

HOW STATE STRUCTURES REFLECTS DIVERSITIES: ETHIOPIA AND SWITZERLAND COMPARED

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Abstract

This paper wants to shed light on how the state structures in both Ethiopia and Switzerland reflects the diversity existed in those societies. It shed light about how modern democracies deal with deep diversities. The paper will first deal treat the experiences of the two countries independently which will then be followed by the second part which will deal with outline the similarities and differences between the two experiences. Finally it will outline the lessons that could be drawn from Switzerland in the management of democracy and diversity.

Keywords: Federalism, minorities, Ethiopia, Switzerland

Theoretical Framework

Ethiopia

The FDRE Constitution provides a wide range of provisions for the recognition, protection and promotion of national minority rights. The following rights are guaranteed to national minorities under the Ethiopian constitution:

1) The right to self-determination, as a bundle of rights as it is not a single right.

A) The first element of the right is the right to self-government, which indicates some degree of economic and political independence. The constitution grants self-government to all ethno-linguistic communities, including, the right to form a regional state. The regional states are also should grant special administrative status to minority ethno-cultural communities by creating special zones or special districts.

B) The right to land and natural resources: the federal constitution makes land and natural resources under the ownership of nations and nationalities of Ethiopia. This is clearly an attempt to indigenisation of political power.

C) Cultural and linguistic rights: under the federal constitution all ethno-linguistic communities have the right to protect and promote their culture, language and historical heritage. Article 5 declares the equality of all languages in Ethiopia and regional states or minorities with their own Zonal or Werdea governments have the right to determine their working language. What is different with the Swiss experience is that there is no room for minority languages to be used in the institutions of the federal government. Of course it is difficult to use minority languages in the Federal government given the multi-lingual character of the country. What will be more realistic is to ensure the use of minority languages in their own respective territories.

D) The right to equitable representation: every national group have the right to fair representation in federal and state institutions, in proportion to their relative numerical size. Therefore, in their structure, the different government institutions at the federal level including the federal executive and civil service should roughly be the mirror image of the ethnic profile of the country. In light of this, each ethnic group, including the minorities, is represented in the House of Federation by at least one representative. Besides, 20 seats of the House of Peoples representatives are reserved for minority nationalities and peoples.

E) The right to secede: this is one of the most contentious rights recognised by the Ethiopian constitution. This right is granted to all ethnic groups including minorities. This right is incorporated mostly as a guarantee against oppressive central government. The intention is that this right increases the confidence of minority nationalities and thus further cements the federal unity. Secession may prevent the central government from tyrannical inclination and discriminatory treatment of ethno-cultural communities

The other article worthy of mention in relation to minority rights is Article 89/4 of the FDRE Constitution, which states that the government has the duty to provide special assistance to minorities which are least advantaged in economic and social development. This special assistance to economically least advantaged groups is indeed another measure in promoting minority rights in the country.

Thus, in the Ethiopian federal system, diverse identities are not merely tolerated but are constitutionally protected, and public expression of these diverse identities is politically promoted. By giving rights of self-determination including secession in the, Ethiopia went beyond the 'kill the tribe to build the nation' motto of many African countries (Turton, 2004: 3).

Challenges and problems

One of the negative consequences of ethno-linguistic federalism is its tendency to restrict freedom of movement and discrimination of non-native

residents. This kind of political arrangement favors the members of the native ethno-cultural communities than the settlers who consider themselves as 'migrant citizens'. It is also sometimes abused to violate rights of migrants. In Ethiopia laws governing election and civil service employment, have proved to be areas liable for discriminatory laws and practices in regional states.

Ethiopia is among the most diverse societies in the world. Linguistic diversity is coupled with enormous religious and cultural diversity. In the aftermath of overthrow of military dictatorship in 1991, there was a concern to fulfil aspirations of the many diverse groups by designing an appropriate state structure, i.e., federal system.

The federal system is designed to reflect these complex diversities in the structure and operation of government. Ethiopia linked equality for individuals with equality for diverse nations and nationalities. Five major principles are used to accommodate the diversities: Principles of secularism, minority rights, linguistic pluralism, protection of disadvantaged groups, and federalism (FRDE Constitution Arts 1, 5, 8,39 47 and 51)

1. Religious Diversity: Religious freedom, equal rights of citizenship, and collective rights of communities. The provisions of the Ethiopia constitution for the protection of religious and linguistic minorities are enumerated in Articles Every individual has guaranteed with the right to profess and propagate religion with strict state neutrality (Arts. 25-29). States also affirm religious diversity under their territories. This is supplemented by the constitutional provisions that protect religious liberty. This means in concrete terms minority religious communities needed religious liberty and protection against the threat of cultural homogenization. India has no official or established state religion (Ibid).
2. Cultural Diversity: Constitutional recognition recognises that the state cannot by law impose the culture of majority over others. There is also cultural and educational rights, including the right to administer educational institutions and preserving their distinctive language (Art. 30(1)). Art. 29(1) enables them to run their own educational institution, so that the state cannot compel them to attend any other institutions. As an intuitional mechanism, commissions for minorities are created. Rights of minorities within the minorities are also constitutionally recognised.
3. Linguistic Diversity: the constitution recognised the principles of language pluralism: the state structure reflects the multi-lingual character of the state. More importantly, linguistic communities occupying a contiguous territory could constitute a single state. This state structure enabled the linguistic community to be a majority in

that state and its language became language of administration (Arts.39, 47). This means different linguistic communities have opportunities to promote their languages and avoids the threat of cultural and linguistic homogenisation.

4. The other mechanism is the creation of special power sharing arrangements (federalism). Especially in last decade, as Ethiopia embarked on district level decentralisation programme it has become less centralized, moving to three-tiered federal arrangement with local democratic governance below the state level. The federation has done a lot in containing ethno-linguistic tensions by reorganising states to reflect language diversity (Assefa, 2007: 195-196).

The federal system, as one of the most decentralised federations, gives regional states considerable powers. More importantly, Ethiopia has adopted arrangements in order to promote the cultural self-determination of the regions in areas such as language, religion education, culture and legal traditions.

D. Robust rights protection for all individuals: All individual citizens of Ethiopia are guaranteed the right to equal protection and benefit of the law under the constitution. Both levels of government must respect the constitution in enacting laws and making administrative decisions.

Switzerland

The Swiss federation is notable for its significant degree of accommodating linguistic and religious diversity (Watts, 1999: 22-23). Switzerland, as an established multicultural federal democracy (William and et.al, 2004:44), puts in place a number of arrangements and processes for the protection of minority rights, which includes:

1. Federation (political autonomy): one important institutional means of protecting diversity is cantonal self-government. The cantons are considered sovereign except in those areas delegated to the federal government. (Assefa, 2007: 205).
2. Equal or proportional representation of language groups at federal decision making process, as enshrined in both 1874 and 1999 constitutions (Arts.16, 12; Assefa, 1997: 13):
 - A. Federal parliament: the procedure for allocating seats in the upper house favouring smaller cantons, with representatives mostly elected to reflect various facets of the cantons, such as language groups, denominations, and main political tendencies. In the second chamber cantons are equally represented (except those half cantons) regardless of population size (Assefa, 2007: 139-45). This means that all communities must agree to enact laws and policies. Besides, the right

of initiative allows a religious or linguistic minority to put forward at constitutional level a set of regulations that it favours (Art. 93(2)).

- B. Federal government: here all, including Italian-speaking minorities are represented, with a collegial system of government
 - C. Federal court: in the election of the federal court, the supreme judicial body, all the three official languages of the confederation should be represented.
 - D. There are also a number of cantonal institutions that protect rights of minorities. This includes the cantonal parliament (which is mostly constituted based on proportional representation), the cantonal government (which are collegial like the federal government). The communes, as third tier of government, are another crucial structure which is closer to the people.
3. Formal recognition of linguistic pluralism and multiculturalism: the federal constitution provides that Switzerland shall have four national languages and the makes almost all languages official (Art. 4 and 70 (1)). So, all linguistic groups can communicate with federal officials through their mother tongues (Assefa, 2007: 196), except in the case of Romanch. The constitution establishes the principle of territoriality. This is designed as a constitutional guarantee of linguistic pluralism. This is reaffirmed in the 2007 new Federal Language Act. This principle gives cantons national minorities to use their language as language of administration. The territoriality principle and the official language policy are also applied at the cantonal level in three bilingual cantons. Cantons are autonomous in linguistic and cultural matters.
 4. The right of minorities to statehood is also possible, although not constitutionally recognised, as witnessed in the creation of the canton of Jura.
 5. Accommodation of religious diversity (Art 15, 36).

Besides, the practice of inter-community contacts and comprehension; example school-exchanges and civic engagement of associations are worth mentioning. The promotion of national cohesion and understanding between different language groups, example school exchange, civic associations (Art. 2 of the Federal Constitution).

Conclusion

Diversity is recognised and protected by their constitutions. There are also institutional mechanisms and procedures for the protection and promotion of diversity.

state creation in Ethiopia federation is largely to address demands to linguistic rights. This gave equal recognition and dignity to all major language groups.

Ethiopia by using language as a basis for creation of territories differs from that of Swiss, in which language is not used as the basis to organise the cantons. In Switzerland, 17 cantons out of 26 have the same official language but they do not constitute one canton as happened in Ethiopia or India. Therefore, Switzerland is not strictly ethnic-based; there is a cross-cutting linguistic, religious and political divide.

Switzerland has its own unique diversified inhabitants, strong cantonal unity, and linguistic, religious, racial and national diversity. The federal system successfully accommodates all these diversities. At the federal level, the four major languages are recognised as working languages. Cantons have power to decide to choose their working language(s). Together with this you have a robust rights protection to all Swiss citizens, including, more significantly, popular initiative and referendum.

In fairly similar manner, The Ethiopian federation is meant to accommodate linguistic and cultural diversities in Ethiopia. Essentially the constitution declares that sovereignty lies on ethnic groups. All ethnic groups are provided with rights of self-determination, self-governance, cultural and linguistic rights, right to equitable representation, and the right to land and other natural resources (Arts. 5, 8, 39, 40, 47, 50).

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