others,

This point need to be analyzed from practical point of view. The practice proves that how much the country regional state have sense of enmity and undue competition instead of cooperation. To the worst, there were and still are conflicts between regional state on issue of territory which still remain unsettled due to the fact that country don't have effective umpiring organ. Thus, the amended version of the constitution need to come up with a new paradigm on regional state establishment.<sup>153</sup>

Informants have suggested geography as an alternative mode organization. Interestingly, they did not consider ethnicity even as one option for territorialization.

According to survey respondents, 5% of respondents “strongly disagree” with keeping the current ethno-territorial system intact, 27% “disagreed”, while 45% agree and 14% “strongly disagree”, which means that 72% of respondents seek the ethno territorial arrangement system to be changed.

## **7. Article 39**

Opo informants agree with article 39 of the constitution except the secession clause. As to them, this clause is divisive, and is promoting the disintegration of the country. An informant stated, “As I know, there is no country other than Ethiopia which give recognition to secession which is so embarrassing to our national pride as it erode integrity

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<sup>152</sup>(Anonymous, Itang special wereda, Wanke kebele, 68, Male, Diploma , Married, Religious leader, 40 years of exps, Opogna + Amharic, Nuer, Aguaaand English)

<sup>153</sup>(Anonymous, Gambella Town, 05 kebele, 25, Male , TVET, Government Employee/Youth , 3 years of exps, OPogna + Amharic)

of the country. I must be abrogated unless the country should lead to integration.”<sup>154</sup> They also emphasized that secession is not attainable, for example simply to give a status of regional administration for more than 80 ethnic groups. Again with this question we need to look in to the practice instead of sticking to the text of the constitution. Accordingly, the practice tell us how much it is economical unfeasible to establish regional state for each ethnic group. An informant also raised a moral argument from history when he stated “allowing secession in the constitution will be denial to the scarification that our ancestor paid at different corner of the country.”<sup>155</sup> The result from the survey data also supports the opinion of qualitative study participants, as shown below.

**Table 77 Whether and which provisions of Article 39 should be amended (Opo)**

	Strongly oppose	Oppose	neutral	Support	Strongly support	Don't know
Sub article 2 of Article 39 which gives nations, nationalities, and people's rights to language and culture should be amended (%)	14	23	0	37	14	14
Sub article 3 of Article 39 which gives nations, nationalities, and peoples the right to territorial autonomy should be amended (%)	5	50	9	18	9	9
Sub article 4 of Article 39 which gives nations, nationalities, and peoples the secession should be amended(%)	5	64	14	0	9	9

## 8. Ethnic parties

All Opo informants are against ethnic parties. Ethnic based political parties are Ethnocentric mostly they favor only their Ethnic and ignore others. So better to allow other kind of political parties. An informant stated, “I think parties in other countries are not organized based on Ethnicity. So why do this is introduced in Ethiopia current constitution. This kind of political system is surrounded by hate, un fair competition, discrimination so it should be amended.”<sup>156</sup> Besides, the fact political parties which came out of substantially popular ethnic group may dominate the other counterparts. Thus, the trend of political

<sup>154</sup>(KiwchWiw, tang special wereda, Wanke kebele, 53, \_ Male, Degree , Married, Government Employee/higher administrative, 18 years of exps, Opogna with additional lang of Amharic, Nuer, Aguaa, English)

<sup>155</sup>(Anonymous, Itang special wereda, Wanke kebele, 28 , Female , Degree, Married, Government Employee, 4 years of exps, Opogna + Amharic)

<sup>156</sup>(AballaGnoch, Itang special wereda, Wanke kebele, 34, Male , Diploma, Married, Government Employee/member of the ruling party, 11 years, OPogna mother t, Amharic, Nuer, Aguaa& English additional)



organization based on ethnicity need to ban by the constitution.<sup>157</sup> Political parties should be organized based on merit and common values. The survey result also supports the argument of qualitative study participants who see the future constitution should take into account banning ethnic parties.

**Table 78 Whether ethnic parties should be banned by the would-be amended constitution (Opo)**

Items	Strongly oppose	Oppose	Neutral	Support	Strongly support	Refused/don't know
The formation of political parties along ethnic line should be constitutionally banned (%)	0	9	0	50	23	17
There should be a constitutional requirement for a party to have multi-ethnic members (%)	5	5	18	18	9	45

## 9. The status of Addis Ababa

An overwhelming majority of Opo informants believe that Addis Ababa's status should continue as today. If its status has to be changed, it is to make the city an autonomous state like other regional states. Any other change in Addis Ababa's status would be destabilizing. Oromia region should not have any special status other than all nations, nationalities and peoples of Ethiopia. The survey data shows that 72% of respondents responded "yes" to disagree to indicate there should be some change need to the current status of the city, while the rest of them said it is ok for Addis Ababa live under the current status. Those respondents who sought change to the current status of the city reported the following:

**Table 79 On how Addis Ababa's status should be changed (Opo)**

Items	Strongly oppose	oppose	Neutral	Support	Strongly support	Refused/I don't know
Addis Ababa should be a separate regional state in the constitution (%)	6	35	6	25	12	6
Addis Ababa should be part of Oromia regional state in the constitution (%)	6	6	0	65	12	12
Addis Ababa should be jointly administer by the Federal government and Oromia regional state (%)	12	35	0	24	18	12

<sup>157</sup>(GnapiwBitwa, Itang special wereda, Wanke kebele, 38, Female, Diploma, Married, Government Employee, 10 years of experience, OPogna with Amharic as additional lan)

### **III. OPPORTUNITIES, CHALLENGES, AND WAY OUTS**

#### **1. Opportunities**

- The current problem we have with ethnicity itself allows us to rethink about the constitution.
- Yes, this is the right time to conduct constitutional amendment as the public and the country is suffering from the pitfall of the constitution remains or three decades.

#### **2. Challenges**

The Opo informants have repeatedly stated that the challenge from their side is they will be simply dominated by ethnic communities that have large populations. An informant stressed the idea which is shared by many informants, “The challenge that I fear is the influence that come from those who have substantially high number of population. We Opos for example are under the influence of other in Gambella region.”<sup>158</sup> In the face of such domination, it would be difficult to anticipate a constitution that would serve the position of the Opos. Many informants also mentioned the challenge would be ethnic conflict even to amend the constitution. Ethnic conflicts may break out as the youth can be easily mobilized by those political elites who think the amendment process does not fulfill their interest. The current challenges of lack of rule of law can also hinder this initiative.

#### **3. Way outs**

- The first measure is to restore the peace and security of the country.
- It is better if the agenda is opened to the public participation.
- What matter is popular consensus regarding its importance. Thus, the public convinced by its importance it could be conducted peacefully.
- I think the best way is to conduct the amendment process from the grassroots level to the central government level.
- We ensure its successfulness by way of inclusiveness and transparency.

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<sup>158</sup>(Dech Bon, Itang special wereda, Wanke kebele, 49, Male, Diploma, Married, Government Employee 30 years of service, OPogna\_ with additional languages of Amharic, Nuer, Aguaa)

### **I. INVESTIGATING THE POPULAR DEMAND AND FACTORS**

#### **1. Whether the FDRE Constitution should be changed**

Almost all Oromo survey respondents claim to be familiar with the Ethiopian Federal Constitution. More specifically, 84.56% claim to be “familiar” and 13.42 % claim to be “very much familiar” with the Constitution. Based on their familiarity, more than 70% of the respondents favor a reform of the current constitution.

#### **2. Amendment or Revision?**

The Oromo respondents in the qualitative interviews almost unanimously support constitutional amendment, but no one advocates an overall revision, which indicates that, among the Oromo, there is a general acceptance and legitimacy of the current constitutional framework. This result is largely confirmed by the survey data. Of the survey respondents with Oromo identity, 60% of them “agree” and 31% “strongly agree” with constitutional amendment. All in all, 91% of Oromo survey respondents are in favor of amendment instead of revision.

#### **3. Expected Disagreements**

Almost all respondents expect disagreements to arise in the case of constitutional reform. The issues mentioned as requiring constitutional amendment while also being difficult to reach agreement on are primarily those related to what we have referred to in this report as “ethnic provisions”, such as the federal working language(s), the colors and emblem on the federal flag, the ethno-territorial administrative boundaries, the increased number of regional states, Article 39, and the status of Addis Ababa. The respondents’ focus on these provisions is not surprising and confirms our observation that they are the ones on which societal debate has been the most intense and opinions are most polarized. The respondents, therefore, argue that these contentious and divisive issues need constitutional reform in order to bring sustainable peace and stability to the country. With regard to the federal working language, some of the respondents rightly mention that the implementation of the ruling party’s recent policy of introducing five federal working languages is subject to constitutional amendment, and, of course, in the Oromia Region, there is a high demand to add Afaan Oromo as a federal working language. Pertaining to Article 39, most respondents (as will be further elaborated on below) argue that the right to secession included in sub-article 4 of this article endangers the unity of Ethiopia and therefore has to be deleted. Yet, nearly all the respondents assert that the other sub-articles (sub-articles 1, 2 and 3) of the article have to be maintained as they are. In general, respondents also argue that since the Constitution has not been amended since its adoption, it should be updated to

take stock of the global as well as Ethiopian social, economic, and political dynamics of the last 27 years.

In terms of process, the respondents support the comparative theoretical recommendations that the constitutional reform process needs to be bottom-up, participatory, and inclusive; the process should therefore not be captured by specific interest groups. Yet, the role of technical experts in assessing and translating the public demands into workable and consistent constitutional provisions is also underscored.

#### 4. Level of Optimism

Although the respondents are cautiously optimistic about the potential of constitutional amendment – they believe it can contribute to societal peace and stability by settling a number of contentious issues through a participatory and inclusive process – they display a justified realism by emphasizing that constitutional amendment alone would not suffice to address the multifarious problems of the country. Doing this additionally requires an effective implementation of the amended constitution – hence, constitutionalism – as well as intensified and sustained efforts to support good governance, to ensure law and order, and the design and implementation of effective economic policies.

## II. PROVISIONS FOR AMENDMENT

### 1. On the general dimensions

The survey shows overwhelming support among the Oromo for a federal system that caters to ethnic diversity. Consequently, little support is there for the suggestion that there is no need to consider ethnicity as a factor in the country’s constitutional order. Let alone ethnicity, the survey data leaves no doubt that there is basically no support for a return to a unitary system of government. Indeed, even opponents of the current ethno-territorial arrangement advocate a geographical (non-ethnic-based) federal system of government, a system of administration that takes into account other elements than ethnicity, such as geography and administrative convenience.

**Table 80 Respondents attitude towards the overall federal system (Oromo)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of federalism that seeks to cater to ethnic diversity is appropriate (%)	5	6	2	51	33
There is no need to consider ethnicity as a factor in the country’s constitutional order(%)	28	42	3	15	11
Federalism is too divisive and leads to conflicts; there is no need for any form of federalism(%)	48	40	3	4	4

## **2. The Preamble**

Oromo respondents predominantly argue in favor of the preambular provision talking about “nations, nationalities, and peoples” since it expresses a recognition of and respect for the ethnic diversity of the Ethiopian population.

The preambular provisions mentioning the “historical unjust relationships” are also valued since they provide an adequate narration of the past as perceived by the respondents. More specifically, the respondents argue that this provision rightly evokes and acknowledges a past assimilationist process of nation-building characterized by the dominance of one culture, language, and religion. Nonetheless, it is notable that several respondents point out the risk that, although they underscore that this provision has been instrumental in assuring the acceptance of the Constitution at the time – since many liberation movements had an ethno-nationalist agenda – it may not be conducive to supporting the objective of living together and a “common destiny” and should therefore be deleted or rephrased in a future constitutional reform process. The same respondents would rather argue in favor of provisions emphasizing and supporting the unity of the Ethiopian ethnic groups. This evokes the opinion that although the constitutional acknowledgement of past oppression served a transitory objective, it is now time to look to the future and forge a common destiny.

## **3. The Flag and National Emblem**

The majority of the respondents in the qualitative interviews support the continuation of the current flag (both the colors and the emblem). The survey data shows the same picture: 39% of the Oromo respondents “strongly oppose” and 26% “oppose” an amendment to the flag and national emblem. Together, 75% of Oromo respondents are in favor of the current emblem.

The respondents favor the emblem since it evokes and acknowledges a history of ethnic and religious marginalization while offering the hope of remedying this through emphasizing equality and unity. It represents the unity of the ethnically diverse Ethiopians; hence, unity in diversity. According to these respondents, the flag without the emblem is reminiscent of the old political system, which was based on exclusion and marginalization of most ethnic communities, and, therefore, cannot evoke or represent an inclusive national identity. According to the respondents, the ones who criticize the current emblem are the ones who want to restore the imperial era of the unitary nation state. Hence, according to these respondents, the current emblem is supported by most.

When it comes to the colors, the respondents generally express their support for them. They link it to the history of the successful Ethiopian resistance against European colonial expansion, because of which the colors have become a symbol not only of Ethiopian, but

also of African freedom and independence. However, a discussion on the colors and flags is not rejected as long as the final product represents the genuine interests of the different ethnic communities; the need for an inclusive process and a resulting consensus is again emphasized.

#### **4. Article 8**

The prevalent attitude towards this article is positive, so an amendment is suggested by a few. This result is unsurprising since the majority of respondents in the study area also express support for the preambular statement on “nations, nationalities, and peoples”. Indeed, Article 8 is the logical consequence of the preambular statements about the nations, nationalities, and peoples.

The proponents argue that this article does not only recognize ethnic diversity but also expresses the equal position of all nations, nationalities, and peoples, which is assumed to contribute to the unity in diversity objective expressed in the preamble. Hence, rather than suggesting an amendment, they advocate for stronger enforcement of this provision.

Nonetheless, few respondents do favor an amendment to this provision. They link the provision to the power of the regional states/federated units, whose power does indeed emanate from Article 8. The ethno-territorial federal system has created regional states as a forum through which nations, nationalities, and peoples are expected to exercise their sovereign power. The powers of the regional states, explicitly or impliedly (as residual powers) granted by the Constitution, aim to enable nations, nationalities, and peoples to exercise this sovereign power. The respondents, arguing in favor of an amendment to Article 8, state that the power of the regional states is too broad and undermines the power of the federal government. This has affected the ability of the federal government to effectively manage inter-regional conflicts as well as federal-regional conflicts. Article 8 empowers the regional states to such an extent that they can behave as independent entities and hence challenge the federal power. Consequently, these respondents argue that the relationship between the federal government and the regional states needs to be recalibrated and that federal power should prevail in the relationship.

#### **5. Federal Working Language**

As to having additional working languages, 87% of the respondents support (with 64% of the Oromo survey respondents strongly supporting and 23% of them supporting) an amendment to Article 5(2), which designates Amharic as the exclusive working language of the federal government.

The respondents point out that while Amharic was the predominant language at the time of ratification of the Federal Constitution – which may have justified its designation as federal

working language at that time – that is no longer the case today. In fact, Afaan Oromo has surpassed Amharic in terms of speaker population, with some respondents claiming that Afaan Oromo is now the first language of half of Ethiopians. Furthermore, since the introduction of the federal system, a number of additional languages have been developed (i.e., they have served as regional working languages, as mediums of instruction in the education sector, etc.), which dynamics should be reflected through constitutional reform. Although the ruling party has already adopted a policy that promotes the use of five languages as federal working language, this is not yet enshrined in the Constitution. The Oromo respondents point out that the dominance of Amharic is due to the assimilationist nation-building policies of the past. This is no longer acceptable today in a constitutional system that recognizes diversity and promotes inter-ethnic equality, so that additional languages should be added as federal working language.

## **6. Ethno-Territorial Federal Structure**

All the Oromo respondents in the qualitative interviews argue that the existing ethno-territorial arrangement should be preserved. The Oromo survey respondents also express strong support for this arrangement, although the support is not unanimous. 72% of respondents (with 34% “agree” and 38% strongly agree”) desire for the preservation of ethno-territorial system while the rest do not favor this system or are neutral.

This result is not surprising considering that most respondents also support the sovereign power given to nations, nationalities, and peoples, which founds the ethno-territorial arrangement. The ethno-territorial arrangement enables nations, nationalities, and peoples to exercise their right to self-rule, to protect their identities, and to participate in public decision-making. Dividing ethnic groups into different regions would gradually encourage the disappearance of those groups. The proponents of the ethno-territorial federal arrangement argue that the problems currently confronting the country are due to maladministration rather than caused by the federal system. Furthermore, any attempt to dissolve the current federal arrangement would provoke a big crisis in the country since many people have benefited and continue to benefit from the exercise of self-rule at regional and local levels. Nonetheless, several respondents express their concerns about interregional boundary issues: boundary disputes should be managed adequately and not continue to constitute a source of security problems and instability.

## **7. Article 39**

The data collectors observed – confirming earlier observations of the authors of this report – that although Article 39 is the most debated article in the constitution, most respondents are not aware of its multiple dimensions and tend to focus exclusively on the secession component. The large majority of the respondents do not know that Article 39 grants internal aspects of self-determination as well. The respondents are not informed about the

procedure for secession (enshrined in Article 39.4) either. Hence, in order to gather meaningful answers, the data collectors had to first provide some preliminary information about Article 39. This confirms the importance of community/civic education in a constitutional reform process, which was also pointed out in the theoretical sections of this report.

A large majority of the Oromo respondents support the linguistic and cultural rights components of self-determination since they constitute crucial components of ethnic identity. These respondents thus recommend that those dimensions of the right to self-determination should be maintained in the constitution with no need to amend them.

The same opinion is expressed with regard to the rights to political participation and to territorial self-rule. These are very important group rights, and if one has to acknowledge any challenge pertaining to these rights, it is their lack of effective implementation rather than their constitutional entrenchment. Hence, the focus should not be on amending these provisions but on ensuring their full implementation. This opinion confirms the support for the ethno-territorial arrangement among the majority of the respondents.

Although the respondents thus support the internal dimensions/aspects of the right to self-determination enshrined in Article 39, a notable finding is that the majority of the respondents do not agree with the constitutional entrenchment and facilitation of secession. Not less than 34% of the Oromo survey respondents agree that the secession provisions should be amended and 23% of them even strongly support such an amendment. The respondents in this category point out that the constitutional incorporation of secession poses a threat to the unity and integrity of the country and that secession is not beneficial to any of the parties. Rather, it may lead to inter-regional as well as regional-federal tensions and conflicts.

**Table 81 Whether and which provisions of Article 39 should be amended (Oromo)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Sub article 2 of Article 39 which gives nations, nationalities, and peoples language rights and cultural rights should be amended (%)	44	36	/	12	7
Sub article 3 of Article 39 which gives nations, nationalities, and peoples the right to territorial autonomy should be amended (%)	36	34	1	15	12
Sub article 4 of Article 39 which gives nations, nationalities, and peoples the right to secede should be amended (%)	16	19	7	34	23



Few Oromo respondents do support the constitutional entrenchment of secession. For them, the right to secession guarantees the other (internal) components of self-determination; it is a guarantor of mutual respect and societal cohesion. One respondent supports this position by using the metaphor of a family: “if a husband and wife agree, they can continue to live together and their family will continue to exist. Yet, if they disagree for a convincing reason, in the case of irreconcilable disagreement, they can divorce”. These respondents argue that one should not worry about secession but rather ensure that the rights of nations, nationalities, and peoples are respected. As long as the nations, nationalities, and peoples of Ethiopia have equal rights and are treated equally as prescribed by the constitution, secession will not be pursued. Secession is only contested and feared by those who want to restore the dominance of one culture, language, and religion. Hence, it is not the constitutional entrenchment of secession but the lack of respect for and effective fulfilment of the internal dimensions of the right to self-determination that may lead to secession. Furthermore, respondents who adhere to this view point out that secession can only take place subject to an elaborate procedure.

## **8. Ethnic Parties**

Most respondents argue against a constitutional ban on ethnic-based parties. The establishment of ethnic-based parties is a logical consequence of the right to self-rule of nations, nationalities, and peoples within their own territory and of the resultant establishment of an ethno-territorial administrative structure – an arrangement supported by the Oromo respondents. The respondents favoring the existence of ethnic-based parties raise the following question: “If ethnic political parties are going to be banned by the constitution, how can all the rights given to nations, nationalities, and peoples of Ethiopia be realized?” Furthermore, a constitutional ban may violate the constitutionally protected right of freedom of association. However, despite their positive attitude towards ethnic parties, the respondents also recommend that the number of political parties claiming to represent the same ethnic group be minimized. In this regard, the respondents recommend the merger of several parties all claiming to represent the Oromo constituency.

Another group of respondents argue that both types of political parties (multi-ethnic or citizen-based and ethnic ones) should exist. As such, they can provide alternatives to the voters, and the voters will decide which one to support. The ones that do not get voters’ support will either have to reform or disappear. Hence, rather than banning ethnic parties, a democratic electoral process should be guaranteed so that voters can decide which strategy of political mobilization should prevail. One of the respondents points out that instead of an outright ban, one should focus on the establishment of ethnically inclusive political parties that can gradually and naturally replace ethnic-based ones.

Still, other respondents argue for a constitutional ban on ethnic parties and for a constitutional provision requiring political parties to have a multi-ethnic membership. One of the arguments supporting this recommendation is that although ethnic parties have been useful in putting the issues of ethnic discrimination and marginalization on the political agenda and, hence, fighting for the rights of ethnic communities, these issues have now been addressed. In the current era, the existence of ethnic parties contributes to inter-ethnic conflicts, and one should focus on the establishment of truly national/pan-ethnic and inclusive political parties.

**Table 82 Whether ethnic parties should be banned by the would-be amended constitution**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
The formation of political parties along ethnic line should be constitutionally banned (%)	23	34	9	17	14
There should be a constitutional requirement for a party to have a multi-ethnic membership (%)	7	23	19	30	19

## 9. The Status of Addis Ababa

According to the data collectors, the status of Addis Ababa was among the most contested and hotly debated issues.

Although a majority of the Oromo survey respondents (65.77%) argue in favor of an amendment to the constitutional status of Addis Ababa, a non-negligible minority (32.21%) agrees to a constitutional status quo. Yet, the respondents in the latter category underscore that a continuation of the existing arrangement entails and requires that Addis Ababa be accepted as both the federal capital city and the capital of the Oromia Region and that the special interest of the state of Oromia, mentioned in Article 49 of the Constitution, has to be spelled out. The latter could be ensured by an ordinary law anticipated by the constitution itself, with no need for constitutional amendment.

However, the majority of the Oromo respondents argue that Addis Ababa or Finfinnee is the historical land of the Oromo, and the latter group can therefore claim ownership of the city. Those who come from elsewhere (i.e., the other Ethiopian ethnic communities) are allowed to live in the city, but cannot claim ownership. Hence, the Constitution should be amended and Addis Ababa should be made part of the Oromia Region, which would henceforth administer the city. The option of constitutionally incorporating Addis Ababa into the Oromia Region is supported by 23.47% and strongly supported by 47.96% of the Oromo survey respondents. According to the respondents in this category, the current

constitutional provision about the special interest of Oromia is nonsensical since Addis Ababa is the land of the Oromo and at the center of the Oromia Region. The claim of the Oromo people is not about special interest but about ownership.

The option of designating Addis Ababa as a separate regional state is rejected by 47.96% and strongly rejected by 35.71% of the survey respondents. Yet, it is notable that 33.67% of the survey respondents are neutral and 18.37% of them are even positive towards a joint administration of Addis Ababa by the federal government and the Oromia Region.

Those who argued in favor of a constitutional amendment pertaining to the status of Addis Ababa suggested the following amendment.

**Table 83 On how the status of Addis Ababa should be changed**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Addis Ababa should be a separate regional state in the Constitution(%)	36	48	/	10	5
Addis Ababa should be jointly administered by the Federal government and Oromia regional state (%)	9	22	34	18	12
Addis Ababa should be part of Oromia regional state in the Constitution (%)	5	12	10	23	48

### III. OPPORTUNITIES, CHALLENGES AND WAYS OUT

#### 1. Opportunities

Most Oromo respondents argue that there is currently no conducive environment to amend the constitution. On the other hand, some respondents do identify conducive factors for a constitutional amendment process and therefore see this time as an opportune moment to initiate such a process. In this regard, they mention that the national dialogue could create a conducive environment for tackling sensitive constitutional matters.

#### 2. Challenges

The respondents refer to the high political and ethnic polarization and to the prevalence of conflict and insecurity in several parts of the country. A constitutional amendment requires stability and security since it demands an extensive participatory process. Once peace and security are assured, this popular consultation could start. One of the respondents also points out that since popular consultation should engage Ethiopian citizens from all regional states, the conflict with Tigray should be settled first. The socio-economic

problems the country is facing are also mentioned as complicating factors and issues that need prior attention. At this time, initiating a constitutional amendment process will just add to the country's manifold existing political and socio-economic problems.

### **3. Way Out**

It is notable that all respondents emphasize the importance of a participatory constitutional amendment process, which resonates with the best practices for constitutional amendment as inferred from the theoretical analysis.

## I. INVESTIGATING THE POPULAR DESIRE AND FACTORS

### 1. Whether the FDRE constitution needs to be changed

Oyda survey result shows that all of them responded affirmatively to their familiarity with the constitution: 15% of them said they are “very much familiar” and 85% “somehow familiar”. Based on their familiarity, 61% of them “disagree” with the current constitution of Ethiopia so seeking some sort of change while the rest agree with the constitution and agree it can remain intact.

All the informants agreed that the constitution should be amended since there are several articles that have resulted in conflict within the community. These articles have caused the death of numerous innocent people in different parts of the country. However, half of the informants believe that there are several articles that need to be amended, but they don't agree with the entire constitution. In a similar manner, there are articles in the constitution that cause division and undermine the unity of the country as a whole. And there are also people who interpret the constitution for their own interests. These and other issues need correction and to give a solution, the articles in the constitution need to change.

### 2. Amendment or revision

91% of those who sought change need the kind of change should be amendment. All qualitative study informants also supported the amendment of some articles rather than the revision of the whole constitution. According to them, many elements of the constitution should be kept as they are and they want only changes to a few chapters like Article 39. Article 39 is particularly responsible for the conflict and death of many people and thus has to be modified. One of the informants suggested that

I am referring to amending the constitution, not revising it. Article 39 sub articles 1 and 4 in particular need to be amended. According to articles 39 sub-articles 1 & 4, Ethiopian nations, nationalities, and peoples are entitled to self-administration up to secession. Secession causes or results in the disintegration of unity, peace, an togetherness. Additionally, it is causing people to divide and has its own impact on the sovereignty of the country. The amendment of articles like these in the constitution helps or benefits nations and nationalities in minimizing disagreement and conflict. As we all know, prior to the ratification of this constitution, unity, peace, and national feelings were strong, but since this constitution was adopted, things have become distorted. It gives people & nations

a reason for disintegration and secession Therefore; it is an amendment that needs to be made rather than revising the whole content.

### 3. Expected disagreements

The majority of informants believe that Article 39 and the status of Addis Ababa are sources of disagreement among the country's many ethnic groups. Similarly, people like academicians, political parties, and government officials are often opposed to such issues and articles in the constitution. Some ethnic groups and political parties favor this article, while others believe it should be amended. The layperson or average folks, on the other hand, are agreeable. The survey result also shows that 85% of the respondents anticipated disagreement while 15% do not.

### 4. Level of optimism

The majority of informants are optimists, believing that the new constitution will contain or reflect the majority's preferences if it respects and acknowledges people's diversity. Most informants would be happy and content if the current administration placed a greater priority on the public interest and the formation of independent democratic institutions that will dedicate to peace and security. Similarly, they think that if the constitution embodies diversity of culture and reflects the interests of the people, it will meet the needs of all the people. Finally, they recommended the government to allow dialogue with various entities and experts in order to draft the finest constitution that protects Ethiopians' interests. Survey result shows most of the participants are not optimistic however. Accordingly, 61% of the respondents showed lack of optimism while 23 % said “I don’t know”. Constitution amendment maybe one step, but it’s not panacea for all problems.

## II. PROVISIONS FOR AMENDMENT

### 1. General dimensions

Majority of Oyda informants are favorable to a certain form of federalism that caters diversity and feel that ethnic feudalism based on ethnicity might be appropriate as the table below shows.

**Table 84 Respondents attitude towards the overall federal system (Oyda)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	23	38	0	31	8
There is no need to take ethnicity as factor in the country’s constitutional (%)	15	38	0	15	31

Federalism is too divisive and leads to conflicts; there is no need to any form of federalism	15	46	0	31	8
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## 2. Preamble

Half of the informants believe that the preamble promotes diversity within unity, so it should continue as it is. Furthermore, half of the informants disagree with the title Nations, Nationalities, and Peoples of Ethiopia, as it implies a blurred or negative connotation regarding Ethiopia's unity and togetherness and hides a more complete picture of the nation. Furthermore, they argue, this name further divides ethnic groups in the country and results in conflicts and displacement of many people. It is dividing people rather than unifying them and creating a national feeling. Therefore, when the constitution is amended, this article should be changed to or read as "peoples of Ethiopia" rather than "nations, nationalities, and peoples of Ethiopia. As a whole, this article opens the door to antagonism between one another in that it seeks to remedy historically created injustices treated unfairly and robbed by those in positions of authority or the governing elite.

As to the clause on historical injustice, the informants in this article claim that the clause is useful because it shows the prior inequality and how we can learn from it to avoid the previous problems. On the other hand, according to informants, this article acts as a vehicle for fostering animosities among individuals and ethnic groups. In addition, the article mentions historical injustices that will lead to unrest and chaos in the country. Thus, they concluded that this article should be changed.

## 3. National emblem

Half of the Oyda respondents believe that the existing Ethiopian flag, with its emblem, is extremely good and should be kept. Nonetheless, some informants believe that the symbol in the center of the flag is ambiguous, which has distorted the history of the country. As a result, a flag in green-yellow-red with no emblems at the center is preferable. However, the survey response shows the majority of them believe the emblem should be kept intact. Accordingly, 54% of the respondents either "opposed" or "strongly opposed" changing the emblem. On the other hand, 31% support changing the emblem while the rest are either neutral or don't know.

## 4. Article 8

The majority of informants would prefer that Article 8 and its sub-articles remain unchanged. Similarly, they say that the constitution reflects the people's desire for Ethiopian sovereignty. Nevertheless, they noted that this item requires practicality, which the existing constitution lacks. Only one informant objected to article 8 and its sub-article

by stating that the definitions of nations, nationalities, and peoples of Ethiopia still need to be revised and replaced by "Ethiopian People." For example, one informant suggested that "The article and its three sub-articles should be preserved in their current form because they grant sovereign sovereignty to countries, ethnicities, and peoples. There is no need for constitutional amendments in this article"<sup>159</sup>

## **5. Federal Working Language**

Many informants feel that diverse languages, particularly those designated as working languages by the parliament, will have to be considered as working languages when the constitution is revised. The informants also selected numerous languages as working languages, including Oromigna, Somaligna, Tigrigna, Afarigna, and English would be the federal language in addition to Amharic. Furthermore, the informants said that Amharic should remain the Federal working language and that it is preferable to incorporate other languages as a federal language. However, the majority of survey respondents opposed introducing additional language for the federal government. According to the survey data, 64% of respondents either "strongly opposed" or "opposed" additional working language for the federal government 31% "supported and 8 % "strongly supported".

## **6. Ethno-territorial arrangement**

The existing ethnically based region, according to the majority of Oyida informants should be modified because it is causing conflict and displacement owing to language and ethnicity. This ethnically oriented system of administrative entities promotes enmity among Ethiopia's many ethnic groups, restricts group interaction, and culminates in interethnic wars. This ethnic-based administration has been born of distrust and hostility among ethnic groups, exacerbating animosities amongst different ethnic groups across the country. It opens the door to ethnic strife in the country and the politicization of racial or tribal groupings as a result of self-seeking politicians' politicization of "tribal" identity. Currently, this system is the cause of irreconcilable demand for regional states by zones in the SNNPR. An informant added,

This system also creates hatred for others who do not belong to one's ethnicity in the places where one considers himself/herself to belong. The ethnically based arrangement of administrative units results in ethnic politics, which generates hostility amongst Ethiopia's different ethnic groups, which hinders group interaction and entails ethnic conflicts. It results in mutual suspicion and hostility among different ethnic groups and further results in the ethnic conflict that is

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<sup>159</sup>(Birth place, Oyida, Gofa- Language- Amharic, Gofigna and Oyidigna- Age,30- Gender, Male- Education, M.A).



taking place and emerging even at the present time. Therefore, it needs change in the sense of an amendment<sup>160</sup>

## 7. Article 39

All the informants agreed that Article 39, sub-articles 2 and 3, should remain unchanged. However, they strongly disagree with Article 39, sub-article 4, which stresses self-determination up to secession. They claim that this is the root of the conflict and that it will eventually destroy the country, so it needs to be changed or amended. The survey result also strongly supports the idea of qualitative study participants.

**Table 85 Whether and which provisions of Article 39 should be amended (Oyda)**

	Strongly oppose	Oppose	neutral	Support	Strongly support
Sub article 2 of Article 39 which gives nations, nationalities, and people's rights to language and culture should be amended (%)	31	54	0	15	0
Sub article 3 of Article 39 which gives nations, nationalities, and peoples the right to territorial autonomy should be amended (%)	31	31	0	23	15
Sub article 4 of Article 39 which gives nations, nationalities, and peoples the secession should be amended(%)	8	0	0	0	92

## 8. Ethnic parties

Oyda informants agreed, in general, that ethnic-based political parties should be prohibited in the amended constitution as well as the formation of ethnic-based political parties should be prohibited. A provision in the constitution would have prohibited the formation of parties based on ethnic groupings. There is a possibility that such an ethnically motivated political party will result in discrimination against one ethnic group over another. It is essential that the constitution promotes the formation of parties that represent the interests of all Ethiopians equally. According to the informants, there is a tendency for Ethiopians to support parties that support diversity, equality, and justice without discriminating against all Ethiopians. The survey data also supports the qualitative study participants views, as the table below shows.

<sup>160</sup>(Birth place, Oyida, Gofa- Language- Amharic, Gofigna and Oyidigna- Age,30- Gender, Male- Education, M.A).

**Table 86 Whether ethnic parties should be banned by the would be amended constitution (Oyda)**

Items	Strongly oppose	Oppose	Neutral	Support	Strongly support
The formation of political parties along ethnic line should be constitutionally banned (%)	8	15	8	8	62
There should be a constitutional requirement for a party to have multi-ethnic members (%)	8	0	8	15	69

### 9. The status of Addis Ababa

All of the informants agreed that Addis Ababa must remain be accountable to the federal government. The city is the property of all Ethiopians. Ethiopia's capital city is Addis Ababa. This is Ethiopia's capital city, and it is the city that they see with their own eyes. Therefore, Addis Ababa must remain a federal city and under federal administration with federal responsibilities. 85% of respondents opposed amendment to the current status of Addis Ababa while 15% supported there should be change in the current status of Addis Ababa. The kind of status change they seek is seen below:

**Table 87 On how the status of Addis Ababa should be changed (Oyda)**

Items	Strongly oppose	Oppose	Neutral	Support	Strongly support
Addis Ababa should be a separate regional state in the constitution (%)	0	0	0	0	100
Addis Ababa should be part of Oromia regional state in the constitution (%)	100	0	0	0	0
Addis Ababa should be jointly administer by the Federal government and Oromia regional state (%)	100	0	0	0	0

## III. OPPORTUNITIES, CHALLENGES, AND WAY OUTS

### 1. Opportunities

Almost all informants agreed that the current status of the ruling party and its ways indicate that the government is working to lay the groundwork for constitutional change. Similarly, the country's current political instability gives a chance to evaluate how the existing constitution has contributed to the conflict and allows for constitutional reforms to alleviate ethnic-related and political concerns. They concluded that we have several fertile grounds to amend the Constitution. We need to amend the constitution as soon as possible to avoid further serious conflicts from happening. However, the informants also claim that this is

not the time to amend the constitution. Instead, before changing the constitution, the government should address the country's political, social, and economic issues. They came to the conclusion that it is preferable to amend the constitution in the future.

## **2. Challenges**

All of the informants mentioned a number of challenges that could affect the constitutional amendment process. These challenges include the fact that some individuals or political parties may not want to see constitutional amendments to protect their ethnic interests. The other factors that can affect the amendment process are the presence of international political instability; economic inflation in the country; the recurrence of ethnic conflicts in different parts of the country; and the existence of a national budget deficit, war, or conflicts. Even if the reality on the ground seems to be bleak, the amendment process of the constitution will have to be implemented by concerned bodies. Additionally, some officials, even in the government, may oppose the amendment of the constitution.

## **3. Way outs**

- The constitution amendment will be successful and peaceful if it is handled by an independent institution without government involvement.
- It needs to be discussed by all nations, nationalities, and peoples of Ethiopia.
- Locally established ethnic political parties will have to be given a boundary to play their role.
- Finally, it is imperative to minimize political misunderstandings for the sake of amending the constitution.
- The government will have to find a solution to the current problems that are taking place in the country. For example, the country is dealing with issues of economic, social, and ethnic conflict.
- In all regions, the government should ensure community participation in the constitution.
- The government must arrange public dialogues on the constitution at different levels across the country to gather inputs from farmers, pastoralists, traders, youth, and political parties. Second, conducting further research on which articles of the constitution should be amended.
- Governments need to work on creating awareness and promoting these ideas with reliable research involving experts, encouraging discussion between different representatives and key players +
- in the country. Governments will have to take more time and be prepared to offer long-lasting solutions by amending the constitution.

## SHEKA

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### I. INVESTIGATING THE POPULAR DESIRE AND FACTORS

#### 1. Whether the FDRE constitution needs to be changed

About 6% of Sheka informants said they are “very much familiar” with the Constitution while the rest (94%) said they are “somehow familiar”. 61 % “strongly disagreed” the constitution should be kept as is while 33 “disagreed”, together 94% of respondents seek changing the constitution. Only 6% “agree” that the constitution should remain intact.

#### 2. Amendment or revision?

From the survey respondents, 94% of them are in favor of amendment instead of revision. All of the qualitative study informants also believed that the constitution should be amended not revised, because it contains many items that are beneficial to the country. On the other hand, there are several insignificant articles in the constitution. It is sufficient to amend the insignificant articles.

#### 3. Expected disagreements

The politicians, according to the informants, may disagree on the constitutional amendment process or result. They also believed that politicians lead and manipulate the public interest based on their personal political goals rather than the long-term interests of the people. Politicians are primarily concerned with attaining political power; they work for their personal benefit at the expense of the public good. Political leaders aim to preserve their positions by assigning their own individuals to various posts, which may lead to problems between politicians and citizens. The other group consists of intellectuals who may disagree with the constitution. Some also argue that intellectuals in Ethiopia disagree over personal benefits and political positions. Survey result shows 94% of respondents foresee a disagreement in the constitutional amendment.

#### 4. Level of optimism

All informants believe that the proposed constitutional amendment will meet the people's interests if it takes a bottom-up approach and considers public opinion at all levels. Similarly, they said that in order to meet the public interest, the new constitution should evaluate each public remark and include it in the new amendment. As a result, the government and the people should consider popular and expert opinions in order to alter the constitution and satisfy the public's interests. The survey result however shows less than

half of the survey participants (44%) are optimistic while 11% are not and 44% do not know.

All of the informants feel that the constitutional amendment will not solve all of the country's problems. Besides amending the constitution, the government should talk with citizens about the current ethnic and religious conflicts in the country. Furthermore, the informants claimed that the government must address all community concerns before amending the constitution. They also feel that just the amendment by itself does not address the concerns of the public unless it is implemented well. They do not believe that simply having a constitution would cure all of our problems, but that its application is equally critical.

## II. PROVISIONS FOR AMENDMENT

### 1. General provisions

Attitude of Sheka informants for a certain form of federalism is favorable. The table below shows that it is in the desire of Sheka informants to have a certain form of federalism that caters diversity, but they do not necessarily need to take into account ethnicity. See the results on the table below.

**Table 88 Respondents attitude towards the overall federal system (Sheka)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	6	11	6	28	50
There is no need to take ethnicity as factor in the country's constitutional (%)	11	17	5	28	39
Federalism is too divisive and leads to conflicts; there is no need to any form of federalism	33	44	5	6	11

### 2. The preamble

Most informants disagree with the clause on the constitution's preamble: "We the Nations, Nationalities, and People of Ethiopia," and they believe the clause should be replaced by "We the Peoples of Ethiopia." According to them, all ethnic groups are present in Ethiopia, and they are all Ethiopians; there is no need to refer to them as nations or nationalities. In general, the article contains a poisonous phrase that puts our contentious past into play, provoking conflict and enmity among the country's nationalities. As a result, it must be changed in a way that fosters unity and solidarity. One informant who is an *eddir* leader stated,

The informant from Sheka ethnic group, which is Eddir leader, said that the preamble of the constitution that starts with the terms “We the Nations, Nationalities, and People of Ethiopia” did not comfort him and thus, he recommended for the amendment of the preamble to the “Ethiopian people”. Since, all ethnic groups are here in Ethiopia, and all of them are Ethiopians, no need of calling them in that way. The Ethiopian people are the term that is more inclusive for the informant. The other informants from Sheka said that the ethnic conflicts, the war in the country, and other security problems are the result of this preamble as well as of the constitution. As a result, the informants did not accept this preamble, and thus, they recommend its amendment. For the informants, the politics that are based on citizenship are better than ethnic-based politics (nothing profile).<sup>161</sup>

### **3. National emblem**

The majority of informants believe that the current flag is good and the colours of the flag and emblem represent equality and togetherness to the Ethiopian people. They want the emblem to be kept. Similarly, the Ethiopian flag represents all Ethiopian nations, nationalities, and people. However, some informants argued that the emblem is superfluous since it is a matter of contention between citizens. Therefore, they recommend that the Ethiopian three-color is enough. According to survey participants, 33% of them “strongly opposed” or “opposed” changing the emblem while 55% “support” or “strongly support” changing it while 11% don’t know.

### **4. Article 8**

Half of the informants said that article 8 of the constitution should be amended. The informant wants the constitution to be amended to remove Article 8, which gives the nations, nationalities, and peoples of Ethiopia sovereign power. However, the informants noted that sovereign power has to be given to the Ethiopian people regardless of their ethnic background. The informants recommended amending the article so that the Ethiopian people have sovereign power regardless of their ethnicity. However, half of the informants agreed with Article 8 and felt that this article should remain as is.

### **5. Federal working language**

The majority of informants do not advocate additional languages to Amharic for the federal government bureaucracy. They feel that the anticipated additional language would cause unneeded competition among speakers, posing yet another security danger to the country. Similarly, using other languages as working languages will lead to unhealthy rivalry and, ultimately, strife. As a result, we should stick to Amharic. Some informants also suggested having additional language because Ethiopia is a multiethnic country. Due to a large number of speakers in the nation, several informants suggested Afan Oromo as an

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<sup>161</sup>

additional working language for the federal government of Ethiopia. The survey result shows that 27% “opposed” or “strongly opposed” introducing additional working language for the federal government, while 60% support having additional languages. 11% don’t know.

## **6. Ethno-territorial arrangement**

The informants overwhelmingly disagreed with an ethnic-based administration and argued that such a system might result in ethnocentric extremism by over-romanticizing a single ethnicity. All people consider everything in terms of their ethnicity without taking into account the interests and rights of other ethnic groups. Furthermore, ethnic-based administration creates antagonism rather than cooperation between neighboring ethnic groups. This type of system may not contribute to the people's desired development. Therefore, the informants recommended a geographic-centered territorial system. One informant noted that

The informants from the Sheka ethnic group prefer the geographic-based territorial system. The ethnic-based territorial system is a threat to the merit-based administration system. For example, one of the informants said that South Western Ethiopia (the newly established regional state) is on assigning the regional leaders based on ethnic quotas, rather than based on their profession, experience, and merits. The same experiences are there in Tepi town, as far as the informant’s information is concerned; each political position is given to the leaders as per the ethnic-based quota system of the town without considering their profession, their plan, and vision (No profile).

The survey result also supports the view of the majority of qualitative study participants. Accordingly, 66% of respondents “strongly disagree” or “disagree” with keeping the current ethno-territorial system intact while only 33% “strongly agree” or “agree”.

## **7. Article 39**

According to many of Sheka informants, article 39 of the constitution has various sub-articles that are significant and should be preserved. The articles dealing with language and cultural rights, for example, are still very relevant and do not need amending. However, sub-articles three (right to self-administration) and four (right to self-determination up to secession) require revision. The survey data also shows most of the respondents are hostile towards secession clause as shown on the table below.

**Table 89 Whether and which provisions of Article 39 should be amended (Sheka)**

	Strongly oppose	Oppose	neutral	Support	Strongly support	I don't know
Sub article 2 of Article 39 which gives nations, nationalities, and people's rights to language and culture should be amended (%)	33	28	0	11	22	5
Sub article 3 of Article 39 which gives nations, nationalities, and peoples the right to territorial autonomy should be amended (%)	11	33	0	11	39	5
Sub article 4 of Article 39 which gives nations, nationalities, and peoples the secession should be amended (%)	6	0	0	44	50	0

## 8. Ethnic parties

All interviewees believed that Ethiopia's ethnic-based political party structure is unimportant. They came to the conclusion that the new constitution should expressly prohibit persons from creating or forming political parties based on their ethnicity or religion. One informant noted

Ethnic-based political parties should be banned in the country because many of the security issues we encountered here in Ethiopia were due to the ethnic-based political system. An ethnic-based political system is the source of disagreement and contestation among different ethnic groups. For a diversified country like Ethiopia, an ethnic-based party system may hinder the unity of the ethnic groups. Therefore, I prefer a national political system that will be open to every ethnic group and committed to working for all equally. Political parties should be prohibited. The constitution should clearly prohibit people from organizing or forming political parties solely on ethnicity or religion.

The survey result supports the view of the majority of qualitative study participants reporting the desire of survey participants for the constitution to ban ethnic parties. The table below shows more details.



**Table 90 Whether ethnic parties should be banned by the would-be amended constitution (Sheka)**

Items	Strongly oppose	Oppose	Neutral	Support	Strongly support	Refused or don't know
The formation of political parties along ethnic line should be constitutionally banned (%)	0	0	6	39	50	5
There should be a constitutional requirement for a party to have multi-ethnic members (%)	0	0	0	44	50	6

### **9. The status of Addis Ababa**

According to all Sheka informants, the city is the headquarters of the federal government and, hence, the city of all ethnic groups. Furthermore, they felt that the city is the seat of the African Union, so Addis Ababa is not the home only for Ethiopians, but for all Africans. They believed that all ethnic groups had equal access to resources. Addis Abeba is a multicultural city with different ethnic groupings. The city is home to a variety of ethnic groups. As a result, they recommend that the city stay on its present platform. One informant said

Addis Abeba is the capital of all Ethiopians and should remain as it is. The questions about Addis Abeba are being raised by various political parties, elites, and even ethnic groups, but nothing has the right to take Addis Abeba as only for one ethnic group. The constitution has stipulations regarding the city where it allows Oromia regional state to claim special interest, which is creating a lot of confusion and disagreement among the people of Ethiopia. If we are to build a strong, unified, and peaceful country, then this article has to be amended in a way that it doesn't allow exclusive ownership over the city. Regarding the seat of Oromia Regional State, it should be relocated outside of the city so that it doesn't create confusion between people and nations<sup>162</sup>

The survey data also supports the view of the majority of qualitative study participants. Accordingly, 72% of respondents seek Addis Ababa should remain under the accountability for the federal government, while 28% of respondents sought change to the current status of the city. Those respondents who sought change to the current status of the city reported the following:

<sup>162</sup>(Place of residence: YekiWereda Age- 49 Sex- M Educational background- MA, Occupation/role- Teacher, Mother tongue language/s- Kefinono, Additional language/s- Amharic, Oromiffa and Shekgna).

**Table 91 On how the status of Addis Ababa should be changed (Sheka)**

<b>Items</b>	<b>Strongly oppose</b>	<b>Oppose</b>	<b>Neutral</b>	<b>Support</b>	<b>Strongly support</b>
Addis Ababa should be a separate regional state in the constitution (%)	/	/	/	/	100
Addis Ababa should be part of Oromia regional state in the constitution (%)	100	/	/	/	/
Addis Ababa should be jointly administer by the Federal government and Oromia regional state(%)	100	/	/	/	/

### **III. CHALLENGES, OPPORTUNITIUES, AND WAY OUTS**

#### **1. Challenges**

The majority of the first informants stated that there was no favorable atmosphere for constitutional amendment at this time. Due to the presence of security issues and inflation in many parts of the nation, the amendment should be postponed until the security and inflation issues are rectified. Similarly, the government must take the required remedial measures to address security issues. On the other hand, other informants feel that there is a favorable climate for a constitutional modification, notwithstanding the country's security issues. The change is achievable if the administration commits to fixing the existing security issues.

#### **2. Opportunities**

According to all of the informants, the challenge could come from political parties opposed to the constitutional change, such as ethnic political parties. There is now an antagonistic concept between the supporters of the amendment and the opponents of the amendment. Furthermore, the country's biggest difficulties right now are a lack of peace and security. There is fighting in the north, and there are armed factions in other regions of the nation that will have a detrimental impact on the amendment process.

#### **3. Way outs**

- The informants said that the constitution that passed through the necessary public discussion would address the concerns of the public.
- The public should activity participate in the process.
- Necessary discussions with the public at various levels.
- Unity of the citizens of their country, Ethiopia.

# SHEKO

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## I. INVESTIGATING THE POPULAR DESIRE AND FACTORS

### 1. Whether the FDRE constitution needs to be changed

All of Sheko survey participants stated they are “somehow familiar” with the constitution. Depending on their familiarity, 62% of them “strongly disagree” while 38% “disagree” with the current constitution and thus believe should be changed. According to all the informants, the current constitution should be amended in some way. Informants agreed that due to the fact that human attitudes are evolving, informants see a need for an amended constitution that reflects the needs of contemporary citizens.

### 2. Amendment or revision?

All of Sheko informants “agree” or “strongly agree” with amendment instead of revision. An informant stated,

### 3. Expected disagreements

All of Sheko informants anticipated disagreement in the course of amendment or on the outcome. Most of the informants agreed that the first point of dispute would be on the notion of nations, nationalities, and peoples. A lot of politicians, university professors, government officials, university students, and other elites believe the constitution is the instrument to divide the nation. Others oppose the idea that the constitution is the most suitable document that promotes ethnic diversity and provides recognition for all people.

### 4. Level of optimism

Half of Sheko informants believe that amending the constitution alone would not reflect all of the community's desires. They claim that unless the people's issues about good governance and development problems should be resolved, constitutional amendment will not produce positive results, and disputes will remain. On the other hand, the informant stated that only a constitution that went through the appropriate debate with the Ethiopian people and will be accepted by the majority would answer the public's concerns. To address the problems of the Ethiopian people as a whole, he believes that the constitution should be based on citizenship rather than ethnicity.

All of the informants agreed that they do not believe the constitution simply addresses all of their concerns. They contend that other aspects, such as how far it seeks to encompass people's desires and its practical implementation, are equally crucial in resolving their primary problems. Similarly, the amending process should be carried out by civic organizations, citizens, and informal groups rather than politicians. According to the

informants, it can be feasible to solve other concerns in the country through a constitutional amendment if the population actively participates in the process.

## II. PROVISIONS FOR AMENDEMENT

### 1. General dimensions

The Sheko informants attitude towards the federal system is favorable. Majority of them believe that a federal system that caters diversity is necessary and ethnicity can be a factor in the country's constitution. Besides, they believe a certain form of federal system is a viable option for the country. The table below shows the details.

**Table 92 Respondents attitude towards the overall federal system (Sheko)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	15	15	0	23	46
There is no need to take ethnicity as factor in the country's constitutional (%)	15	23	0	15	46
Federalism is too divisive and leads to conflicts; there is no need to any form of federalism (%)	31	46	0	0	23

### 2. Preamble

All informants believe that the preamble of the constitution that starts with "We the Nations, Nationalities, and people of Ethiopia" opens the door for division, separation, and disunity, and thus, it needs amendment. For them, this clause should be changed to those that depict the unity of the people and that strengthen Ethiopia. The concepts of "the Nations, Nationalities, and Peoples of Ethiopia" and "the Ethiopian people" are different. This had to be changed completely. Citizens have to be recognized, not nations or nationalities. Democratic countries give sovereignty to their citizens, not to their ethnic groups. So, it is the opinion of many informants that the preamble should be amended or changed.

As to unjust historical relations, an informant said

The preamble of the constitution has to be amended, because in my opinion there may be unjust relation between people and previous governmental systems like that of today's in various areas, however I don't think the relation of the people was unjust and segmentation. Even if it was like as it has been stated, mentioning it by

itself will result harm for those who were inhabited and others. Therefore, it has to be voided.<sup>163</sup>

Another informant concluded that the issue that dictates about unjust historical relationship in the preamble of the constitution just written in the constitution only for political purposes. It was written to create a division between different ethnic groups, for example, Amhara was a musketeer and dominated the other ethnic groups in the past, and thus, subdivided many ethnic groups for its political game. According to the informant, such subdivision is dangerous for Ethiopian unity and it may create a room for external aggressions.

### **3. National emblem**

The majority of Sheko informants agreed that the old three color flag without any emblem should be reinstated. According to them, the whole world is familiar with our original flag, and the emblems at the center of the newly added flag are purely political in nature. The original flag has been portrayed as evil by politicians and historians by using the wrong historical narratives in order to portray the flag. As a result of its symbolism of freedom, our flag has been adopted by several countries as a symbol of freedom. Consequently, it is necessary to amend the constitution to bring back the old flag. However, the opinion of the survey respondents does not support that of the qualitative results. 76% of respondents either “strongly opposed” or “opposed” changing the emblem. Only 23% “strongly supported” it.

### **4. Article 8**

Most informants said that acknowledging the different cultures and nations in the country is an important step and that political representation assists the community in presenting its development issues to the government. However, the sovereign power holders should be citizens, not nations or nationalities. Informants argued that this article is one of the articles that they recommend for amendment. In the informant's opinion, sovereign power should be given solely to Ethiopians. Ethiopians should possess sovereign power over nations, nationalities, and peoples.

### **5. Federal working language**

About half of the informants agreed that it is important to have additional languages for the federal government. They mentioned Ormifa and Somaligna for example. On the other hand, half of the informants prefer that Amharic remain the only language used for the federal government. For them, the existence of multi-languages as the federal government's working languages within such a federal system country is okay by itself, but they fear the

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<sup>163</sup>(Age- 80, Sex- M Educational background- Secondary Martial status- Married, Household size- 8, Occupation/role- Retired, Mother tongue language/s- Shekogna, Additional language/s- Amharic).

challenges that may be raised by different language speakers during language choice for the intended federal working languages. The survey data result is also consistent with the qualitative results, as 55% of respondents “strongly oppose” or “oppose” additional working language while 45% support or strongly support.

## **6. Ethno-territorial arrangement**

Most informants believe that ethnic-based administration is the root cause of all problems, arguing that there were 14 geographic-based administrative units during the Derg government, yet no disputes were documented as a result of the administrative units. The objective of being a regional state or zonal government, however, is the primary political question and clashing agenda in contemporary Ethiopia. Additionally, ethnic-based territory breeds conflict among different ethnic groups and produces an excess of administrative divisions. Geographic territorial system can be a better to overcome conflicts. An informant stressed,

This is the mother of all problems in the country. Nations are exclusively given territories to rule, evicting people who they perceive as settlers. Hence, people who live in a place other than their home are at a constant risk of racially motivated attacks and eviction. Therefore, if we are to build a prosperous, strong, and unified Ethiopia, then we have to restructure the regions. I prefer the old model whereby the unit of arrangement for regions was geography. This arrangement brought two or more identities together in the same region, creating unity out of diversity.<sup>164</sup>

The survey result is also consistent with the qualitative. Accordingly, 77% strongly disagreed or disagreed that the ethno territorial system should be kept as it is. Only 23% agreed to keep it intact.

## **7. Article 39:**

All informants agreed that article 39, sub-article 2 and 3 are fine, but 4, which says self-determination and secession are unimportant provisions for the Ethiopian people. An informant stated,

Sub-articles 2 and 3 are fine. People should use their own language, culture and preserve their history as it is the basic Human Rights of people. But here the problem is sub-article 4, which gives the right to go out of the federation for nations. This article was developed by those who hate Ethiopia. A nation will form its own region, and then it will strengthen its economy and defense, and when the time comes, it will request cessation. This arrangement immersed the country in a

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<sup>164</sup>(Age- 80, Sex- M Educational background- Secondary Martial status- Married, Household size- 8, Occupation/role- Retired, Mother tongue language/s- Shekogna, Additional language/s- Amharic).

perpetual risk of dissolution and conflict. Therefore, the article should be amended by removing the 4th sub-article.

The survey data on the table below also shows that respondents are more hostile towards the secession clause while they have positive attitude towards other clause.

**Table 93 Whether and which provisions of Article 39 should be amended (Sheko)**

	Strongly oppose	Oppose	neutral	Support	Strongly support
Sub article 2 of Article 39 which gives nations, nationalities, and people's rights to language and culture should be amended (%)	38	38	0	8	15
Sub article 3 of Article 39 which gives nations, nationalities, and peoples the right to territorial autonomy should be amended (%)	8	46	0	8	38
Sub article 4 of Article 39 which gives nations, nationalities, and peoples the secession should be amended (%)				39	61

## 8. Ethnic parties

Except for one, all informants believed that ethnic-based parties are by definition exclusionary, whereas national parties are all-inclusive, welcoming all ethnic groups as members and working equally for everyone. Therefore, they concluded that ethnic-based political parties should be banned in future Ethiopian politics. According to an informant who supports ethnic-based parties, it is the right of anyone to establish parties based on the rights of their members. So, no one has the right to ban that right. The survey data below shows that majority of Sheko are against ethnic parties.

**Table 94 Whether ethnic parties should be banned by the would-be amended constitution (Sheko)**

Items	Strongly oppose	Oppose	Neutral	Support	Strongly support
The formation of political parties along ethnic line should be constitutionally banned (%)				39	61
There should be a constitutional requirement for a party to have multi-ethnic members (%)				39	61

## 9. The status of Addis Ababa

Except for one, all of the informants agreed that Addis Ababa is the property of all Ethiopians. All Ethiopians have invested time, money, and sweat in the city. As a result, no one should be able to administer it solely. Special interest clause in the constitution should be deleted since they cause confusion. The city also serves as the headquarters of both the federal government and the African Union. According to survey results, 69% of respondents said the current status of Addis Ababa should be kept intact while the rest said it should be amended. Those who are in favor of amendment greater power to the city rather than putting it under Oromia region.

**Table 95 On how the status of Addis Ababa should be changed (Sheko)**

Items	Strongly oppose	oppose	Neutral	Support	Strongly support
Addis Ababa should be a separate regional state in the constitution (%)	/	/	/	/	100
Addis Ababa should be part of Oromia regional state in the constitution (%)	100	/	/	/	/
Addis Ababa should be jointly administer by the Federal government and Oromia regional state(%)	100	/	/	/	/

## III. CHALLENGES, OPPORTUNITIES, AND WAY OUT

### 1. Opportunities

Half of the informants believe that the time has come to alter the constitution. This is because most of our disagreements begin here, and if we can do this immediately, it will alleviate our top problems. The remaining half of the informants, on the other hand, feel that it is preferable to address existing political and economic issues before revising the constitution. They determined that this time is impossible owing to the fighting in the north and the country's security problems.

### 2. Challenges

Several challenges were mentioned by the informants, including various objectives for economic and political advantage in our country. Some groups may wish to influence the constitution in their favor. As a result, there may be disagreements among political elites. Due to the existing instability and security issues in various sections of the nation, it is also difficult to gather complete opinions from Ethiopia as a whole. According to the



informants, the government should prioritize restoring peace and security to the people and the country, and it can amend the constitution to do so.

### **3. Way outs**

- The participation of the general public is the most crucial one, and it has to be open for wide-ranging discussions.
- The process has to be a bottom-up. All citizens at all levels should be thoroughly consulted. Then the upcoming constitution will be loved, cherished, and protected at all costs. If people feel that they have been part of the process, then they will feel they are entitled to and owners of the document.
- Doing studies and sharing results with the public is necessary. After all, trying to convince the people about the basic contents of the amended constitution is also an important task that has to be done by the bodies concerned.
- There must be a rule of law to embark any venture including the big task of constitutional amendment.

### **I. INVESTIGATING THE POPULAR DEMAND AND FACTORS**

#### **1. Whether the FDRE Constitution should be changed**

Nearly all Somali survey respondents claimed to be familiar with the current FDRE Constitution. More specifically, 76% of the Somali respondents claimed to be “somehow familiar” with the Constitution and 21% of them claimed to be “very much familiar” with it. Almost all Somali respondents in the qualitative interviews and the large majority of the Somali survey respondents indicated that they favor constitutional reform (see table below). As to their familiarity, 76% of survey respondents “disagree” or “strongly disagree” with keeping the constitution unchanged.

#### **2. Amendment or Revision**

From the Somali respondents’ answers in the qualitative interviews, one can infer that the existing constitutional framework has a considerable degree of legitimacy among the Somali, mainly because of the attention the Constitution pays to the rights of nations, nationalities, and peoples. According to the majority of the respondents, the existing constitutional framework has herewith addressed long-standing forms of ethnic discrimination and marginalisation. Hence, a revision of this Constitution is only supported by a few. Yet, almost all respondents do favour specific amendments and point out that a number of issues should be addressed by the Constitution. The data generated by the survey indicates that about 75% of the Somali respondents support a constitutional amendment.

#### **3. Expected Disagreements**

Almost all Somali respondents (including 90% of the survey respondents) observe disagreements on the Constitution and expect these to come to the fore during a constitutional reform process.

The issues that the respondents mention as “controversial” mainly pertain to the “ethnic” provisions of the Constitution – the provisions that this report also focuses on – confirming that these are the most contested ones. Some respondents recommend that the Constitution should design mechanisms for the federal government to effectively deal with inter-regional boundary tensions and conflicts. The national flag and emblem, Article 39, and the choice of federal working language(s), and specifically the position of the Oromo and Somali languages, are also raised as controversial points by a number of respondents.

The respondents claim a more genuine federal system with strong autonomy for the regional states and an effective fulfilment of the right to self-determination.

Respondents also mention that selected articles should be amended to take stock of societal dynamics and changes and suggest the Constitution should also be used to address the socio-economic challenges the country is facing.

Hence, almost all of the respondents advocate for the amendment of specific articles but underscore that a complete overhaul of the existing constitution would not be acceptable. This also implies that the respondents advocate for constitutional amendment pursuant to the constitutionally prescribed procedure.

#### **4. Level of Optimism**

The respondents are relatively optimistic about the prospects of a constitutional reform process leading to a widely accepted and adequate (i.e., an effective) constitution. The survey data indicates that 55% of the Somali respondents are optimistic in this regard.

The respondents acknowledge that constitutional amendment will not be easy due to the existing degree of ethnic polarization in society (religious tensions are also mentioned by some of the respondents) and due to the related disagreement pertaining to the aforementioned constitutional provisions. Some respondents, therefore, fear that constitutional reform may add fuel to the fire caused by the existing tensions and conflicts.

The respondents expressly mention the tension between those who largely agree with the constitutional framework (and its extensive rights for nations, nationalities, and peoples) but want stronger enforcement and implementation of it, and those who argue that the Constitution gives too much emphasis to ethnic identity and ethnic rights, as such constituting a threat to continued state integrity. Hence, while according to the first opinion, the existing constitutional arrangement is necessary for societal peace and stability, the second opinion holds the same constitutional arrangement responsible for many of the country's peace and security woes. The respondents also associate these opposing views with specific ethnic identities.

Respondents also express the need for inclusiveness and for genuine and effective popular participation in any constitutional reform process, arguing that the people should even be consulted on whether such a process should be initiated at all. The respondents opine that the current debate on constitutional matters (and the process that led to the adoption of the current constitution as well as previous constitutions) is (and has been) too dominated by political elites, who claim to act on behalf of the people but in fact only impose their specific interests. A participatory and inclusive process should lead to a widely accepted constitution that will be useful to address the problems that necessitated its amendment in the first place, although the respondents acknowledge that it will be difficult to accommodate the interests of all.

Yet, while popular participation is encouraged, it is equally important to support a peaceful dialogue considering the aforementioned tensions.

Although most of the respondents advocate for constitutional amendments, they also express reservations about the impact of those. Almost all respondents strongly emphasize the importance of effective implementation of the amended constitution and, therefore, of strengthening constitutionalism in the country.

## II. PROVISIONS FOR AMENDMENT

### 1. General Dimensions

The survey data shows overwhelming support among the Somali for a federal system that caters to ethnic diversity. It is, therefore, not surprising that little support can be found for the opinion that there is no need to consider ethnicity as a factor in the country’s constitutional order. Nonetheless, the fact that 24% of the Somali survey respondents agree that there is no need to consider ethnicity as a factor in the country’s constitutional order is difficult to understand considering the almost unanimous support for the current ethno-territorial federal system. Let alone ethnicity, the survey data leaves no doubt that there is no support whatsoever for a return to a unitary system of government.

**Table 96 Attitude of survey respondents on the general system of federalism (Somali)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	/	3	/	48	45
There is no need to consider ethnicity as a factor in the country’s constitutional order (%)	31	38	/	24	7
Federalism is too divisive and leads to conflicts; there is no need for any form of federalism (%)	24.14%	72	3	/	/

### 2. The Preamble

All Somali respondents point out that the preamble rightly recalls a history of ethnic discrimination and marginalization by the Ethiopian polity. They value the preamble because they believe that acknowledging past realities is necessary for coming to terms with them, achieving inter-ethnic reconciliation, and laying the groundwork for a peaceful and stable polity; learning from the past to build a better future, as several respondents put it. The importance of forward-looking attitudes based on the preambular references to a

history of inter-ethnic interaction and shared interests is also emphasized; the future of Ethiopia needs to be based on inter-ethnic trust and respect, an idea evoked by the preamble. Hence, this category of respondents does not want to see an amendment to the preamble. Although several respondents indicate that the meaning of the “nations, nationalities, and peoples” concept is not clear to them and recommend the concepts be clarified, they appreciate the acknowledgement of ethnic diversity it entails. The supporters of the preamble argue that the ones who oppose it – commonly referred to as “Abyssinians” – are those who deny a history of ethnic discrimination and subjugation, therefore reject ethno-territorial federalism, and who advocate a return to an assimilationist Ethiopian nation state.

### **3. The National Emblem**

The Somali respondents, both in the qualitative interviews and in the survey, strongly favor a continuation of the current emblem because it represents and reflects the equality of the diverse nations, nationalities, and peoples. The survey data shows that 55.17% of the Somali respondents “strongly oppose” and 27.59% of them “oppose” an amendment to the national emblem.

According to the proponents of the existing national emblem, the emblem represents the equality and freedom of all Ethiopia’s ethnic groups, and it evokes an inclusive national identity. The ones who oppose the current flag and want to keep the colors, but delete the emblem, are designated by the proponents of the current flag as “extremist unitary groups” or “Abyssinians”, who want to restore a unitary and assimilationist past, a scenario strongly opposed by the Somali respondents.

### **4. Article 8**

The Somali respondents highly appreciate this article as the basis for their respective ethnic group’s rights to self-determination and self-governance. However, many of the respondents also express their frustration that Article 8 has not led to their genuine empowerment, to a meaningful expression of their sovereignty. They claim that they still do not have genuine representatives elected through a free and fair electoral process and thus demand an effective implementation rather than an amendment of this article. Several respondents make an argument for the organization of free and fair elections, for an enhanced democratic process, and for a more effective implementation of the federal system.

### **5. Federal Working Language**

Somali respondents strongly advocate for an amendment to the constitutional provision designating Amharic as the sole federal working language to add the Somali language – and other languages – as federal working language. There is no any survey respondent who disagreed with the idea of additional working language for the federal government. 37% of

respondents “agree” and 59% “strongly agree” with having additional federal language while the remaining few are neutral.

The number of speakers of a given language, their territorial distribution across the country, as well as an explicit demand from the ethnic group are suggested as selection criteria. The Somali respondents therefore support the ruling party’s policy of introducing four additional Ethiopian languages as federal working languages, and some respondents even recommend adding more working languages.

According to these respondents, a policy of multilingualism would also lead to more inclusion at the federal level (for instance, it would encourage employment of non-Amharic speakers in federal government institutions; services could be more effectively provided to a larger number of Ethiopian citizens). These dynamics would stimulate a sense of ownership of the federal government and therefore support unity. The current exclusive use of Amharic is associated with a history of ethnic marginalization and exclusion. Furthermore, the introduction of ethno-territorial federalism has strengthened the status and development of many other languages. One respondent recommends that international languages such as English should additionally be adopted as a federal working language.

Some Somali respondents in the qualitative interviews argue for the continued use of Amharic as the sole federal working language. To support their position, they point out that Amharic is still the most widely spoken Ethiopian language and that a constitutional amendment to increase the number of federal working languages would engender never-ending and unpractical demands from a large number of ethnic groups. They, therefore, fear that such a decision would have a lot of conflict potential.

## **6. Ethno-Territorial Federal Structure**

The Somali respondents in the qualitative interviews are nearly unanimously in favor of the existing ethno-territorial federal structure. The survey data also shows strong support for the current ethno-territorial arrangement among the Somali survey respondents. 69% of respondents either “agree” or strongly agree with ethno-territorial federal structure. Yet, a significant number of others (21%) disagree.

To substantiate their support for the current system, a number of respondents argue that human rights violations could be avoided if there were a better alignment between ethnic and territorial boundaries since living together with “your immediate group” is not only natural, it has less conflict potential as well. The idea of re-arranging the ethno-territorial boundaries and replacing the ethno-territorial federal system with a geographical federation

is rejected by these respondents. They warn that any attempt to amend this arrangement would have dire consequences.

## 7. Article 39

Most Somali respondents in the qualitative interviews generally argue against the amendment of Article 39. They caution that since this article is a guarantee of the rights of nations, nationalities, and peoples, amending it would lead to dire consequences such as state disintegration.

None of the respondents in the qualitative interviews expressed any reservation about the linguistic and cultural rights enshrined in Article 39, and one could have reasonably expected the same to be true for the Somali survey respondents. Yet, although 58.62% of them strongly oppose an amendment to Sub-article 2 of Article 39, 31.03% would support such an amendment.

**Table 97 Whether and which provisions of Article 39 should be amended (Somali)**

	Strongly Oppose	Oppose	Neutral	Support	Strongly support
Sub article 2 of Article 39 which gives nations, nationalities, and peoples the right to language and culture should be amended (%)	59	10	/	31	/
Sub article 3 of Article 39 which gives nations, nationalities, and peoples the right to territorial autonomy (the right to have their own regional state) should be amended (%)	48	14	7	28	3
Sub article 4 of Article 39 which gives nations, nationalities, and peoples the right to secede should be amended (%)	35	17	7	34	3

A similar result is observable with regard to the opinion of the Somali survey respondents on the right to territorial autonomy. Although most of them either “strongly oppose” (48.28%) or “oppose” (13.79%) an amendment to Article 39(3) containing this right, more than 30% would support such an amendment.

Many Somali respondents support the secession clause, enshrined in Article 39(4). The proponents of the clause see it as an ultimate remedy: “if oppression persists, we may secede”. This position entails that secession will be exercised if the other (internal) dimensions of the right to self-determination are not respected. Therefore, according to

these respondents, deleting the secession provision from the Constitution will lead to the exact scenario that such constitutional reform aims to avoid: secession.

Nonetheless, a considerable number of Somali survey respondents recommend deleting the secession provision, as can be inferred from the table below.

## **8. Ethnic Parties**

All Somali respondents in the qualitative interviews support the existence of ethnic-based parties. This picture is confirmed by the survey, which reveals that 69% of respondents oppose a constitutional ban on ethnic-based political parties.

The opponents of a constitutional ban state that it is natural for people to associate themselves with members of their own group and to act collectively to defend the group's interests. A ban on ethnic-based political parties is perceived by this group as a strategy to undermine ethnic group interests. Several respondents also point out that the existence of ethnic-based parties is both aligned with and a consequence of the ethno-territorial federal system that enables ethnic groups to administer themselves. Furthermore, a constitutional ban on ethnic-based parties would constitute a violation of the constitutionally protected freedom of association. Yet, this does not mean that people with different ethnic backgrounds should be disaffected— ethnic-based parties need to protect the rights of ethnic minorities as well, and the activities of ethnic-based parties should be monitored from this perspective.

## **9. The Status of Addis Ababa**

According to a number of Somali respondents in the qualitative interviews, Addis Ababa is Oromo land and should therefore be administered by the Oromia Region. The constitutional provision guaranteeing “special interest” is not sufficient since the city belongs to Oromia and is its capital city. Yet, this does not exclude the continued status of Addis Ababa as the federal capital city and the right of other Ethiopian citizens to live in the city.

Other respondents argue that since Addis Ababa has been constructed and developed through joint efforts, it belongs to all Ethiopians and should therefore continue to be accountable to the federal government or even become a distinct region. The city is a symbol of Ethiopian unity. Nonetheless, the respondents in this category do not object to the “special interest” of Oromia, considering the city's location.

Still other respondents in the qualitative interviews advocate for the Federal and Oromia Regional Governments to jointly administer Addis Ababa.



The below table presents the opinion of the Somali survey respondents on the status of Addis Ababa, and it reveals that a joint administration of Addis Ababa by the federal government and Oromia regional state is the preferred option of these respondents.

If you argue in favor of a constitutional amendment pertaining to the status of Addis Ababa (about 75.86% of the Somali respondents recommend an amendment to Article 49), .what would you recommend?

**Table 98 On how the status of Addis Ababa should be changed (Somali)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Addis Ababa should be a separate regional state in the Constitution (%)	9	73	/	18	/
Addis Ababa should be jointly administered by the Federal government and Oromia regional state (%)	5	36	5	41	14
Addis Ababa should be part of Oromia regional state in the Constitution (%)	9	59	9	23	/

### III. CHALLENGES, OPPORTUNITIES AND WAYS OUT

#### 1. Opportunities

The respondents emphasize the importance of thorough discussions and inclusive popular participation on the issue of constitutional amendment, which is anticipated to lead to a more legitimate and less contested output. Constitutional reform should not be rushed but should take place through a gradual process. The current study is appreciated in this regard, and the respondents also suggest that the issue of constitutional reform be made part of the national dialogue process.

#### 2. Challenges

Almost all respondents point out that the multifarious problems currently afflicting the country (including lack of peace and security, active fighting between the government and different rebel groups, as well as serious socio-economic problems) need to be addressed before a constitutional reform process is started. If not, the initiation of a constitutional reform process would be met with distrust and would just be another conflict factor.

#### 3. Ways Out

In addition, there should first be a minimum inter-ethnic consensus on some contentious issues (including the future position of Tigray) through a national dialogue process. The

current national dialogue process should therefore be encouraged, although some respondents express doubts about its inclusiveness. The prevailing situation of extreme ethnic polarization would complicate a constitutional reform process. Respondents also express doubts about the capacity of the government to manage a constitutional reform process at this point in time.

## WOLAITA

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### I. INVESTIGATING THE POPULAR DESIRE AND FACTORS

#### 1. Whether the FDRE constitution needs to be changed

As to the familiarity of the Wolaita survey respondents to the constitution, 76% of them said they are “somehow familiar” while 12% said they are “very much familiar”. Only 12% of all survey participants are unfamiliar. All research qualitative participants also believe they are familiar to the constitution. Based on their familiarity, 41% of the respondents “strongly agree” the current constitution should be changed, 39% of them “disagree” and 5% are neutral. So, at least 80% of Wolaita informants support the current constitution should be changed.

#### 2. Amendment or revision

All Wolaita informants prefer amendment to revision so do 87% of survey participants. The reason is they believe the constitution focuses too much on differences than unity. In addition, the constitution put the sovereignty of the people in a relentless risk, because it allowed nations to secede from the federation. An Informant argued,

I need an amendment on the current constitution, for me and my people; there are some chapters, if not all, of the constitution that needs to be changed for the continuity of development and the country as sovereign. These include Article 39, federal arrangement, land and on Ethiopian unity<sup>165</sup>.

#### 3. Expected disagreements

Many majority informant mentions the flag, article 39, preamble, emblem and the land policy as a point of disagreement in the country. Informant stated, “Yes, there are disagreements among nations especially on article 39”<sup>166</sup>. On the other hand, politicians who believe that their interests are compromised will disagree on the amendment. For instance, TPLF and OLF will oppose the amendment of article. But only 40% of survey respondents see disagreement while the rest are more optimistic or don’t know.

#### 4. Level of optimism

All informants of Wolaita believe that if the process considers the public opinion, it will reflect their desire. An informant argued, “Indeed currently there are movements by the

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<sup>165</sup>(R11, Sodo, Wolayita zone, M, 44, BA, admin, Wolaytigna mother tongue, additionally speaks Amharic)

<sup>166</sup>(R5, Sodo, Wolayita zone, F, 45, Msc, HoF Representative, Wolaytigna mother tongue, additionally speaks Amharic, Gamogna and Gofigna)

government to begin discussion that involves the mass people at national level. This implies that there is good implication for the constitution that is going to be amended will reflect the desire of the public”<sup>167</sup>.68% of respondents believe the kind of constitution that will serve their expectation will come into effect, but that all depends on how the process is managed. If the process is derailed by some political forces, which is likely no, the envisaged constitutional amendment will serve only the interest of a few groups.

Many informants are aware of the fact that amendment of the constitution alone is not the end of the problem solving effort of this country. They also give due emphasis for its implementation. Informant states, “, not only amending the constitution that address my concerns but there are issues that need to be changed to address many of my concerns”<sup>168</sup>.

## II. PROVISIONS FOR AMENDMENT

### 1. General provisions

As to the attitude of Wolaita respondents towards a federal system the table below shows they are believe Ethiopia needs a certain form of federalism that caters diversity and ethnicity maybe an inevitable force in a federal system that Ethiopia needs to adopt.

**Table 99 Attitude of respondents on the overall federal system (Wolaita)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	Don't know
Some version of a federalism that seeks to cater ethnic diversity is appropriate (%)	2	7	5	56	27	2
There is no need to take ethnicity as factor in the country's constitutional (%)	7	20	10	27	34	2
Federalism is too divisive and leads to conflicts; there is no need to any f	15	51	2	10	17	5

### 2. Preamble

A divided opinion was given by Wolaita informants on the issue of the preamble clause “We the nations, nationalities, and peoples of Ethiopia”. Many of the informants said that since the preamble focuses on difference rather than unity, it should be amended and reflect their hope that the amended constitution will focus more on unity and solidarity. Informant voiced, “Ethiopia has many ethnic groups which is more than 80 groups. I prefer if it is replaced by “Ethiopian people”<sup>169</sup>.

<sup>167</sup>(R5, Sodo, Wolayita zone, F, 45, Msc, HoF Representative, Wolaytigna mother tongue, additionally speaks Amharic, Gamogna and Gofigna)

<sup>168</sup>(R11, Sodo, Wolayita zone, M, 44, BA, admin, Wolaytigna mother tongue, additionally speaks Amharic)

<sup>169</sup>(R2, Sodo, Wolayita zone, M, 40, Msc, Opposition political party, Wolaytigna mother tongue, additionally speaks Amharic and Hadiyigna)

### **3. National emblem**

Some informants see the emblem as a source of conflict. So, they are in favour of the flag without any emblem in the middle, as the emblems are reflection of ideologies of respective regimes. But, they believed that to bring consensus among the people, the issue have to be part of a genuine amendment process. Yet, some of the informants argued that the meaning of the emblem is to symbolize equality of nations, nationalities and peoples. Thus, there is no problem that it becomes disputable. Informant stated, “In my view the current emblem signifies the Nation, Nationalities and peoples of Ethiopia”<sup>170</sup>. The survey result shows at least 50% of them are against changing the national emblem while the rest are either neutral or in favor of removing the national emblem. 5% reported don’t know. The conclusion is that the majority of research participants representing Wolayta believe the emblem should be kept intact.

### **4. Article 8**

Many informants of Wolaita believes that citizens were supposed to be sovereign not the nations as it is stated in article 8. Like other countries of the world, they reflect the importance of empowering individual citizens as sovereign. They said if we put the sovereignty only on the nations, nationalities, and peoples, then the territorial integrity of the country will be at risk.

### **5. Federal working language:**

Majority qualitative informants believe that Amharic is enough for the working language of the federal government. Amharic is the main language spoken almost by all Ethiopians; as a result it is a unifying factor. But, if we add other languages, it will create tension between the identities to make their respective language a federal working language. So they prefer to use Amharic as the only federal working language. 37% strongly opposed having additional working language for the federal government, 27% opposed, while only 32% “support” or “strongly support” and the rest are neutral or refused to answer.

### **6. Ethno-territorial arrangement**

Majority informants of Wolaita are against ethno-territorial arrangement, the reason is that they believe the current ethnically based arrangement of administrative unit’s resulted in hostility amongst Ethiopia’s different ethnic groups. As to survey respondents, 61% of them “disagree” or “strongly disagree” with keeping intact the current ethno-territorial arrangement while 26% are in favor of keeping intact the current ethno-territorial system. The rest don’t know or refused to answer.

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<sup>170</sup>(R5, Sodo, Wolayita zone, F, 45, Msc, HoF Representative, Wolaytigna mother tongue, additionally speaks Amharic, Gamogna and Gofigna)

## 7. Article 39

Many informants oppose sub article 3 and 4, the reason is that Sub article 3 allows an extended right to self-rule alienating others in the same territory. The subsequent sub article even allows secession from the federation which poses even greater danger to the existence of the country. It is confusing why Ethiopia is such a unique country that adopted a self-destruct mode, by allowing regions to go away when they feel the time is right. Therefore, they call up for its change or amendment in a way that ensures the rights of citizens and the existence of the country. The survey respondents on the table below have also shown hostility to secession clause while they are generally favourable to other clauses of article 39.

**Table 100 Whether and which provisions of Article 39 should be amended (Wolaita)**

	Strongly oppose	Oppose	neutral	Support	Strongly support	Don't know/neutral
Sub article 2 of Article 39 which gives nations, nationalities, and people's rights to language and culture should be amended (%)	17	46	2	24	7	2
Sub article 3 of Article 39 which gives nations, nationalities, and peoples the right to territorial autonomy should be amended (%)	7	17	7	32	34	2
Sub article 4 of Article 39 which gives nations, nationalities, and peoples the secession should be amended (%)	5	10	5	10	68	2

## 8. Ethnic parties

All of the informants are against ethnic based political parties. Such parties have to be banned from the country. They are the main sources of ethnic cleavages in the country, they create a feeling of 'us and them' between the nations of the country. A lot of countries have banned these parties, because in the long run, they create conflict among nations. The table below also confirms the view of the majority qualitative study participants.

**Table 101 Whether ethnic parties should be banned by the would-be amended constitution (Wolaita)**

Items	Strongly oppose	Oppose	neutral	Support	Strongly support	Don't know
The formation of political parties along ethnic line should be constitutionally	2	15	12	19	50	2

banned (%)						
There should be a constitutional requirement for a party to have multi-ethnic members (%)	2	7	7	24	51	7

### 9. The status of Addis Ababa

A vast majority of informants believe that Addis Ababa’s status should continue as today. They believe the city belongs to all nations, nationalities and peoples of Ethiopia. The shared sense of belongingness to the city by all ethnic groups is thus reflected if the city is administered by the federal government. The survey respondents’ shows that 93% of respondents stated the current status of Addis Ababa should not be amended. Those who proposed amendment has the following options:

**Table 102 On how the status of Addis Ababa should be changed**

Items	Strongly oppose	Oppose	Neutral	Support	Strongly support
Addis Ababa should be a separate regional state in the constitution (%)	0	50	/	/	50
Addis Ababa should be part of Oromia regional state in the constitution (%)	50	50	/	/	/
Addis Ababa should be jointly administer by the Federal government and Oromia regional state(%)	50	/	/	50	/

## III. CHALLENGES, OPPORTUNITIES, AND WAY OUT

### 1. Opportunities

Some informants consider the current situation of the country as a good opportunity for the amendment of the constitution. On the other hand others suggest waiting until the conflicts in different part of the country settled.

### 2. Challenges

Informants believe currently the country is engulfed in unprecedented turmoil that is shaking it to its core. Accordingly it is very challenging to amend the constitution.

### 3. Way outs

Informants suggested, evidence based research has to be conducted and then the interests of the public should be included through participatory processes. Then, the final draft should be brought back to the people to reflect on. And after including those comments, the new amended constitution should be applied.



## **I. INVESTIGATING THE POPULAR DEMAND AND FACTORS**

### **1. Whether the FDRE Constitution should be reformed (revised or amended)**

All Yem survey respondents claim to be familiar with the Ethiopian Federal Constitution. More specifically, 93.75% claim to be “familiar” and 6.25% claim to be “very much familiar” with the Constitution. Almost all Yem respondents pointed out that the current constitution required reform.

### **2. Amendment or Revision**

The Yem respondents in the qualitative interviews almost unanimously support constitutional amendment, but no one advocates an overall revision, which indicates that, among the Yem community, there is a general acceptance and legitimacy of the current constitutional framework. This result is confirmed by the survey data. Out of the survey respondents with Yem identity, 56.25% “agree” and 43.75% “strongly agree” with constitutional amendment. Hence, the support for an amendment rather than a revision type of reform is unanimous.

### **3. Expected Disagreements**

All Yem respondents expect disagreements to arise in the case of constitutional reform. The issues mentioned as requiring constitutional amendment while also being difficult to reach agreement on are primarily those related to what we have referred to in this report as “ethnic provisions,” such as the federal working language(s), the colors and emblem on the federal flag, the ethno-territorial administrative boundaries, Article 39, and the status of Addis Ababa. The respondents’ focus on these provisions is not surprising and confirms our observation that they are the ones on which societal debate has been the most intense and opinions are most polarized.

In terms of process, the respondents support the comparative theoretical recommendations that the constitutional reform process needs to be bottom-up, participatory, and inclusive; the process should therefore not be captured by specific interest groups. Yet, the role of technical experts in assessing and translating the public demands into workable and consistent constitutional provisions is also underscored.

### **4. Level of Optimism**

Although the respondents are cautiously optimistic about the potential of constitutional amendment – they believe it can contribute to societal peace and stability by settling a number of contentious issues through a participatory and inclusive process – they display a justified realism by emphasizing that constitutional amendment alone would not suffice to address the multifarious problems of the country. Doing this additionally requires an effective implementation of the amended constitution – hence, constitutionalism – as well as intensified and sustained efforts to support good governance, to ensure law and order, and the design and implementation of effective economic policies.

## II. PROVISIONS FOR AMENDMENT

### 1. On the General Dimensions

The survey shows overwhelming support among the Yem respondents for a federal system that caters to ethnic diversity. It is, therefore, not surprising that little support can be found for the opinion that there is no need to consider ethnicity as a factor in the country’s constitutional order. Let alone ethnicity, the survey data leaves no doubt that there is almost no support for a return to a unitary system of government. Indeed, even opponents of the current ethno-territorial arrangement advocate a geographical (non-ethnic-based) federal system of government, a system of administration that takes into account other elements than ethnicity, such as geography and administrative convenience.

**Table 103 Respondents attitude towards the overall federal system (Yem)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Some version of federalism that seeks to cater to ethnic diversity is appropriate (%)	/	6	/	75	19
There is no need to consider ethnicity as a factor in the country’s constitutional order (%)	13	75	/	13	
Federalism is too divisive and leads to conflicts; there is no need for any form of federalism(%)	44	44	6	6	/

### 2. The Preamble

The respondents predominantly argue in favor of the preambular provision talking about “nations, nationalities, and peoples” since it expresses a recognition of and respect for the ethnic diversity of the Ethiopian population. Nonetheless, some of the respondents propose the replacement of the three terms with the provision “We, the citizens of Ethiopia”, arguing that it gives more emphasis to common citizenship.

The preambular provisions mentioning the “historical unjust relationships” are also valued since they provide an adequate narration of the past as perceived by the respondents. More specifically, the respondents argue that this provision rightly evokes and acknowledges a past assimilationist process of nation-building characterized by the dominance of one culture, language, and religion. Nonetheless, it is notable that several respondents point out the risk that, although they underscore that this provision has been instrumental in assuring the acceptance of the Constitution at the time – since many liberation movements had an ethno-nationalist agenda – it may not be conducive to supporting the objective of living together and a “common destiny” and should therefore be deleted or rephrased in a future constitutional reform process. The same respondents would rather argue in favor of provisions emphasizing and supporting the unity of the Ethiopian ethnic groups. This evokes the opinion that although the constitutional acknowledgement of past oppression served a transitory objective, it is now time to look to the future and forge a common destiny.

### **3. The Flag and National Emblem**

The majority of the Yem respondents in the qualitative interviews support the continuation of the current flag (both the colors and the emblem). The survey data shows the same picture: 37.50% of the Yem respondents “strongly oppose” and another 37.50% of them “oppose” an amendment to the flag and emblem.

Nonetheless, some of the respondents in the qualitative interviews argue that this symbol has been imposed on the Ethiopian people by the previous ruling party EPRDF. This comment refers to the process of drafting and enactment of the 1995 Constitution, which, as pointed out before in this report, was indeed characterized by a lack of inclusion and genuine participation.

When it comes to the colors, the respondents generally express their support for them. They link it to the history of the successful Ethiopian resistance against European colonial expansion, because of which the colors have become a symbol not only of Ethiopian, but also of African freedom and independence.

The Yem respondents do not reject a discussion on the colors and flags as long as the final product represents the genuine interests of the different ethnic communities; the need for an inclusive process and a resulting consensus is again emphasized.

### **4. Article 8**

The prevalent attitude towards this article is positive, so an amendment is suggested by a few. This result is unsurprising since the majority of respondents in the study area also express support for the preambular statement on “nations, nationalities, and peoples”.

Indeed, Article 8 is the logical consequence of the preambular statements about the nations, nationalities, and peoples.

The proponents argue that this article does not only recognize ethnic diversity but also expresses the equal position of all nations, nationalities, and peoples, which is assumed to contribute to the unity in diversity objective expressed in the preamble. Hence, rather than suggesting an amendment, they advocate for stronger enforcement of this provision.

Nonetheless, few respondents do favor an amendment to this provision. They link the provision to the power of the regional states/federated units, whose power does indeed emanate from Article 8. The ethno-territorial federal system has created regional states as a forum through which nations, nationalities, and peoples are expected to exercise their sovereign power. The powers of the regional states, explicitly or impliedly (as residual powers) granted by the Constitution, aim to enable nations, nationalities, and peoples to exercise this sovereign power. The respondents, arguing in favor of an amendment to Article 8, state that the power of the regional states is too broad and undermines the power of the federal government. This has affected the ability of the federal government to effectively manage inter-regional conflicts as well as federal-regional conflicts. Article 8 empowers the regional states to such an extent that they can behave as independent entities and hence challenge the federal power. Consequently, these respondents argue that the relationship between the federal government and the regional states needs to be recalibrated and that federal power should prevail in the relationship.

## **5. Federal Working Language**

The majority of the Yem respondents support the amendment of Article 5(2), which designates Amharic as the exclusive working language of the federal government: 56.25% of the survey respondents “support” and 31.25% “strongly support” such an amendment. Although the ruling party has already adopted a policy that promotes the use of five languages as federal working languages, this is not yet enshrined in the Constitution, and a constitutional amendment is therefore mandatory..

This position is not shared by all respondents, some of whom argue that Amharic is still the Ethiopian lingua franca and should therefore continue as federal working language. In this regard, some of the respondents in this category point out that the adoption of additional languages as federal working languages may complicate communication and inter-ethnic contact and may thus have a disintegrative effect. They underscore that it is good to promote the use of one common language, and Amharic could serve this purpose. Furthermore, designating other languages as federal working languages may spark a never-ending and contentious debate over which languages should be used to that end.

## 6. Ethno-Territorial Federal Structure

The support for the existing arrangement is almost unanimous among the Yem survey respondents. Nearly 85% of Yem respondents “agree” or “strongly agree” with the idea of keeping ethno-territorial system intact. Yet, the qualitative interviews reveal a more mixed Yem opinion on the issue of ethno-territorial federalism. Although some of the respondents appreciate the opportunities the system has provided to the Yem people to express and develop their culture and exercise political power, others underscore the disintegrative effect of the arrangement and mention the elements of mixed ethnic heritage and cross-cutting cleavages that favor a geographic federal arrangement.

## 7. Article 39

The data collectors observed – confirming earlier observations of the researchers – that although Article 39 is the most debated article in the constitution, most respondents are not aware of its multiple dimensions and tend to focus exclusively on the secession component. The large majority of the respondents do not know that Article 39 grants internal aspects of self-determination as well. The respondents are not informed about the procedure for secession (enshrined in Article 39.4) either. Hence, in order to gather meaningful answers, the data collectors had to first provide some preliminary information about Article 39. This confirms the importance of community/civic education in the constitutional reform process, which was also pointed out in the theoretical sections of this report.

All Yem respondents support the linguistic and cultural rights components of self-determination since they constitute crucial components of ethnic identity. They thus recommend that those dimensions of the right to self-determination should be maintained in the constitution with no need to amend them.

**Table 104 Whether and what provisions of Article 39 should be amended (Yem)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Sub article 2 of Article 39 which gives nations, nationalities, and peoples language rights and cultural rights should be amended (%)	63	38	/	/	/
Sub article 3 of Article 39 which gives nations, nationalities, and peoples the right to territorial autonomy should be amended (%)	56	38	/	6	/
Sub article 4 of Article 39 which gives nations, nationalities, and peoples the right to secede should be amended (%)	6	/	/	19	75

The same opinion is expressed with regard to the rights to political participation and to territorial self-rule. These are very important group rights, and if one has to acknowledge any challenge pertaining to these rights, it is their lack of effective implementation rather than their constitutional entrenchment. Hence, the focus should not be on amending these provisions but on ensuring their full implementation. This opinion confirms the support for the ethno-territorial arrangement among the majority of the respondents.

Although the respondents thus support the internal dimensions/aspects of the right to self-determination enshrined in Article 39, a notable finding is that nearly all Yem respondents do not agree with the constitutional entrenchment and facilitation of secession. They point out that the constitutional incorporation of secession poses a threat to the unity and integrity of the country and that secession is not beneficial to any of the parties. Rather, it may lead to inter-regional as well as regional-federal tensions and conflicts. The right to secession affects reciprocal trust and may be used by a specific ethnic group to put pressure on the federal government to accept its particular demands, the denial of which may trigger the initiation of a secession demand. The current dynamics pertaining to Tigray are mentioned as a case in point. Almost all Yem respondents therefore advocate an amendment to the secession provision.

## 8. Ethnic Parties

The majority of the Yem respondents (both in the qualitative interviews and in the survey) argue for a constitutional ban on ethnic parties and for a constitutional provision requiring political parties to have a multi-ethnic membership . One of the arguments is that although ethnic parties have been useful in putting the issues of ethnic discrimination and marginalization on the political agenda and, hence, fighting for the rights of ethnic communities, these issues have now been addressed. In the current era, the existence of ethnic-based parties contributes to inter-ethnic conflicts, and one should focus on the establishment of truly national/pan-ethnic and inclusive political parties.

**Table 105 Whether ethnic parties should be banned by the would be amended constitution (Yem)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
The formation of political parties along ethnic line should be constitutionally banned (%)	6	25	19	38	12
There should be a constitutional requirement for a party to have a multi-ethnic membership (%)	/	/	19	56	25

## 9. The Status of Addis Ababa

According to the data collectors, the status of Addis Ababa was among the most contested and hotly debated issues.

Most Yem respondents argue in favor of an administrative and constitutional status quo (87.50% of the Yem survey respondents). According to these respondents, Addis Ababa should continue as an autonomous city administration with its own charter and council and continue to be accountable to the federal government. According to this view, no specific group can claim to own the city separately. One respondent in this category states that “Addis Ababa is the only city that represents all Ethiopians. It is the city where various ethnic groups reside and also the seat of several embassies.” This opinion holds that it is a city that represents all Ethiopians, it is ethnically diverse and is, furthermore, an international city. Yet, a continuation of the existing arrangement entails and requires that Addis Ababa be accepted as both the federal capital city and the capital of the Oromia Region and that the special interest of the state of Oromia, mentioned in Article 49 of the Constitution, has to be spelled out. The latter could be ensured by an ordinary law anticipated by the constitution itself, with no need for constitutional amendment.

The alternative constitutional options of Addis Ababa being jointly administered by the federal government and Oromia Regional State and of Addis Ababa being constitutionally incorporated into the Oromia Region are nearly unanimously opposed by the Yem respondents.

Those who are in favor of a constitutional amendment pertaining to the status of Addis Ababa have the following desires.

**Table 106 On how the status of Addis Ababa should be amended (Yem)**

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Addis Ababa should be a separate regional state in the Constitution(%)	/	87.50%	12.50%	/	/
Addis Ababa should be jointly administered by the Federal government and Oromia regional state (%)	/	87.50%	12.50%	/	/
Addis Ababa should be part of Oromia regional state in the Constitution (%)	/	87.50%	12.50%	/	/

### **III. OPPORTUNITIES, CHALLENGES AND WAYS OUT**

#### **1. Opportunities**

The Yem respondents argue that there is currently no conducive environment to amend the constitution.

#### **2. Challenges**

To substantiate the above view, the respondents refer to the high political and ethnic polarization and to the prevalence of conflict and insecurity in several parts of the country. A constitutional amendment requires stability and security since it demands an extensive participatory process. Once peace and security are assured, this popular consultation could start. The socio-economic problems the country is facing are also mentioned as complicating factors and issues that need prior attention. At this time, initiating a constitutional amendment process will just add to the country's manifold existing political and socio-economic problems.

#### **3. Way out**

It is notable that the respondents emphasize the importance of a participatory constitutional amendment process, which resonates with the best practices for constitutional amendment as inferred from the theoretical analysis.



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**PART 4**

**CONCLUSION AND RECOMMENDATIONS**

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## 1. Conclusion

- A constitution is adopted with a degree of presumed permanency in the sense that it is assumed that the constitution will not be changed frequently and easily. This does not, however, mean that a constitution is immutable. Countries introduce changes to their constitutions whenever the need arises and the political context allows. The change so introduced may range from a minor amendment to a complete overhaul of the constitutional document. Indeed, seldom do constitutions, if at all, allow or contain provisions providing for a procedure for their own replacement. However, almost all constitutions contain a provision providing for their amendments.
- It has been over three decades since the FDRE Constitution was adopted. In the last 30 years, the constitution has transformed the country in so many ways. It has redefined the identity of the state; a state that defined itself as a nation-state now identifies itself as a multinational state. In a country where claiming ethnic identity was seen disapprovingly, ethnicity has become the core factor of state organisation and political mobilisation. It has transformed a once unitary state with an extremely centralised system of government into a federal country.
- Like any other constitution that introduced such a radical change, the FDRE constitution has been a controversial document since the day it was adopted. For some, the manner of its adoption - a process that was dominated by a political party that came out victorious in the 17 years of civil war against the Derg-was problematic and has rendered it a constitutional document of the victors imposed on the country. Besides, the party made sure its political aims and goals found their way into the constitution. For others, the very contents of the constitution are problematic; its focus on ethnicity in reorganising the state's territorial and political structure in particular was a major issue of contention at the time of its adoption and since then. Many view the constitution as a kind of document that would bring about what Steiner calls 'a counter-ideal' of accentuating divisions, legitimising separateness, alienating groups from one another, making social cohesion unattainable, enfeebling a 'sense of common humanity'<sup>171</sup> and, finally, destroying 'all unifying elements.'<sup>172</sup> Yet there is a large segment of the population that regards the constitution as a sacred document of

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<sup>171</sup> Steiner J H (1991) 'Ideals and counter-ideals in the struggle over autonomy regimes for minorities' 66 *Notre Dame Law Review* 1539-1560

<sup>172</sup> Monteux C A (2006) 'Decentralisation: The new delusion of ethnic conflict regulation?' 2006 8(2) *International Journal on Multicultural Societies* 162-182

emancipation. For these groups of people, the constitution halted ethnic-based political and social exclusion, recognised the right to self-determination of hitherto marginalised communities, and provided territorial and institutional space for every community to protect and promote its cultural and linguistic identity.

- Despite being such a controversial document, the constitution remains almost unchanged for over three decades. Now there is a growing demand for some form of constitutional change since the sorry state of the country's political life is, in one way or another, linked to the constitution. Now the question this research aimed to answer was whether the demand for a constitutional change is a popular demand or one pushed by narrow groups of political elites. Is there a popular desire to see a constitutional change? Which parts of the constitution are to be changed?
- There is a remarkable awareness of the constitution among the participants of the research. They showed a great deal of awareness about the controversial provisions in the constitution and their political implications. The awareness and interest in the constitution among ordinary members of every community provide the necessary context for a participatory constitutional amendment.
- There is also virtually no disagreement among the research participants that there is a need for constitutional change. Yet, the reason why different individuals seek a constitutional change is different. There is almost a consensus among key informants and respondents that there is no desire for a complete revision of the constitution. The respondents and the informants believe that save for a few provisions, the constitution is a good document that does not need a complete revision. The kind of constitutional change which is supported almost by every informant and respondent is a constitutional amendment.
- There is a general optimism that a constitutional amendment will bring about a more legitimate constitution and some positive changes in the country's politics. This is based on the assumption that the political situation is directly linked to the constitution and fixing the constitution would fix the politics.
- Research participants understand, regardless of ethnic background that cultural and linguistic rights of ethnic communities should be observed and the constitution does not need amendment in that regard. The most divisive provisions the secession clause of Article 39 and the sovereignty of nations, nationalities and peoples. While the overall result shows that majority of research participants support amendment to these clauses, there is a division along major ethnic groups. While overwhelming majority of research participants from Oromia and Somali regions desire these constitutions should remain

intact, other ethnic groups like Amhara, Afar, SNNPRS, Sidama, and Southwest overwhelming desire the amendment. Similar pattern is also seen for the ethnic parties, the status of Addis Ababa, and additional working language for the federal government.

- The current political system has both challenging enabling conditions for a constitutional reform. The war in northern Ethiopia and ethnic conflicts at any other part of the country will hinder extensive public consultations for a reform. At the same time, the current political problems, largely rooted on and manifested through ethnic conflicts and ethnic politics can be used as a proof to come to terms than we need revise the constitution to resolve at least some of the problems that have an implicit or explicit constitutional backup.

## **2. Recommendations**

- The research data unequivocally demonstrate support for constitutional reform and indicates that such a reform should mainly focus on the 'ethnic provisions' of the Constitution. Provisions that are a candidate for debate and dialogue leading to a constitutional amendment are unsurprisingly those that are linked with the management of diversity. These include, the preamble, article 8, national symbols, federal languages, the ethnic-based territorial arrangement, article 39, in particular, the secession clause, and the status ethnic-based parties. The research found out that these provisions are highly divisive across ethnic groups and which implies that a well-accepted public dialogue is necessary to amend these provisions. Even if we can learn from the research results that at least a little majority of the respondents can be identified in favor or against these provisions, they remain most divisive and the pattern of division being clear between Amhara, Afar, SNNPRS, and the like on the side and mainly Oromo and Somali on the other hand. A reform process requires knowledge of this pattern.
- If all these provisions are somehow affected by the constitutional amendment process, can the end result could be considered a constitutional revision rather than a constitutional amendment? It was argued in the literature review that a considerable reform of these ethnic provisions could amount to a constitutional revision rather than to an amendment since some of the ethnic provisions constitute the basic principles and foundations of the existing constitutional order. Yet, we have also pointed out that whether a constitutional reform would amount to an amendment or to a revision – which qualification is determined by the degree of substantive change effected to the existing constitution – is not that relevant in the Ethiopian context. Whereas in some countries, revising the constitution through the constitutionally prescribed constitutional reform procedure is prohibited, revising the constitution is permitted in others, though the applicable procedure is more stringent. In Ethiopia, the constitutional reform procedures entrenched in Articles 104 and 105 of the Constitution do neither prohibit a

constitutional revision nor contain a specific procedure for it. This means that both amendments and revisions can be effected through the use of the constitutionally prescribed procedure. Nonetheless, we have also pointed out that in the case of a complete overhaul of the existing constitutional order, a participatory and inclusive reform process is all the more important.

- Reforming the existing constitution, either through amendment or revision, by using the constitutionally prescribed reform procedure is recommended. It has the advantage of legal continuity: the new legal arrangement is not constituted *ex nihilo*, which evokes an attachment to the values of legality and the rule of law since it demonstrates that all actors, including constitution-makers, are subject to the law. In this scenario, the existing/constitutionally constituted political institutions (including the House of People’s Representatives, the House of the Federation, and the regional State Councils) would be in charge of the process (both its initiation and the final approval of the constitutional reform). Yet, although a constitutional reform procedure needs to have a degree of rigidity, the Ethiopian procedure is too rigid when it comes to the reform of the human rights provisions, including Article 39 on the right to self-determination. Any reform of the latter provision – and the study has indicated that there is overwhelming support for amending the secession provision included in Sub-article 4 of Article 39 – requires the unanimous approval of the regional State Councils, which seems an insurmountable impediment, particularly in the current political context. Does this make reform of this provision currently impossible? In this regard, research has shown that a lot of constitution-making in other jurisdictions has taken place outside the bounds of the constitutionally prescribed procedure. The legal reasoning legitimating such *extra-constitutional constitutional reform* is that the constituent power (these are the nations, nationalities, and peoples in the Ethiopian case) is not bound by the existing procedures since the latter are merely constituted by the former. The constituent power cannot be restricted by constituted procedures. This argument implies that all provisions of the current Ethiopian constitution could be reformed without following the procedures of Articles 104 and 105. Yet, in such a scenario, the constituted political institutions would have to cede their role to the constituent power. To be concrete, a constitutional reform effectuated extra-constitutionally could only be approved by the constituent power itself through a referendum or through institutions representing the constituent power, such as a constituent assembly, elected for the specific purpose of constitutional reform.
- Whether constitutional reform will take place using or outside the existing procedure, we emphasized the importance of a participatory and inclusive reform process. The importance of a constitutional reform process with these characteristics is also underscored by many research respondents. The respondents highlighted that

constitutional reform in Ethiopia is mainly called for because of its anticipated contribution to ending violent conflicts and supporting sustainable peace. The achievement of this objective does not only require the design of adequate constitutional provisions that can bridge or mitigate ethnic divisions and tensions, but also a reform process that offers meaningful and adequate opportunities for popular participation and societal inclusion. Not only does such a process offer a forum for societal, including inter-ethnic and political, dialogue that may produce a shared understanding, it will also benefit the societal legitimacy of the constitution. A participatory and societally inclusive constitutional reform process thus benefits national unity and constitutionalism.

- Nonetheless, the literature study has cautioned that a participatory reform process risks deepening ethnic cleavages because it enables and encourages discussion on highly divisive issues, a concern shared by many respondents in the study. That is why several respondents underscore the importance of embedding the constitutional reform process into the ongoing national dialogue, which aims to reduce political and ethnic polarization and rebuild trust and social capital, as such creating a more fertile environment for constructive constitutional reform discussions. Popular participation can take a variety of forms and take place throughout the reform process: before, during, and after the drafting stage. Although the referendum is the archetypical form of popular participation, it doesn't seem to be a preferred option in the Ethiopian context. Since it could not be avoided that many voters would lack an adequate understanding of the constitutional draft, voters could be easily manipulated by self-interested actors who misrepresent the constitution or focus on contentious issues only. Carefully crafted compromises that are the result of difficult inter-ethnic and political negotiations may thus unravel, and the organization of a referendum may therefore undo the unifying effects of the national dialogue in which the constitution was drafted. It may consequently re-invigorate ethnic and political tensions. While it is encouraging that the public be aware of the various provisions of the constitution and conscious of their political implication, a constitutional amendment should be preceded with massive awareness creation and debate on various aspects of the constitution.
- While at some point, political dialogue should begin that leads to a constitutional amendment, the process should not be rushed. Unrealistic timelines and deadlines should not be used.