

Full Length Research

Constitutional Perils of Ethiopia's Ethnic Federalism: Insights from Self-Determination Principle in Case of 'Kunama' Ethnic Minority

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The current FDRE Constitution of Ethiopia has recognized dozens of ethnic groups to apprehend right to self-determination by launching nine regional states through their respective ethnic outlines. Given this, the ultimate purpose of this article is to explain and analyze the extent of Constitutional peril in degrading minorities' right to self-determination in today's federal setting vis-à-vis the *Kunama* ethnic minority in Tigray Regional State, Ethiopia. To this end, methodologically, substantial scholarly literature and politico-legal documents (largely the federal and Tigray regional constitutions) were reviewed and discussed through both descriptive and critical analysis approaches. Thus, the findings demonstrated that the constitutional right to self-determination in case of *Kunama* minority is seemingly slim due to: first, the absent of accessible structural and constitutional arrangements of the minorities to hold sound political representation and participation in most of the regional, zonal and *Wereda* structures and institutions. Second, there is lack of constitutional policy/mechanism to promote the socio-cultural traditions of the minorities; and third, asymmetric regional power distribution and empowerment for the minorities. Hence, with an optimistic intent to resolve ethnic injustices, reshuffle unenforceable constitutional principles, foresee unintended discriminations, renew cultural denials and rearrange inattentive political recognition of the minority, this article forwards, there should be a timely constitutional reconciliation and structural renegotiation maneuver at all the federal, regional, zonal and *Wereda* levels through the virtuous spirit of constitutionalism.

Keywords: Constitution, Constitutionalism, Self-determination, Ethnic-Federalism, Minority

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INTRODUCTION

Overall Elucidation and Assumption: A Normative Look

One of the very prominent features of federalism is the existence of written constitution that grants a

constitutional protection for both the federal and regional, possibly local, arrangements in most countries opted federal structure. Given this element as is, this article starts its entire operation by explaining an argument worthwhile to capture the central intent on how/when

could a constitutional principle be a perilous apparatus with prime foci on Ethiopian federal as well as Tigray regional Constitutions. As a matter of fact, the only constitution expectantly optimizes the practice of genuine federalism is effective constitution. An effective constitution is a constitution that has a plausible capacity to limit the powers and functions of both federal and regional governments. It has also clear legal and constitutional mechanisms that ensure the protection and recognition of all ethnic rights within a country's constitutive jurisdiction. A constitution cannot escape from being a peril to federalism if it could not ensure constitutionalism. It is effective constitution which is substantially and procedurally well factored could expectantly materialize the ethnic-federalism formula of Ethiopia. This is due to the assumption that effective constitution judiciously recognizes and empowers constitute ethnic groups, greatly minorities, both in principle (substantive formation) and practice (procedural compatibility). Hence, the sensitivity and maturity of the federal, perhaps regional, constitution has thereby discussed vis-à-vis substantive formation, procedural compatibility and constitutionalism with a particular focus on the *Kunama* ethnic minority as a sampled research area (case study).

In a very normative opening, the article assumed that in order to triumph virtuous federalism in the contemporary federal model of Ethiopia, there has to be prerequisite ingredients, among other things, constitutionalism and well-structured government institutions to provide a meaningful autonomy for all ethnic groups. This is particularly for minorities to exercise the right to self-determination so as to boost their ethnic matter to its best destiny. This argument, by far, relates to Erk's view on federalism that institutional/constitutional factors play a paramount role in federalism, notwithstanding constitutional structure alone does not predict the causal impact of federal institutions in the internal political dynamics of those federal countries (Erk, 2006:5). Agreeing with Erk's view, this article contextually explored that the federal constitution of Ethiopia has declared ethnic-based federal system as a sizable opportunity for the divergent ethnic minorities to enjoy politico-cultural rights, however, the practice of federal experiment looks challenging and ill-advised. This is, among other things, related to the Constitution's unenforceable provisos swamped by problems of legitimacy (Tsegaye, 2009: 65); unqualified constitutional terminologies and complex list of rights look impressive but lack clear mechanisms on what exactly the rights are and how the country/region should implement them (Abbink, 1997); highly emphasis on single factor that is ethnicity (Frank, 2009: 7); and invisible procedural parameters to protect ethnic groups, particularly minorities, both at the federal and regional politico-structural developments.

Methodologically, to substantiate and refine the above argument, this article used a critical review of scholarly works linked to federalism, Ethiopia's ethnic-federalism and the Constitution by giving due emphasis to the right to (principle of) self-determination. Informal discussions were also considered. All the reviews were made via descriptive and analytical approaches. In so revealing, the ultimate purpose of the paper was to explain and analyze the extent of Constitutional peril in degrading minorities' right to self-determination in today's federal and regional settings by having intensive discussion on the politico-structural and socio-cultural privileges and self-rule facts of the *Kunama* ethnic minority found in Tigray Regional State, Ethiopia.

The Interplay of Political Federalism and Self-Determination: A Bird's Eye View

Federalism is one of the most growing concepts in contemporary public discourses, academic scholarship, as well as in states' politico-structural options. Conceptually, as other social science terminologies, ideas and practices, federalism doesn't have a simple conception and implication across institutions, scholars and states; notwithstanding voluminous academic contribution to and diverging assumptions about federalism are made. Even in terms of modality, federalism comes in many shapes, and nations may seek to accomplish quite different aims through federal union. In some countries, it serves to sustain a long standing territorial diffusion of political power. In most other nations made the choice for federalism because it accommodates their diversity (Solomon, 2010: 39). Perhaps, as Erk (2012: 1) firmly encapsulates there is a concord on the recent political advancements that federalism- the vertical division of political authority among orders of government- has comparatively experienced a remarkable comeback in recent decades.

Federalism is an important tool of collective representation, providing autonomy to the constituent regional political structures (Erk and Andreson, 2009: 192). It may also denote a shared-rule accommodating unity and diversity within a larger political union, which theoretically advocates both unity and autonomy. Contextually, in less democratic states, constitutionally granted autonomy of regional states is kept under the tight control of the centralized party system (Asefa, 2012: 460), example in Ethiopia. This also negates the practices of self-rule by regional states and undermines the genuine shared powers among the established government structures/levels. Such contextual reality tells that federalism is a politico-structural doctrine that demands plenty of enabling factors beyond mere having a written constitution to be virtuously materialized in accommodating minority rights, and empowering regional

autonomy to exercise their self-governance. It is due, of course, to this implication that Asefa (2012:460) impressively encircles that one cannot think of federalism without regional state autonomy.

In addition to the valuable structural factors play a key role in actualizing federalism (Erk, 2012: 6), it is also useful to grasp the nature of effective politico-legal policies like constitutionalism, which largely influence the workings of federalism, decentralization and self-determination. Thus, in order to realize federalism as it was designed for, it is imperative to focus on multiple contributing factors, processes, structures and constitutional/institutional designs, and understand how they could optimize the federal practices, especially to address the internal dilemma of minorities (Yonatan, 2012: 80). Otherwise, in a blind consideration of all these contributing factors, as Erk argues, neither federalism nor decentralization represents a magic formula (Erk, 2014: 5). In other words, the success of federalism as a country's politico-structural option to accommodate diversity and protect unexpected challenges of minorities depends on the interplay of numerous factors like efficient politico-legal mechanisms, participatory democracy, inclusive language policy and enforceable constitutional principles. That is why; Asefa concludes that it is difficult to sustain a federation for long unless it exhibits some elements of democracy (Asefa, 2012: 459).

Self-determination, as a vigorous component of federalism, promotes self-governance that enables groups to have their own local government and participate in it. Self-governance is defined as the "right of each member of the community to choose in full freedom the authorities that will implement the genuine will of the people" (Wondwessen, 2010: 21). It is about the autonomy of peoples to regulate their own affairs in their own ways. Besides, the right to self-determination may extend to include the socio-cultural freedom and autonomy of ethnic groups. It also allows them to develop spontaneously per their particular ethnic characteristics and practices. In such a way, operative constitutional autonomy supports the practice of cultural/ethnic groups to be encouraged, and subsequently helps the groups to exercise self-government per their own local matters and interests (Solomon, 2010: 34-36). For instance, in today's Ethiopia, self-determination seems to be a right granted to nations, nationalities and peoples. Thus it is only those ethnic groups (both the majorities and minorities) that can only claim this right, practically, as units of self-government (Wondwessen, 2010: 27) through the virtue of the federal Constitution.¹

¹Article, 39 (1,2,3,&5) of FDRE Constitution, 21-August-1995 (Federal-Negarit-Gazeta, 1st Year No. 1), art 9 &13. Available at <http://www.mfa.gov.et/docs/FDRE%2520Constitution%5B1%5D.pdf>,

Re-reviewing Ethiopia's Federal Constitution and Ethnic-Federalism: A Synthesized Pluses and Minuses

Ethiopia is a homeland of many nations, nationalities and peoples who have distinct tradition, history, and culture at large. Politically speaking, after the overthrow of the military regime, the new government of Ethiopia has adopted a federal system via its 1995 Constitution, which could be regarded as a forerunner in the field of ethnic self-determination in Africa by offering large constitutional allowances to all ethnic groups' divergent interests (Frank, 2009: 19-20; Twibell, 1999: 401). Perhaps, to synthesize the core essences, pitfalls and practices of the federal Constitution and its ethnic-federalism creation, rethinking on some of the scholarly works made so far is imperative. To begin with, as Alefe (2013: 261) revealed, the Ethiopian model of dealing with deep diversities has a number of elements: the first is the constitutional protection of diversities. The very essence for constitutionalizing ethnic federalism in Ethiopia was its desire to maintain unity while ensuring equality among Ethiopia's various ethnic groups and providing a political mechanism for dissipating ethnic tensions (Teramed, 2008: 265; Yonatan, 2008: 433; Asefa, 2012: 463). To end this, the right to self-determination is constitutionally enshrined to all ethnic groups; however, the Constitution is manifested by couples of unique features (Tsegaye, 2009: 42).

Ethnicity constitutes one of the major features of the federal Constitution used to form units for self-government based on ethnic profile. This consequently explains why the Ethiopian federalism is often referred to as ethnic (or tribal) federalism (Yonatan, 2008: 382). In conjoined reading of Article 8 and 47 of the federal Constitution,² the Constitution confirms the establishment of nine sovereign regional states, and further legalizes sovereign power to reside with the 'nations, nationalities and peoples.' Of these nine regional states, Tigray, Afar, Amhara, Oromia, Somali and Harari are ethnically homogeneous, though not purely. The others, however, are noticeably heterogeneous (Berhanu, 2007; Jan, 2011: 375). Yet in those ethnically homogeneous regional states, there are still ethnic minorities live in the midst of the empowered and dominant regional majorities such as the *Irob* and *Kunama* minorities in Tigray and the *Agew* in Amhara regional states (Yonatan, 2008: 469; Solomon, 2010: 42).

The gigantic emphasis on the nationalities' (ethnic groups') right to self-rule is not without consequence (Solomon, 2010: 3-4). The treatment of minorities within the constituent units (regional states) remains a serious challenge of the federal practice (Asefa, 2012: 454).

²<http://www.mfa.gov.et/docs/FDRE%2520Constitution%5B1%5D.pdf>

What makes this consequence too daunting is that many regional-state constitutions in Ethiopia now have 'sons-of-soil' references, which often leading to the political disenfranchisement of settler communities, or even expulsion (Erk, 2012: 12). In addition, Erk in his work entitled 'Federalism and Decentralization in the Sub-Saharan' objectively expressed that the Ethiopian constitution grants extensive powers of self-rule to ethnic communities as a considerable plus; however, the constitutional right to cultural autonomy means little for poorer, underdeveloped and peripheral areas (Erk, 2014: 8).

The other perilous element of the Constitution is its hazy formula for constitutional interpretation which is much complex (Twibell, 1999: 446), and lacks enforceable protective mechanisms for minorities. Moreover, the federal Constitution³ is silent concerning the structures of regional governments as it simply leaves to regional constitutions and puts inattentive controlling mechanism for the complex relationships exist between the minority and majority ethnic groups in every regional state's political processes and structures. Hence, all the nine regions have adopted their own constitutions, notwithstanding these constitutions are mere copies of the federal constitution and can therefore rightly be ignored (Beken, 2006: 1). The devastating circumstance of such uncontrollable constitutional peril extends to the fact that regional constitutions unresponsively copied with repeating the pertinent provisions of the federal constitution (Tsegaye, 2009: 65). These all constitution-induced sensitivities and perils remark that the process of empowering ethno-nationalist groups at regional level was conducted without putting relevant institutional and policy mechanisms in place to minimize major risks and unintended consequences, example political domination of majorities over minorities and socio-cultural refutation of minorities in most regional politico-structural developments.

MAJOR DISCUSSIONS AND RESULTS

Constitutional Right to Self-Determination in *Kunama* Ethnic Minority: Natures, Limits and Implications

The State of Tigray Region is located in the northern edge of the country. It is one among the nine constitutionally established regions. Based on the 2007 National Census, the Tigray National Regional State is ethnically composed of *Tigrayan* (96.55%), *Amhara*

(1.63%), *Irob* (0.71%), *Afar* (0.29%), *Agaw* (0.19%), *Oromo* (0.17) and *Kunama* (0.07). Per the Tigray regional state's constitution, *Tigrigna* is the working language of the region/state.^{4, 5}

Political Representation, Participation and Administrative Practices of the *Kunama* ethnic Minority in Tigray Regional State

The Tigray region has numerous administrative zones, special zone, *Weredas* and lower level *Kebeles*. The State Council, the highest legislative body of the state, is made up of 152 members.⁶ The regional government is comprised of a three-tier local government structure namely Zone, *Wereda* and *Kebele*. *Kebele*⁷ is the lowest structure; and its *Kebele* administration hardly reflects the demand and concern of the population (Yilmaz and Vanugopal, 2008: 13). Mostly, *Kebeles* are controlled by cadres of the incumbent regime/party, and the cadres are not actually representative voices of the community. As Ethiopian history affirms, the *Kunamas* had paid costs of life and property to ensure their rights to self-determination and full empowerment (Meressa and Seife, 2014: 75; Abbink, 2001). They were keenly struggled for freedom, albeit their end is otherwise. They are still structured at *Kebele* level. The *Kunamas* are distinct groups who have lived in Tigray region since ages. They were politically marginalized, and their cultural traditions were slighted, devalued, and not ruled by their own representatives in Ethiopia's political history (Abbink, 2001: 451-452).

In today's federal practice, with the view of accommodating the composed ethnic minorities, the Tigray regional constitution simply provides for the establishment of *Kebele*, hierarchically situated just below the *Wereda* for the *Kunama* community (Meressa and Seife, 2014: 75). As noticed by Yilmaz and Vanugopal (2008) most of the public agendas and political matters issued at *Kebele* are crafty and more of voices of the party, not the communities. This thoroughly answers to what extents the *Kunamas* are still underrepresented within the region's established politico-structural arrangements. It is for this reason Meressa and Seife (2014) exposes that the practice of symmetrical empowerment of all the composed ethnic groups in Tigray region is slim and very critical. Such regional inefficacy to recognize intra-regional minorities and establish ethnically defined zones and special *Weredas*

³ Art-47(2)<http://www.mfa.gov.et/docs/FDRE%2520Constitution%5B1%5D.pdf>,

⁴ <http://www.ethiopia.gov.et/statetigray>,

⁵ Art-5 <http://debirhan.com/wp-content/uploads/2013/05/THE-CONSTITUTION-OF-TIGRAY.pdf>,

⁶ <http://www.ethiopia.gov.et/statetigray>,

⁷ Art-83-<http://debirhan.com/wp-content/uploads/2013/05/THE-CONSTITUTION-OF-TIGRAY.pdf>,

(Alefe, 2013: 264) on ground undermines the minorities' rights of whose are at risk of violation in the region.

Asefa similarly concludes that regional states, like Tigray, recognize the existence of few minorities in their politico-territorial domains; however, indigenous minorities are not given local self-government⁸ (self-rule) in specific terms. Nor is there the express right to representation in key regional state institutions (Asefa, 2012: 454-455). The reason behind such constitutional and regional downsides goes to the limit that the regional constitution has, equivalent to the federal one, not a clear legal framework and enforceable protective mechanism that genuinely empower the minorities to determine their own local matters. This sensibly tip offs the absent of constitutionalism in practice in the region, and thus nominalizes the federal practice.

Despite the existence of more than three minorities in Tigray, it is the *Tigrain* ethnic group which has been well-meaningly empowered to adore and accomplish most of the constitutional rights and public policies in the regional government. The *Kunama* minority, however, remains far from the real political game of the regional state. For instance, in political matters such as regional representations, decision making arenas and holding regional offices, the *Kunamas* are insignificantly involved. In other words, the representation and participation of non-*Tigrain* ethnic minorities, like the *Kunamas* in Tigray regional public institutions (State Council and Executive Bodies) is seemingly contracted in a more indirect ways, possibly unfair, and constitutionally less meaningful. That is why Meressa and Seife (2014: 78) critically articulate that the issue of true empowerment and doable recognition attempted by the regional government (or constitution) to exercise their constitutional right to self-determination in case of *Kunama* minorities is lacking.

Analogically connecting, this sort of regional experience also substantiates Erk's expression that many regional constitutions in Ethiopia now have 'sons-of-soil' references, often leading to the political disenfranchisement of settler communities, or even expulsion (Erk, 2012: 12). Asefa (2012:456) further added that the inability of the regional as well as the federal government to reach an acceptable formula for power and resource sharing among the composed ethnic groups has caused tension. For instance, the legal, political and economic initiatives put in place by the regional government are still far from capable of mainstreaming self-determination and empowerment rights for the *Irob* and *Kunama* communities (Meressa and Seife, 2014: 69). Hence, it is not wrong to argue that the constitutional right to self-determination may have completely different consequences for the *Kunama* ethnic minority in Tigray. This also perhaps demonstrates the

absence of effective constitution in the region to treat and recognize all the composed ethnic minorities equally with their diverse preferences. Thus, all these pitfalls are eventually resulted to nominalize the principle of self-determination to be for formalism, on paper.

Additionally, as the work of Meressa and Seife (2014: 78-79) voices, some of the challenging factors that affect the *Kunama* community's self-governance, representation, participation and linguistic-cultural development rights include: lack of bold investments on economic empowerment of the community; lack of sound constitutional policy to protect cultural equality; absence of a special *Wereda* system for the community; and absence of substantive representation in regional parliament. Even their sense of political representation/participation is invisible at best and non-existent at worst at federal, regional, zonal and *Wereda* levels in terms of membership composition in both the legislative and executive organs. This may also be related to the region's working principle of quota modality, which is critically unfit with the *Kunamas'* actual number to have sound representation in regional parliament. Consequently, the *Kunama* minorities remain underrepresented in terms of their presence in the region's state council (parliament) which often limits their self-rule and shared-rule rights and practices.

More specifically, what makes the Constitutional right to self-government in *Kunama* minority poor and unnoticed puzzle is that those minorities are still not cherished their own *Wereda* to serve as a plausible administrative structure which could have expectantly helped them to participate in all the available political opportunities and institutions of the region. They are weakly arranged to enjoy their constitutional right to determine their local matters and to have easily accessible arrangement to the zonal and regional structures. Amazingly, the *Irob* minorities in Tigray, who are adjacent to the *Kunamas*, have been empowered to establish their own *Wereda* which is relevant to exercise self-government and determine their own particular ethnic matters since it enables them to have considerable influence in most of the regional bodies and socio-political institutions. In contrast, the *Kunamas* are still structured at *Kebele* level and remain with almost null representations. They do have insignificant shared power both at zonal and *Wereda* levels of the region. This roughly implies to what extent the Constitutional right to self-determination, greatly of the minorities, is demeaning away in Tigray regional state.

The Socio-linguistic Right, Cultural Autonomy and Reality of the *Kunama* Minority: A Selective View

The *Kunama* ethnic minorities are demographically estimated ar.5400 merely those who live in Ethiopia.

⁸ Art-14(1-3) <http://debirhan.com/wp-content/uploads/2013/05/THE-CONSTITUTION-OF-TIGRAY.pdf>.

Their geographic settlement pattern of the Kunamas is very scattered. Very few sections of the community are densely settled around Sheraro town, Adigoshu and Shinbilina areas. They live of mixed agriculture, pastoralism, and are known for their complex ritual life (Meressa and Seife, 2014: 73-74; Abbink, 2001: 451). They know neither hierarchy nor any kind of social stratification. Thus the impulse for political domination is totally absent in their culture.⁹

Here, so as to capture an explicit constitutional limit, the status of socio-linguistic rights and cultural autonomy of the *Kunama* minorities are, for a while, explained through the workings of the region's constitutional protections vis-à-vis the thought/perspective that language serves as a store house of minorities' culture and in effect of their identity (Solomon, 2010: 28). It is a means to access public authority, resources, employment, and a tool to express freedom. If this Solomon's perspective of language contextualized in Tigray's politico-constitutional dominions, the socio-cultural rights and realities of the minorities could imply something which is constitutionally violated and institutionally neglected for various reasons. To begin with, although it is true that the *Kunama* minorities have their own unique and egalitarian culture, and all speak (use) a Nilo-Saharan language i.e. *Kunamgna*.¹⁰ Unfortunately, such cultural features and practices are at risk to vanish, not alone to get a chance to self-rule, because of some constitutional limits and unwise political practices.

First, the notably growing cultural domination of the Tigrigna-speakers across the region is greatly devaluing the cultures and indigenous practices of the *Kunama* minorities. The absence of effective constitutional protection to guard the minority cultural values and practices not to vanish both at the federal and regional constitutions makes intra-regional cultural domination of the majority over minority uncontrollable and critical. This reality inevitably suggests that the socio-cultural autonomy and indigenous practices of the *Kunama* minorities will no longer exist, unless the regional government or constitution restructures its established political system, and comes up with new reasonable socio-cultural development policy that could protect the minority cultures from unwanted domination and extinction. Otherwise, the prevailing constitution-induced sensitivity and cultural disappearance, which is not less than an intended human rights violation, in the region can in the end delegitimize the Constitution, not alone to

enshrine right to self-rule and cultural autonomy.

Second, the inclusion of Tigrigna language as a working language of the regional constitution infers a superior position of Tigrigna over other local languages in the region which is disproportionately benefiting the native Tigrigna-speakers. Because of this, the non-Tigrigna-speakers, example the *Kunamas*, are unable to use and develop their own local languages in school curriculums, and lacking relational access to regional public institutions. Critically, the point that makes such constitutional limit too perilous is that the regional constitution has not yet put an enabling language clause (protective mechanism) to encourage the development of other local languages, like *Kunamgna*, especially as language is a permitting means to promote societal values and optimize cultural autonomy for any community. That is why, Meressa and Seife reveals that since there is insignificant cultural promotion of, and shortage of regional resources prearranged to, local languages in Tigray region, many children of the *Kunama* communities are difficultly being instructed through *Tigrigna* and Amharic as their language of instruction at school curriculums (2014: 77). This in turn produces citizens (pupils) of the minority who could hardly promote their communities' cultural values and practices, and insignificantly stimulate self-government and cultural autonomy fulfillments in the long term determination.

Concluding Remarks and Forwards

To recap, even if the political history of Ethiopia confirms that the *Kunama* minority had historically struggled for long to realize their right to self-determination, its end on ground is otherwise; due, of course, to the absent of effective federal and regional constitutions, and unwise federal practices often leading to unseen injustices and political discriminations of the minorities. All these important constitutional sensitivities, incompatibilities and limits are not only refuting the unconditional right to self-determination of the *Kunama* ethnic minority, but also telling a message that there is no way that the Tigray regional state can equally be recognizing and empowering each ethnic group, albeit the federal Constitution, on paper, promised all ethnic groups to be sovereign, and hold right to self-determination. Therefore, having these all details and likely implications into account, it would be worthwhile of forwarding mentioning the following comments:

- ✓ To nurture the political participation of the *Kunama* minorities, the regional constitution of Tigray should substantively and procedurally empower the minority to establish their own separate *Wereda* in order to have greater chance to exercise self-rule;

⁹<http://www.kunama-agara.com/how-much-and-how-deeply-does-zekre-lebona-know-the-kunama-people-and-their-political-history-in-order-to-claim-that-they-allied-with-ethiopia-and-remained-until-their-fate/>,

¹⁰<http://www.minorityrights.org/3944/eritrea/kunama-and-nara.html>,

- ✓ As long as the *Kunamas* are ethnically distinctive, too small and live in peripheral areas of Tigray, the federal and regional governments ought to reserve them special seats at zonal, regional and federal assemblies to encourage their constitutional recognition;
- ✓ As language is a motor-engine for cultural promotion and development, basically to ensure cultural autonomy of ethnic groups, the regional constitution shall develop some working language policy options to encourage and promote *Kunamgna*, an indigenous local language, minimally to be constitutionally protected;
- ✓ To enhance symmetric political empowerment and impartial treatment of all the composed ethnic groups, the regional government should pursue an egalitarian policy of regional power and resources distributions such as providing reasonable socio-political infrastructures to all. This is because equal distribution of regional power and resources would optimistically encourage the minorities to develop and determine their local matters actively;
- ✓ In a nutshell forward, all the explained federal and regional constitutional ingenuousness, political mal-practices and cultural denials revealed within the country's federal experiment, particularly in Tigray region towards the *Kunama* ethnic minority, have to be thoroughly reconciled and renegotiated again both at federal and regional governments through the virtuous spirit of constitutionalism.

REFERENCES

- Abbink, J (1997). Ethnicity and Constitutionalism in Contemporary Ethiopia. *Journal of African Law*, 41: pp. 159-174
- Abbink, J (2001). Creating Borders: Exploring the Impact of the Ethio-Eritrean War on the Local Population. *African Studies Centre, Letden A/nui*, LV1 4, 2001, ff 447-48
- Alefe, A (2013). Evaluating the System of Power Sharing Ethiopia in Light of Lijphart's Model of Power Sharing. *European Scientific Journal* vol.9, No.31 ISSN: 1857 – 7881
- Asefa, F (2012). Ethiopia's Experiment in Accommodating Diversity: 20 Years' Balance-sheet. *Regional & Federal Studies*, Vol. 22: No. 4, pp. 435-473
- Beken, D (2006). Sub-national Constitutional Autonomy in Ethiopia: On the Road to Distinctive Regional Constitutions. A Paper Submitted to Workshop 2: Sub-national constitutions in federal and quasi-federal constitutional states, Ghent University.
- Berhanu, G (2007). *Restructuring State and Society: Ethnic-federalism in Ethiopia*. Denmark: SPIRIT & Department of Culture and Global Studies.
- Erk, J (2006). Does Federalism Really Matter? *Review Article. Comparative Politics*, Vol. 38, No. 4.
- Erk, J (April, 2012). *Federalism and Its Discontents: The Limits of New Institutionalism. A Paper (Policy Brief) Presented at the Symposium 'The Promise and Pitfalls of Federalism: Constitutional Development for the Twenty-First Century'*, University of Oxford.
- Erk, J (2014). *Federalism and Decentralization in Sub-Saharan Africa: Five Patterns of Evolution*. *Regional & Federal Studies*, DOI: 10.1080/13597566.2014.971769.
- Erk, J & Anderson, L (2009). The Paradox of Federalism: Does Self-rule Accommodate or Exacerbate Ethnic Divisions? *Regional & Federal Studies*, Vol. 19: No. 2, pp. 191 – 202
- Frank, M (2009). *Effects of Ethnic Federalism in Ethiopia. Holding Together or Splitting Apart?* Toronto: University of Toronto.
- Jan, Z (2011). *Ethiopia between Constitutional Principles and Reality: In the Scale of Globalization*. Ostrava: University of Ostrava, ISBN 978-80-7368-963-6.
- Meressa, T & Seife, H (2014). *Minority Empowerment, Self-determination Rights and Subnational Constitutionalism in Tigray National Regional State: An Analysis of the 'Kunama Community' Case*. *Journal of Law, Policy and Globalization*, ISSN 2224-3240, Vol.31, PP 68-81.
- Solomon, E (2010). *The Ethiopian Human Rights Commission and Its Role in Minority Right Protection: A Comparative Study*. Civil Service College, *Federalism & Legal Studies*.
- Teramed, T et al (2008). *Silencing the Ethiopian Courts: Non-judicial Constitutional Review and Its Impact on Human Rights*. *Fordham International Law Journal*, Volume 32, Issue 1
- Tsegaye, R (2009). *Sub-national Constitutions in Ethiopia: Towards Entrenching Constitutionalism at State Level*. *MIZAN LAW REVIEW* Vol. 3 No.1.
- Twibell, S (1999). *Ethiopian Constitutional Law: The Structure of the Ethiopian Government and the New Constitution's Ability to Overcome Ethiopia's Problems*. Online--21 *Loy. L.A. Int'l & Comp. L.J.* pp. 400-466.
- Wondwossen, W (2010). *Self-governing Addis Ababa, the Federal Government and Oromia: Bottom-lines and Limits in Self-governance*. Addis Ababa University, Faculty of Law.
- Yonatan, T (June, 2008). *Institutional Recognition and Accommodation of Ethnic Diversity: Federalism in South Africa and Ethiopia*. Western Cape: University of Western Cape.
- Yonatan, T (2012). *Federalism, the Subnational Constitutional Framework and Local Government:*

Accommodating Minorities with Minorities. Perspectives on Federalism, Vol. 4, issue 2, ISSN: 2036-5438
Yilmaz, S & Venugopal, V (2008). Local Government Discretion and Accountability in Ethiopia. Atlanta: International Studies Program.