

The use of Ethnicity in Ethiopia in Determining Internal Boundaries

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Abstract: *Since the year 2008 the South African government experienced community protest with allegations of municipal service delivery dissatisfaction by member of the community. This was followed by 2014-2016 community protest in Malamulele and Vuwani communities in the Limpopo province. Both these communities wanted their own separate municipality away from other ethnic communities. Based on that this study seeks to depict the process used in Ethiopia where ethnicity was solely used in determining internal boundaries. Conclusion will be drawn from the findings as to whether same approach can be followed in South Africa or not.*

Key words: Ethnicity; Internal Boundaries; Local Government; Ethiopia; Malamulele and Vuwani; Limpopo Province; Ethnic conflict; Power sharing; South Africa.

Introduction

Ethiopia was never colonised by a European power but was occupied for a few years by Italy in 1936-41. It has been governed by several sovereign rulers (emperors) until the overthrow of Emperor Haile Selassie in 1974 which was followed by the dictatorship of MengistuHailemariam, the leader of the communist military junta, called the *Derg* (Frank, 2009). The first efforts to unify the state were made in the middle of the 19th century when the authoritarian regimes applied politics of nation-building in Ethiopia (Lukas, 2017). As a result, Ethiopia underwent a dramatic system-change after the military regime that had ruled the country between 1974 and 1991 was defeated.

In 1991, an ethno-nationalist group, led by the Tigray People's Liberation Front (TPLF) and the Ethiopian People's Revolutionary Democratic Front (EPRDF) with other ethnic-based movements, ousted the Derg regime and introduced a federal political system. The defeat of the Derg military-regime was thus achieved through a coalition of ethnic-based armed groups. This saw the principle of ethnic self-determination and a democratic order becoming a precondition for the maintenance of a polity within Ethiopia's boundaries, thus

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making space for diversity. After the military defeat of the Derg-regime a complete shift in paradigm was undertaken. Instead of seeking unity through assimilation, unity was going to be achieved through the accommodation of diversities of all kinds as well as the granting of equal rights and status to all of the groups in the country (Ethiopia) (Zimmermann-Steinhart & Bekele, 2012). Zimmermann-Steinhart and Bekele (2012;90) point out that between 1991 and 1995 the country was ruled on the basis of the "Transitional Charter" which provided for decentralised government and upheld the self-determination principle and.

The Ethiopian federal arrangement is perceived to be unique in Africa because it is explicitly built on ethnicity (Baraki, 2016). This is due to the fact that Ethiopia hosts more than 80 different ethnic groups, most of them with their own unique culture, custom, belief and peculiar ways of doing things (Belay, 2016).

This led to the adoption of the Federal Constitution of Ethiopia which established the nine regional states. None of the regional states in Ethiopia are ethnically pure, and only five regions are named after its numerically dominant ethnic group: Tigray, Afar, Amhara, Oromia and Somali. However, by using local government structures further ethnic groups have been accommodated. This strategy has its own challenges as different ethnic groups are fighting over limited resources - the exclusion of ethnic minorities in employment - as well as boundary tensions and constant conflicts amongst ethnic groups at regional and local government level (Zemelak, 2011). This paper will, therefore, discuss the historical transition and the creation of regions in Ethiopia. Pursuant to that, it will also discuss the legal framework and establishment of local government in Ethiopia as well as the challenges faced at both the regional level and local government.

Historical transition of Ethiopia

Tigray People's Liberation Front being the core rebel group fought an ethno-regional liberation war from 1975-1991 and ended the long civil war in Ethiopia. The TPLF then promised a solution to the national question of inequalities in cultural prestige, power and resources between the various ethno-linguistic groups as well as the diffusion of ethnic and regional tensions. In 1990 the TPLF, broadened into the Ethiopian People's Revolutionary Democratic Front which was a coalition of parallel parties to represent other parts of Ethiopia. It later enlarged its programme nationwide with the ambition of creating a renewed, 'revolutionary-democratic' state, with more rights to be accorded to neglected minorities and language groups. The main aim was to establish a decentralised and ethno-linguistically based federation instead of an enforced unitary state in Ethiopia (Abbink, 2006).

The adoption of a provisional Charter in July 1991 in Ethiopia gave birth to the Transitional Government of Ethiopia also known as the (TGE) (Engedayehu, 1993). The Charter granted Ethiopia's numerous nationalities the right to self-determination which also included the right to secession. The Charter was

purposed to serve until a permanent constitution was drafted and popularly approved (Engedayehu, 1993:30-32).

In 1995 the Ethiopian Federal Constitution was adopted and gave effective to the protection of all ethnic minority groups in Ethiopia. The constitution provided for the right to self-determination of all ethnic groups and the creation of ethnic regions in Ethiopia to accommodate the large ethnic groups in the country. Ethnicity was thus central to the creation of ethnic-based subnational governments which could provide education, etc. This saw the minority groups using their languages for education purposes (Abbink, 2006:395).

The creation of regions in Ethiopia

One of the most significant features of the Federal Constitution of Ethiopia in as far as the creation of regions is concerned, the Federal Constitution makes ethnicity the sole criteria for organising regional states in Ethiopia, while making the dominant ethnic groups the owners of sovereign powers in the areas under their jurisdiction. According to the Ethiopian Human Rights Council, this arrangement prevent non-native ethnic groups from any share in the political life of the regions and has *de facto* and *de jure* created native ethnic sovereigns in each region without recognising the existence and right of ethnic minorities. In other words, the regional states have been instruments for the exercise of a sovereign right to self-government of native majority ethnic groups to the exclusion of other ethnic minorities living in those regions (*Ethiopian Human Rights Council Parallel Report*, 2009). By so doing, the Constitution has therefore created a new system of domination of minority ethnic groups by native including dominant ethnic communities in Ethiopia. The Constitution has made minorities out of non-indigenous (non-native) communities that long inhabited the regions as their homeland (*Ethiopian Human Rights Council Parallel Report*, 2009:10).

The EPRDF government used the nationalities map of the Study of Ethiopian Nationalities of 1983 to delineate preliminary boundaries between the ethnolinguistic areas in Ethiopia.¹ In 1995, the constitution then provided for the establishment of nine regional states or regions, namely: Tigray, Afar, Oromia, Somali, Amhara, Harar, Benishangul-Gumuz, Gambella, and the State of the Southern Nations, Nationalities and Peoples (Southern Region of SNNPR) (*Art 47 FDRE Constitution*, 1995).

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

¹Nationalities map of the Study of Ethiopian Nationalities of 1983 was a political research bureau which did the research work under the Derg regime (which was the first government to officially recognise the Ethiopian nationalities).

states, where multi-ethnic groups exist but no ethnic group is dominant, a mix of factors such as political, economic, settlement pattern, similarity of culture and language have been taken into consideration to an extent that ethnic minorities are also protected both at regional and local government level (Baraki, 2016:5).

Ayele and Fessha (2012) write that with the constitution allowing for the establishment of an ethnically defined territorial unit in which members of an ethnic group can govern their own affairs, the intention is to give effect to the right of ethnic groups to a full measure of self-government. It is therefore based on this principle that some of these regional states are designated as belonging to a particular ethnic group.

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

Ethnic conflicts in Ethiopia

As a multi-ethnic state, Ethiopia has witnessed numerous incidents of ethnic conflicts and tensions both at the regional and local government level. Because of the history of the country, the current ethnic federal arrangement was in fact created to do away with suppression and the legacies of ethnic domination, while at the same time providing for a constitutional and legal framework for the resolution and mitigation of ethnic conflicts (*Ethiopian Human Rights Council Parallel Report, 2009:20*).

However, the creation of the ethnic federal system had its own limitations.

“Ethnic federalism brought new dimensions that often aggravated and complicated ethnic conflicts in the country. By making ethnic groups the building blocks of the country’s federal system, the new arrangement elevated the importance of ethnic identity as a key instrument to claim social, economic and political resources. Accordingly, ethnicity and ethnic identities have been used as flagships for mass mobilization in group conflicts. Some of these are often waged by the local elite to secure political power based on ethnic distinctiveness. As a result, those conflicts manifest themselves in the form of disputes over geo-political (regional, zonal or special woreda) boundaries” (*Ethiopian Human Rights Council Parallel Report, 2009:20*).

Although many Government reports indicate that incitement and ethnic violence are prohibited by law, in practice incidents of ethnic violence have been on the increase in Ethiopia in the last two years. A cursory look at the recent history of ethnic conflicts in Ethiopia indicates that such conflicts could be categorised into four types or more, depending on the cause each conflicts and the identity of the parties involved. These include resource-based conflicts, settler versus native conflicts, boundary disputes and clashes over

power-sharing. As resource-based conflicts are almost invariably presented as boundary disputes, they will not be discussed separately (*Ethiopian Human Rights Council Parallel Report, 2009:21*).

Boundary-Related ethnic conflicts

The establishment of other administrative units and regions in Ethiopia along ethnic lines required drawing boundaries between ethnic communities which in the past, had geographically been interspersed through diverse and long-standing patterns of settlement. As a result, the physical demarcation of geographical borders between the various ethnic groups in Ethiopia was difficult since there have been considerable population movements in many parts of the country. In redrawing the regional states, the concern of where the physical border between the national communities should be drawn has led to disputes and tensions in the country. Ethnic conflicts often resulted in civilians being attacked and robbed by virtue of their connection and membership to a certain ethnic group (*Ethiopian Human Rights Council Parallel Report, 2009:21*).

It is true that many of these ethnic minorities or communities had experienced a small scale resource-based conflicts in the past. However, the introduction of the ethnic federal system in country (Ethiopia) changed the dynamics of these conflicts and tensions by reinforcing their ethnic dimension. Furthermore, the fact that the disputed areas coincided with the boundaries of regional governments has transformed the conflict between local communities into conflicts between regional states (Open document:2017). Instances include the claim of ownership over Babile town (between the Oromiya and Somali regional states), the Borena and Gari conflict between the Somali and Oromia regional states, the conflict between the Gedeo in the SNNPR state and the Gujji Oromo in Oromia regional states and the conflict between the Oromia and Benishangul Gumuz regional states, etc. (*Ethiopian Human Rights Council Parallel Report, 2009:21*).

According to the Ethiopian Human Rights Council (2009:22), the major hindrance to a lasting resolution of such conflicts in Ethiopia is the fact that the boundaries between these regions or ethno-national communities are not clearly demarcated. There has been no systematic effort by the Government to delineate the boundaries in a clear manner, often because the tension is very high in the disputed territories.

As a result, the absence of a specialized government authority to assume the responsibility of attending to disputes between members of different ethnic groups living in adjacent regions has continued to give rise to frequent conflicts and tension in different parts of the country, often resulting in the death and displacement of many citizens and destruction of public and private property (*Ethiopian Human Rights Council Parallel Report, 2009:23*).

Article 48(1) of the Constitution states that:

“all border disputes shall be settled by agreement of the concerned states. Where the states fail to reach agreement, the House of Federation shall decide such disputes on the basis of settlement patterns and the wishes of the people concerned” (*Art 48(1) FARE Constitution, 1995*).

However, in many cases the principles stipulated in the Constitution are not implemented and issues regarding border conflicts are also not adequately addressed. Most attempts to resolve boundary related conflicts have been made by ad-hoc inter-regional border committees coordinated by the Ministry of Federal Affairs (*Ethiopian Human Rights Council Parallel Report, 2009:23*).

The fact that members of these committees come from the ruling elite of the regions having claims over territories meant that they are biased and lack neutrality. This has complicated the matter further and the settlement of boundary disputes has been a long and inexpedient process due to failure of committee members to reach an agreement. For instance, attempts to resolve boundary disputes between the Afar and Somali, Oromia and Somali and Oromia and BenishangulGumuz regions have been dragging for years (*Ethiopian Human Rights Council Parallel Report, 2009:23*).

Despite its constitutional mandate to resolve these disputes, the House of Federation was not able to give a decision on these and similar cases due to serious human and technical capacity constraints. There is also a lack of clarity regarding the role of the House of Federation and the Ministry of Federal Affairs in this regard, leading to confusion as to which federal institution has the lead role in managing and resolving ethnic conflicts (*Ethiopian Human Rights Council Parallel Report, 2009:23*).

Competition over limited resources

Boundary disputes are linked to competition over limited resources by different ethnic groups (both at the regional and local government level). The reason for limited resources is population pressures at regional level between different ethnic groups, environmental degradation as well as climate change (Tenaw,2016). Improper agricultural practices and soil erosion have greatly damaged the land's productivity. The food production rate is declining at an alarming rate as compared to an increasing population growth rate in the country.

The competition over scarce natural resources is influenced by struggle for political power at regional level. This saw the agro-pastoral areas being in a state of instability due to competition over scarce resources (Kifle, 2015).

The Somali and Oromo regions and the Ittu and Issa clans have become the areas that are hit by serious conflict over limited resources. It was after the introduction and implementation of ethnic-based boundaries in Ethiopia that the issue of administrative boundaries between Somali and Oromo regions in general and

Ittu and Issa clans in particular became a source of conflict (Tenaw, 2016:7). The major causes for conflict in these regions are cattle raiding, competition over declining resources and territorial expansionary moves.

Tenaw (2016:3) writes that in agro-pastoral and pastoral areas the stock of natural resources, particularly grazing lands as well as water points, is shrinking from time to time as a result of several factors, including environmental degradation, expansion of agriculture and human, the occurrence of prolonged drought, and animal population growth. Tenaw (2016:3) further highlights that there are no doubts that all these factors intensify resource scarcity and competition for water sources and pastures in the regional level among the pastoralists.

It is worth noting that for pastoralism to survive they require movement within and across regional boundaries in search of pasture and drinking water for their livestock. However, currently the situation has not been conducive for them to move across regional boundaries because of enmity among ethnic groups. Ever since 2000, three major conflicts have occurred between major rival pastoral groups, such as the Borena and Gari; the Merihan and Digidia, as well as between the Degidia and Borena in Oromia region. These conflicts therefore resulted in the death of hundreds of people (Tenaw, 2016:4).

In trying to resolve these resource competitions at regional level, territorial expansion became one of the main strategies for control over scarce resources. However, such boundary claims resulted in various violent conflict between the two clans in the Omali/Oromia area. Taha (2007) writes that:

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

Oba (1992) highlights that scarce resource competition and cattle raids between Ittu and Issa clan groups have resulted in conflicts ever since the 1960s. As a result the pastoralists are now facing more pressures and challenges than ever before because of: the loss of pasturelands to national parks, private farms, and ranches; increased commoditisation with concomitant inequality within the livestock economy; changes to other types of land use; out-migration of poor pastoralists as well as periodic dislocations brought about by drought, famine, and civil war.

Bassl (1997) points out that the recent clan and inter-ethnic conflicts are related to national political processes because the absence of clearly demarcated zonal, regional, district and *kebele* level boundaries in eastern Ethiopia led to stiff competition and territorial expansive moves by several ethnic groups. Though the two regional state governments of Somali and Oromia tried to resolve the boundary dispute through the referendum in 2004, their efforts did not bring a long-lasting solution.

Power sharing conflicts

The fact that ethnicity became a major criterion or deciding factor for the distribution of political power at the regional levels has naturally created competition over political power between different ethnic groups in Ethiopia (Van Veen, 2017). This has especially been problematic at the regional level, where an ethnic group's access to political power also guaranteed superiority and better access to economic resources and over other ethnic groups. While non-native ethnic groups have been excluded from such competition; rivalries between native ethnic groups for political power have led to violent ethnic conflicts, especially in the Gambella and Benishangul Gumuz regions (*Ethiopian Human Rights Council Parallel Report, 2009:8-10*).

Conflicts between 'native' and 'settler' communities

As highlighted above, the relation between native and settler communities in the different regions is fraught with tensions. According to the Ethiopian Human Rights Council, several factors have contributed to these tensions: discrimination; the disenfranchisement and lack of political representation of settler 'minorities'; native resentment towards settlers due to the past history of domination; parochial sentiments of ownership and territoriality among native ethnic groups; fear of displacement and economic insecurity due to increased migration and presence of settlers (*Ethiopian Human Rights Council Parallel Report, 2009:25*).

These tensions led to conflicts resulting to the destruction of property, loss of lives and displacement of thousands. The action or omission of the Federal and regional government authorities exacerbated these conflicts and contributed to the worsening of damages. Two of such conflicts – the conflicts in Eastern Wollega zone of the Oromia and Gambella region involved discriminatory action towards the 'minority' Amharic speakers.

The local Oromo elite mobilized the native community and appealed to xenophobic and territorial sentiments by reigniting historical memories of domination by the Amhara. The local administrators agitated the Oromo community to evict the Amhara settlers and 'send them to their native region' by claiming that just like their ancestors, the Amharas were trying to rob Oromia by occupying their lands and depriving their children of their future livelihood (*Ethiopian Human Rights Council Parallel Report, 2009:26*).

Language and political tension

The Constitution guarantees equality of languages and empowers regions to determine their own official working languages. This has resulted in the adoption of the languages of the ethnic groups dominating the regions as working languages in some regions. In other regions pragmatic considerations have led to the

adoption of Amharic as official language. The adoption of the language of a certain ethnic group as the official language means that all aspects of the administrative, judicial and other affairs of the region are to be conducted in this language (Midega, 2015).

Accordingly, education must be provided in the language of the region. This is also reflected in access to employment, the right to representation, access to justice, etc. In these and other areas accessibility is linked to literacy in the language of the dominant ethnic group. While this is a positive arrangement for the realizations of the rights of the ethno-linguistic groups which exercise sovereign powers in the regional state, the fate of those communities, which are unable to speak the languages of the dominant and native groups needs to be addressed. Such communities include settler communities, as well as indigenous communities whose languages have been denied the status of official languages. Members of such communities will inevitably face difficulties in the exercise of their human rights due to their illiteracy in the regional working languages.

Ethnic local governments in Ethiopia

The Constitution of Ethiopia provides for constitutional autonomy for the regions which includes the power to draft, adopt and amend the regional state constitution (*Art 55(5) FDRE Constitution, 1995*). This allows regions the opportunity to protect subnational ethnic minorities and accommodate regional ethnic pluralism. Tarr (2011) highlights that “Ethiopia’s Federal Constitution (the Federal Constitution) leaves the regions with considerable constitutional space to design their institutions and local governments”. This is due to the fact that local or (sub-regional) government is barely touched upon by the Federal Constitution. The regions are therefore autonomous in determining their institutional structure organisation and competencies of local government. Van der Beken highlights that each of the nine regions in Ethiopia has successfully managed to adopt an effective constitution that acknowledges the existence of different ethnic minorities at regional level. The majority of these regions have also designed the institutions of local government as the primary mechanism of protecting sub-national ethnic minorities (Van der Beken, 2015).

Ayele and Fessha (2017) point out that “the right to self-government is not limited to the ethnic groups that have their own regional states: rather, it is a right that is constitutionally reserved to all ethnic groups in the country”. Article 47(2) of the constitution states that ethnic communities within the states “have the right to establish, at any time, their own States”. Therefore, the right to self-government or determination means that ethnic communities have the right to exercise their right to self-determination, which includes the right to establish government institutions in the territory in which they reside and also within the territorial boundaries of the regional state in which they are situated.

Ayele (2008) writes that the reason for decentralisation in Ethiopia was to empower ethnic minorities and thereby mitigate or prevent ethnic conflicts. This meant that any ethnic related issues and questions which

were not answered and cannot be dealt with through regional state formation will be addressed through the establishment of local government (Ayele, 2008:13).

The 1995 Constitution of Ethiopia thus provides for the establishment of two types of sub-regional government in terms of articles 39(3) and 50(4) respectively (Nigatu, 2015). Article 39 (3) implicitly provides for the establishment and implementation of autonomous sub-regional territorial units which are meant to accommodate intra-regional ethnic minorities in the country. Pursuant to that this means that what is stipulated in article 39(3) is an autonomous local government that is empowered with powers that are relevant in protecting and promoting the interest of all ethnic communities on whose behalf it is established (Ayele&Fessha, 2012:93).

Local government in terms of article 39 as stated above is a local government whose territorial boundary is largely delimited along ethnic lines (Art 39 FDRE Constitutio, 1995). As stated by Ayele and Fessha (2012:93):

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

Article 50(4) obliges the regional states to establish government units below state level. However, as stated above regional states have the power to enact their own constitution and to establish local government. The Amhara Constitution established an ethnic-based local government with one purpose of protecting sub-regional ethnic minorities. This approach has also been adopted and followed by the Benishangul-Gumuz, Gambella and Southern Region in their Constitutions (Van der Beken, 2015:164).

Currently there are only five regions that have established ethnic local government in Ethiopia; there are still several state constitutions which do not recognise ethnic diversity including Somali and Oromia state constitutions. These ethnic-based local governments are designed in such a way that they offer important protection to the cultural and language rights of the concerned ethnic minorities. The competence of the ethnic-based local governments in Amhara, Benishangul-Gumuz, Gambella and Southern Region allows local governments to determine their working language which is used for official purposes, such as in the local administration and judiciary (Van der Beken, 2015:167).

For example, the SNNPR is home to dozens of ethnic groups and in order to respond to the constitutional requirement of ensuring self-government for the different ethnic groups, the regional constitution has established ethnically defined zonal administrations (Zimmermann-Steinhart & Bekele, 2012:94). The Amhara state has also established three special zones (or Nationality Administrations) for the three indigenous minorities (i.e. the AgewHimra, Awi and Oromo). Similar administrative entities are provided for the five indigenous minorities in Benishangul-Gumuz. The Gambella constitution also provides for the

establishment of a Nationality Zone for the three indigenous minorities of Anuak, Nuer and Mejenger (Baraki, 2014).

Fessha and Van der Beken (2013) argue that Ethiopian ethnic-based local government administrations offer excellent opportunities for institutional representation and participation for the empowerment of minority. Ethnic local government is established at both the zonal and *woreda* level known as *siyu-woreda* (special districts) (*Art 50(4) FDRE Constitution, 1995*).

Depending on the level of ethnic diversity, the regional states have established three Local Governments (LGs) tiers. According to Baraki, two pragmatic approaches have been applied in the delimitation of local governments into the Zones, Special Zones, Special *Woredas*, and *Woreds*. Zonal governments and Special *Woreda* governments comprise several rural and urban *woreda* governments (Baraki, 2014:52). As such, in the heterogeneous states of Southern Region (SNNP), Benshagul-Gumuz and Gambela, Zonal and Special *Woreda* Governments are mainly established along ethnic lines regardless of their economic viability. In the SNNP, Zonal Governments (ZGs) and Special *Woreda* Governments (SWG) are formed by breaking up heterogeneous Zone/*Woreda* Administrations. Baraki (2014:52) highlights further that when a single ethnic group is found to be very tiny, two or more ethnic groups were brought together to form a ZG or SWG, often based on cultural and language similarities.

According to Ayele and Fessha (2017), zonal administrations are not even recognised in the regional constitutions, other than in the constitution of Oromia regional state, yet it is established in most regions. However, its main purpose is to serve as an intermediate point between a regional government and a *woreda*.

The most powerful tier in terms of article 50(4) local government is the intermediate local government known as *woreda*. A *woreda* is created through the regional constitutions and it is established throughout the rural areas of the country. As a result, a *woreda* has a council: a legislative organ whose members are directly elected by the people. Ayele and Fessha (2017:9) highlight that:

Equivalent of a *woreda* in urban areas is a city administration, which is an equally autonomous local government. The deliberative arm of the city administration is the city council, whose members are directly elected by the residents of each city administration is the city council. A city administration has a mayor, a mayoral committee, a professional municipal manager, a municipal judicial organ and a municipal administrative court.

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

The article 39 local governments are established to address ethnic claims or accommodate ethnic communities within some sort of territorial framework. Though these types of local governments have been established at the different levels in the hierarchy of local government these organisations are mostly

established at the zonal and *woreda* levels and are consequently known as the nationality zones and *liyu-woreda* (special districts).

It is worth highlighting that nationality zones are established as institutions of self-government for regional minority groups that occupies a territorial area covering a number of *woredas*. While on the other hand, a *liyuworeda* is a subdivision of a region which in terms of territorial and population size is comparable to a *woreda* administration and is established for a particular ethnic group that inhabits the area (Ayele&Fessha, 2017:9).

There is thus a clear difference between nationality zones and *liyuworedas* with the rest of local governments established in the country. Ayele and Fessha (2017:10) point out that:

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

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

Ayele and Fessha (2017:10-11) further write that

In contrast, the constitution has established regional states that are ethnically heterogeneous, with no single ethnic group accounting for the majority of the regional population. In these regional states, the claims for recognition and self-rule by ethnic communities have resulted in the regional governments establishing, depending on the size of the ethnic community, either being a nationality zone or a *liyuworedas*.

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

The Constitution of Afar region recognises the right of the minority of people who belong to Argoba to have their own “special *woreda*” in the region. In the Amhara region there are also special zones for a minority from the Oromo ethnic group. The Constitution of the Southern region is also designed in such a way that recognises the “special *woreda*” as an ethnic based sub-regional local government administration (Van der Beken, 2015:162).

It is worth noting that the territorial demarcation of both the nationality zone and a *liyuworeda* follows the territorial settlement of the ethnic group on whose behalf they are established. As a result, these ethnic local government units are autonomous and should the ethnic group for which they are established choose to secede from the region and establish their own regional state they can do so (*Art 47(2) FDRE Constitution, 1995*). Currently, nationality zones and *liyuworedas* are established only in five regions such as the Afar, SNNPR, Amhara, Benishangul-Gumuz and Gambella regions.

Liyuworeda is found only in four regions of Amhara, SNNPR, Gambella and Benishagul-Gumuz. In SNNPR there are nine *liyuworedas* that were established. Whereas, in Benishagul-Gumuz there are two

liyuworedas, one in Gambella known as *Godreliyuworeda* and one in Afar known as *Argobalilyuworeda* (Barki, 2016:7).

It is therefore worth concluding by stating that nationality zones in Ethiopia are mainly established as institutions of self-government, for regional ethnic minority groups that occupy a territorial area covering a number of *woredas* (Ayele&Fessha, 2012:96). Whereas a *liyuworeda* (special district), is a subdivision of regions which in terms of territorial and population size is comparable to a *Woreda* administration (Fenta, 2014:74). It is established for the particular ethnic groups that inhabits the area. Nationality zones and *liyuworedas* are established only in five regions: Afar, Amhara, Benishangul-Gumuz, Gambella regions and SNNPR (Fenta, 2014:73).

Challenges, ethnic tensions and conflicts at local level in Ethiopia

According to Van der Beken (2015:169), the main idea in the establishment of ethnic-based local government in Ethiopia is that through these local governments system, the concerned ethnic minorities can exercise the self-rule component of the right to self-determination. Although the above facts managed to indicate the opportunities offered by the mechanism of establishing ethnic-based local governments for the fulfilment of the rights of sub-national ethnic minorities, this mechanism has substantial challenges, tensions, conflicts and limitations as well. Some of the limitation relates to the degree of autonomy enjoyed by the ethnic-based local governments in the exercise of their powers. The challenges brought by ethnic-based local government in Ethiopia are:

- a) Land disputes between ethnic groups which includes contestation over district boundaries;
- b) Ethnic mobilisation and competition over resources

Land disputes at the local government level

Some of the challenges that are faced at the regional level are somehow similar to those that are experienced at the local government level. The land issue in Ethiopia constitutes one of the most contentious issues because it involves conflicting political, socio-cultural and economic interests (Hebo, 2007). However, the point of contestation in Ethiopia's ethnic-based local government level is who has authority and power in the regional administration and who has the right over which land in the region. According to Abbink (2006:396) "the majority of tensions and challenges in rural Ethiopia emanated from disputes on land and on boundaries of (*woredas*) districts and zones between the newly defined ethnic or linguistic groups".

After ethno-linguistic or ethnic identity was accorded an organising role in the determination of boundaries and adoption of policies, the new political dispensation was immediately used as a means to make claims

to resources on both the national (state) level and local level (especially government funding and land) (Abbink, 2006:395-396). This started with intricate negotiations and ethnic positioning strategies of ethnic elites to get advantages at the expenses of other groups. Land and borders in Ethiopia became the prime cornerstone of contestation. Land had become an increasingly scarce resource due to soil erosion and population growth, these contestations were backed up by an explicit reference to language and cultural differences (Abbink, 2006:396). Other recurring factors with regard to land include:

“The disagreements about the possession of or use rights to water resources, prestige, land, and cultural policies (feelings of inter-group superiority and inferiority), settlement, licences for investment and language policy in education and administration” (Abbink, 2006:391).

Land issues lead to a high level of contestation over district boundaries in Ethiopia. This is the result of the competition over grazing space and water for livestock leading to sporadic cases of cattle rustling and revenge killings. These therefore led to other minority groups having limited access to services in areas that are dominated by rival ethnic groups. This resulted in ethnic mobilisation at the lower level. In many areas, minority groups re-negotiated local relationships and mobilised people to fight for recognition as 'nationality' or ethnic groups in order to take advantage of the new political order in Ethiopia. As a result, they used the constitutional status of the nationalities to pursue their goals (Aalen, 2006).

Ethnic mobilisation usually results in different ethnic groups competing with each other over limited resources. Competition for resources in Ethiopia had shown itself primarily in the form of pastoralist conflicts and clashes over scarce resources of land. The reason being that pastoralist conflicts have a lengthy history and occurred in the lowland areas of the country mostly in the Afar, Oromia, and Somalia regions (Dibaba, 2016). Feyisaa (2009) highlights that:

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

While different ethnic groups are in competition with each other over limited resources, the major challenge of local government in the regional level is the allocation of federal funds between different ethnic groups and representation at the regional level which resulted in political repression.

The majority of conflicts in Ethiopia now are about boundaries between territorialised ethnic groups. This is because fights are waged about identity in order to establish the borders of districts and zones and the identity professed by local people is the deciding element. Because of ethnic difference between ethnic communities, different areas are given to each ethnic group but that does not stop the conflict. This led to unhappiness about how the boundaries have been drawn. Boundaries are tied up with ethnic identity as well as a conflict about resources in the disputed border areas. Abbink (2006:397) writes that that is

'secession' in miniature form; however some of the conflicts are about power or authority and access to scarce resources in a shared arena.

By so doing the post-1991 regime in Ethiopia, despite its promise and claims to bring solutions, has been less successful than expected in managing ethnic tensions in the country and has basically only 'decentralised' the problems by defining the sources of conflict to be on the local and not national level (Abbink, 2006:390). However, there are other problems too, such as minority exclusivity in employment and political privileges, etc.

Minority exclusion in employment.

One of the challenges faced by Ethiopia is the exclusion of ethnic minorities in as far as employment is concerned, resulting in a serious lack of employment for minority groups at the regional level. This is because they are usually considered as not being part of the dominant ethnic group. This is irrespective of them knowing the local language or even having resided in the region for a long time. Because there is high unemployment, there is also high level of competition over resources in Ethiopia. This has led to the exclusion of ethnic minorities with regard to employment (*Ethiopian Human Rights Council*, 2009:10).

Political privileges

Identity politics in Ethiopia has reinforced inter-ethnic boundary and fostered intra-ethnic solidarity in the country (Feyissa, 2009:646). However, the same process has also raised serious problems of where to draw the line in the definition of the 'self' and engendered intra-ethnic competition for resources and political power. As a result, the repercussion of institutionalised identity politics does not end at the migrants and inter-ethnic or indigenes level. It has also introduced social displacement within the ethnic groups magnifying and politicising sub-ethnic units (Feyissa, 2009:651).

Political representation is a quarrelsome issue played out in power struggles between political elites at all levels of government in Ethiopia, affecting the stability of the regional states. Power struggles are expressed through inter-ethnic and clan-based conflicts and tensions (UNICEF, 2015).

According to Feyissa (2009:651), due to political privileges experienced by dominant ethnic groups, multi-ethnic regional states are 'up for grabs' for the various groups who compete for resources and political power with various narratives of entitlement instead of building a viable regional political community.

The struggle for political power and competition over limited resources among the ethnic elites in Ethiopia is a reflection of the contentious issue of political ownership of the multi-ethnic regional states such as Gambella. Conflict situations in the Gambella region are also related to the introduction of territorialized

ethnicity and the politicisation of migration. Resources are allocated according to political affiliation and between ethnic lines.

The challenges of establishing ethnic boundaries in Ethiopia

The organization of state power along territorially based ethnic communities has been reinforced and elevated to a constitutional level (Belay, 2016). The Ethiopian federation is unique in many aspects, insofar as it departs radically from the usual fear of African states to 'play with fire' i.e. ethnicity (Watts, 2008). Despite some serious debates among different scholars, those who are in favour pointed out: that federalism was the best (indeed the only) solution to Ethiopia's ethnic diversity problem (Barata, 2012:67). Ethiopians have always regulated their lives and handled their disputes according to customary law and will continue to do so (Abbink, 1997:170).

However, according to the rejectionist of ethnic federalism, ethnic based federalism has the propensity to divide the people ethnically and elevate normal competition for resources to the level of ethnic strife and inter- and intra-ethnic mistrust (Belay, 2016). Ethiopian ethnic federalism encourages political parties to organise along ethnic lines and to maintain or enforce an ethnicised federal state in Ethiopia (Habtu, 2003).

Conclusion

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

Regions in Ethiopia were established based on ethnic differences and diversity of the country. This provided regions also with the power to determine or establish their local government based on their ethnic identity. It should be noted that "although the regions enjoy considerable constitutional space to design specific devices, the major constitutional tool for minority protection at regional level is invariably the establishment of ethnic-based local governments".¹

This enabled Ethiopia to establish a local government system that is ethnic-based, to accommodate all ethnic minorities. However, Ethiopia is now experiencing ethnic tensions between members of different ethnic groups that are fighting over limited resources. Such ethnic tensions are due to the greediness of

¹ Van der Beken C (2015) 177.

the dominant ethnic groups either at the regional or local government level that refuses to or are not willing to share resources with other ethnic groups. Ethnic tensions are also due to limited resources in the country which led to ethnic mobilisation.

After the establishments of the *woredas*, they became responsible for preparing and implementing developmental plans and the distribution of resources without seeking authorisation from higher levels, through the *woreda* block grant transfers.¹ However, the grants which are given to the *woredas* are also limited and this makes it difficult for the *woredas* to provide communities with proper services. This gave rise to ethnic challenges and tensions amongst ethnic minorities.

Though there are challenges at the local government level in Ethiopia, South Africa can learn one or two things from Ethiopia as the establishment of regions and local government has some advantages:

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

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

Cohen is of the view that in recognising ethnicity for what it is, Ethiopia is sitting on an ethnic time bomb and it must come up with a possible solution.² However, according to Abbink, pessimists argue that it may already be too late for the re-drafting of the constitution in Ethiopia because among the generation coming to maturity since 1991, new identities have already been formed and are being internalised by local people.³

Ethiopia has now declared a state of emergency due to violent protests which led to the killing of hundreds of people. This is because ethnicity has been mobilized in the contest for resource, and ethnicity has been built into the system. Ethnic minority groups alleged repression and exclusivity from resources by the dominating ethnic groups.

This shows that the main problem in Ethiopia is power sharing and equitable distribution of resources between or among ethnic lines or groups. Some of the problems faced by Ethiopia includes political mobilisation by ethnic minorities and the exclusion of minorities in as far as employment is concerned.

¹ Zimmermann-Steinhart P & Bekele Y (2012) 96.

² Cohen J M (1995) 177.

³Abbink J (2006) 392.

To eradicate demarcation tensions and protests South Africa should follow Ethiopia's example by demarcating municipalities using ethnicity. The South African Constitution provides for the establishment of municipalities in the territory of the republic and also provides for the equitable distribution of the revenues raised nationally. This means that should South Africa follow the Ethiopian example, it will still be financially viable and still manage to provide municipal services between ethnic communities. Demarcating municipalities along ethnic lines will be the best system to eradicate demarcation tensions and protest in South Africa.

By using ethnicity as a factor to demarcate municipal boundaries in South Africa: the starting point will be by looking first at the advantages and disadvantages, as well as the challenges faced in Ethiopia by using ethnicity as a factor in demarcating internal boundaries.

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