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Origins, Relevance and Prospects of Federalism and Decentralization in the Horn of Africa

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Abstract

The Horn of Africa is the most conflict-ridden region in the African continent. Both inter-and intra-state conflicts have dominated the region. In a bid to check intra-state conflicts and accommodate ethno-national and religious diversity, federal or federal like models of governance have been proposed, discussed, and, in some cases, adopted across the region. Focusing on Ethiopia, Somalia, Sudan and South Sudan, this article discusses the origin, reasons, and prospects of the federal idea in the Horn. The article argues that the major rationale for the federal idea in the Horn is the containment of communal tensions. Yet, the track record of federalism in alleviating communal tensions has not been encouraging. This is partly related to design issues that have undermined the efforts to use federalism to address communal tensions. More importantly, however, the commitment to genuinely implement the federal idea has largely been absent.

Keywords: federalism; the Horn of Africa; ethnicity; communal tensions; decentralization

Introduction

By many standards, the Horn of Africa is the most conflict-ridden region in the African continent. Both inter-and intra-state conflicts have dominated the region. In the 1970s, Ethiopia fought a bitter war with Somalia. Between 1998–2000, Ethiopia and the newly created state of Eritrea were locked into one of the most brutal and devastating wars that Africa has seen, dubbed by many as a senseless war. Eritrea has also briefly engaged Djibouti. Until recently, Sudan and Eritrea were not in speaking terms and the borders between the two countries were closed. The development since 9/11, which has made the region one of the theatres of the global war on terror, driven principally by factors related to the collapse of the Somali state and the emergence of Al-Shabaab, have also led to confrontations between Somali forces and its neighbors, including Ethiopia and Kenya (Rotberg 2005).

In recent decades, intra-state conflicts have dominated the Horn. Until 1991, Ethiopia was home to two major civil war fronts in the northern part of the country that eventually led to the collapse of the military government (Tadesse 1993, 101–102). That did not totally end armed clashes as low-intensity civil wars continued in the different parts of the country (See Vaughan 1994). As we finalize this article, Ethiopia is in the midst of another major civil war. The secession of South Sudan from Sudan has not brought about the desired result of peace and stability. The infant years of South Sudan have been characterized by major civil wars (International Crisis Group 2016). Sudan continued to deal with armed insurgents in the eastern and other parts of the country (International Crisis Group 2013). Clan-based conflicts continue to dominate Somalia (Hirsch and Oakley 1995, 3). The different political and military formations in Eritrea may not have had

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serious impact on the government of Eritrea but the political division in that country has also moved to military confrontations (See Sudan Tribune, October 22, 2011; September 7, 2013).

In a bid to check intra-state conflicts, a federal or decentralized model of governance has been proposed, discussed, and, in some cases, adopted across the region. Both federalism and decentralization entail a division of responsibilities between the different levels of government. The distinction lies in the security guaranteed to subnational autonomy. In decentralized systems, subnational autonomy depends on the wishes of the central government to transfer responsibilities to subnational units. Subnational autonomy is not secured because the central government can, at any time, take back the powers and functions it transferred to lower levels of governments. This unilateral power to recentralize powers and functions does not exist in federations. This is because federalism involves a division of power that has a basis in the constitution and not on the good will of a central government. In addition, federalism provides for shared rule by ensuring that subnational units are represented in the national decision-making process, including in the amendment of the constitution itself. The foregoing discussion should not, however, suggest that subnational autonomy in practice fits nicely within a strict definition of decentralization or federalism. This article uses the two terms alternatively and where appropriate.

This article discusses the origin, reasons and prospects of federalism and decentralisation in the Horn. In particular, it examines the impact of federalism and decentralisation in the management of communal tensions that mostly, if not entirely, are responsible for the political conflict that characterizes the Horn. The article commences the discussion by tracing the origins of federalism and decentralization in the Horn. This is followed by a discussion that focuses on how and why these models came to be an appealing project in many of the countries. The article then examines the benefits and challenges of using federalism and decentralization to deal with the challenges of communal tension in the Horn. The article concludes the discussion by making some general observations regarding the role and prospect of federalism and decentralization in managing conflicts in the Horn of Africa.

The Origins

The use or the idea of using of federalism or federal-like solution to deal with the governance challenges in the Horn has a relatively long history. In fact, it has always been part of discussions that aim at resolving conflicts in the Horn. It is something that has been campaigned for or proposed and in some cases adopted to end recurrent intra-state conflicts.

Perhaps the earliest history of federalism in the Horn goes back to the days when the UN decided to federate Eritrea, a former Italy colony that was administered by the British on behalf of the UN, with Ethiopia (Forsyth and Woodward 1994, ix). According to Habte Selassie (1997), "On 2 December 1950, the UN General Assembly adopted Resolution 390(V) to federate Eritrea, with Ethiopia as 'an autonomous unit ... under the sovereignty of the Ethiopian crown" (115). The Constitution, which was prepared by the United Nations and adopted by the Eritrean Parliament on July 10, 1952, provided for a union between Ethiopia and Eritrea. Under a system of government that can fairly be regarded as federacy, the Eritrean government was granted authority over "internal matters" while the Ethiopian government had jurisdiction over "general/ external matters" (Habte Selassie 1997, 115). Eritrea had its own official languages, a new flag, seals, and coat of arms (Habte Selassie 1989). The federacy, however, did not last long. The failure to implement a genuine federacy between Ethiopia and Eritrea not only led to the dismantling of the union, but also to a protracted armed struggle that eventually resulted in the secession of Eritrea in 1993 (Záhořík 2017, 13).

The federation of Eritrea and Ethiopia, that lasted from 1952 to 1962, was less than two years old when the first call for federalism was made in South Sudan by individuals and groups that were worried about their place in independent Sudan. Already in 1954, the Liberal Party, the Southern Sudan's first political party, had made its view clear that the southerners would only join independent Sudan under federal terms (Ofcansky, 2015, 28–31; Woodward 1994, 87). The decision to join Sudan only through federation was adopted in the "first ever pan-southern conference" held in October 1954, in which the meaning of federalism was discussed for the first time (Johnson 2014, 10). It was only after almost a "two-and-a-quarter hours" explanation of the meaning of federalism, followed by a robust discussion about the capacity of Southerners to run a federated unit and a vote of 227 to 0 that the decision was made to join independent Sudan under a federal system (Johnson 2014, 11).

The continued demand for some form of regional autonomy by the southerners fell on the deaf ears of the northern political elites, which controlled the state apparatus. This eventually led to the renewal of the armed struggle (regarded as the first civil war) that was sporadically in place since 1955. In a bid to solve the crisis between the north and the south, the Addis Ababa Agreement was signed in 1972, which included important federal elements in the form of the devolution of significant autonomy to the southern region (Brosché 2009, 16–23). The agreement saw the establishment of the Southern Sudan Autonomous Region with its capital in Juba (Addis Ababa Agreement 2020, Articles 11, 25, and 27), doing away with the division of South Sudan into the three separate regions of Equatoria, Baḥr al-Ghazal, and Upper Nile (Addis Ababa Agreement 2020, Article 4). The Southern region, under parliamentary system, was allowed to administer itself through a separate legislative and executive body (Addis Ababa Agreement 2020, Article 5).

However, events afterwards proved that the Addis Ababa Agreement was not taken seriously (Green 2011, 1091–1092). The government of Sudan declared Islam a state religion and introduced Sharia as the law of the land, including in the mainly Christian southern territory (Green 2011, 1094). The agreement was barely 10 years old when the government, using a presidential decree, divided the southern region into three regions despite the agreement that prohibits unilateral change of boundaries (*Pachodo.org*, October 6, 2010.). That eventually led to what is now known as the second civil war (Woodward 1994, 88–89).

In 1989, a coup led by the National Islamic Front (NIF) brought Omar Al Bashir to power. Al Bashir ushered a federal arrangement through successive presidential (constitutional) decrees before promulgating a permanent constitution in 1998, which entrenched a federal arrangement based on Islamic values (El-Gaili 2004, 503). Under Al Bashir, the espoused federal solution followed two phases (El-Battahani and Ali Gadkarim 2017, 18). The first phase was implemented under the extreme militarization of Sudan between 1989 and 1998 and witnessed the creation of several new states and local government units. In the aftermath of a national peace conference that was held in 1989, the country was divided into 26 states in 1994, 16 in the north and 10 in the south. By 1996, each state had three lower tiers of governance, namely provinces, local councils, and popular committees. Yet, the system was federal in name only and did not respond to demands for greater autonomy in the southern territory (El-Battahani and Ali Gadkarim 2017, 18). The second phase came after the discovery of oil reserves in 1999. A major breakthrough came in 2005 with the signing of the Comprehensive Peace Agreement (CPA) that provided for the devolution of autonomy to the south until its fate was decided through a referendum.¹

In 2011, Southern Sudan overwhelmingly voted to secede from Sudan. Immediately after that it adopted a Transitional Constitution with important federal features. The Constitution described the system as a decentralized system of government (Article 47, The Transitional Constitution of the Republic of South Sudan 2011, Chapter III). It provided for a division of powers between the center and the ten established states. It also provided for a shared rule in the form of the Council of States, where the states are represented. The Council of States is designed to play an important role in the legislative process and has the power to initiate and pass legislation on the decentralized system of government and other issues of interest to the states (The Transitional Constitution of the Republic of South Sudan 2011, Article 59). The Transitional Constitution also provides for the sharing of oil revenue between the center and the states. Importantly, it prohibits the President from unilaterally altering the decentralized nature of the system.

The country that has unequivocally adopted federalism as a constitutional solution is, of course, Ethiopia. The restoration of the federacy might have been the early demands of the political forces in Eritrea that started an armed struggle (Habte Selassie 1997, 115–116), but federalism was not articulated as the goal for which the Ethiopian state should strive. However, some of the rebel movements in the country were calling for subnational autonomy. The military government, also known as the Derg, that brought down the monarchy and ruled the country between 1974 and 1991, had no intention to establish a decentralized or federal system of governance. However, in its dying years, the decline of its fortunes on the military front compelled the Derg to consider some kind of decentralization and seek a constitutional solution (Clapham 1988). It promulgated the 1987 constitution, which granted autonomy to carefully selected provinces distressed by ethnic and nationalist strife. But that was too little too late. Ethnic/nationalist rebel movements eventually succeeded in ousting the military regime in 1991 and adopted a federal constitution in 1995.

The newest federation in the region is, however, Somalia, though a system of government that involves division of responsibilities is not totally new to Somalia. The 1960 Constitution that saw the merging of British Somaliland and Italian Somalia provided for the division of Somali territory into eights administrative regions and "the decentralisation of administrative functions to local organs 'whenever possible'" (Dahir and Ali 2021, 4; Zoppi 2017). But this was never really implemented; both during the short-lived multiparty era (1960–1969) and the Siad Barre's regime that further centralized power. After the collapse of the Siade Barre regime in 1991, the country disintegrated and, for most of the last three decades, there was no central government that exercised effective control over the whole territory. Today, three major units, namely the now (southern) Somali state and the internationally unrecognized Somaliland and the semi-autonomous region of Puntland constitute what used to be the Socialist Republic of Somalia. The Somali state is further divided into five regions.

Amid the political and security uncertainty, a Transitional Federal Government (TFG) has been installed since 2004 (Arrieta 2017, 137). The adoption of the new constitution in September 2012 led to a new deal compact agreed in Brussels in September 2013 under the auspices of the European Union and other members of the international community (*Pambazuka*, April 6, 2019).² Unlike the Transitional Constitution of South Sudan, the 2012 Constitution of Somalia officially declares the establishment of a federal state, comprised of the federal government, the member states, and local governments. Article 1 of the Constitution states that "Somalia is a federal, sovereign, and democratic republic founded on inclusive representation of the people, a multiparty system and social justice." The Constitution lists the exclusive powers of the federal government but leaves the rest of allocation of powers between the federal government and states to be determined through negotiation. The constitution under Article 58, as is customary in many federations, establishes a bicameral federal parliament, consisting of the house of the people, where members represent citizens as individuals, and an upper house, where the member states of the federation are represented.

From the foregoing discussion, it is clear that the demand for federalism or decentralization has a long history in the Horn of Africa. More importantly, it is an idea that was originally articulated and pursued by local political forces. It was not primarily driven by the donor community. In fact, unlike many African countries, federalism and decentralization in the Horn preceded the donor-community-driven wave of decentralization reforms that swept the African continent in the early 1990s (Cheema and Rondinelli 2007). This is not, however, to say that there was no influence of the international community in the adoption of federalism and decentralization in the region, as can be seen in the involvement of the international community in the establishment of a federal Somalia and the Comprehensive Peace agreement in Sudan (Erk 2018, 356–357). In most cases, however, the drivers of federalism or a federal like model have been local forces.

Why Federalism and Decentralization

Federalism and decentralization are adopted by many African countries for different reasons (Fessha and Kirkby 2006). In some cases, federalism or decentralization are seen as mechanism to promote democracy and limit authoritarian rule. In other cases, it is seen as instrument to facilitate economic developments. Yet, others opt for the transfer of power to lower levels of government in order to deal with the challenges of ethnic diversity. This section discusses why the federal idea is popular in the Horn.

In some cases, the demand for subnational autonomy in some form of federalism is linked to history of distinct administrative existence. For example, the decision of the United Nations to federate Eritrea with Ethiopia did not necessarily emanate out of a desire to accommodate a particular ethnic community. Eritrea itself is multi-ethnic. Those that opposed the union of Eritrea with Ethiopia argued that the former, like any other colonial construct on the African continent, should be allowed to emerge as an independent state. The government of Emperor Haile Selassie of Ethiopia, on the other hand, campaigned for the complete "unification of Eritrea with its motherland." The federacy was considered as a compromise between the demand for independence and Ethiopia's desire to incorporate Eritrea fully. That decision of the UN and the subsequent decision of Emperor Haile Selassie to abolish the federacy and incorporate Eritrea as one of the administrative regions of the country was not accepted by sections of the population that presented Eritrea as a case of "unconsummated decolonization," giving rise to the armed struggle that lasted for three decades (Habte Selassie 1989). But Eritrea was not the only case in the region that sought some form of autonomy or independence because of a history of distinctive administrative existence. Somaliland is another example. Although Somaliland has been clamouring for independence from Somalia and not partnership through some sort of federal arrangement, it must be noted that its clam is not motivated because of a distinct clan or ethnic identity. Like Eritrea, its clam for distinctiveness is linked to its existence as a separate colony of the British while the rest of Somalia was administered by Italy.

In today's Horn of Africa, claims based on historical distinctive existence are not common. In fact, Somaliland seems to be an outlier. In many of the countries federalism is linked with communal tensions. For example, the main reason behind the adoption of federalism in Ethiopia is to deal with the multi-ethnic challenges the country has been facing. The nation-building policies of successive governments of Ethiopia have not succeeded in making ethnicity a non-issue. In fact, those state policies have led to the proliferation of ethnicity-based movements and insurgencies in the 1960s that have eventually managed to control the state in 1991. The new rulers believed that the primary question that needs to be addressed in Ethiopia is the nationalities question (Tareke 1991, 202). That is why the use of the federal solution to respond to communal tensions is more evident in Ethiopia than anywhere else. Ethnicity is used as a basis to organize the federation. The Constitution has by and large created ethnically defined states and six of the eleven states are named after the the dominant ethnic group. It is clear that the adoption of a federal system in Ethiopia is motivated by the need to respond to ethnic concerns.³

Similarly, Sudan's decision to declare the adoption of a federal system was motivated by the desire to appear to respond to the communal tensions that were generated as a result of its attempt to Arabize and Islamize its southern region (Wawa 2017, 220-230). It was meant to give the impression that the state is trying to end one of the most protracted civil wars in Africa between the largely Christian and African South and Arab and Muslim North, both of which are also ethnically diverse (Beswick 1991, 191-192).

The choice for a decentralized model of government in the Independent Republic of South Sudan was also motivated by the need to respond to ethnic divisions. This was already clearly indicated in the 2011 Constitution that South Sudan adopted when it officially became an independent country and joined the United Nations. Article 1 (4) of the 2011 Constitution states that "the decentralized system aims to accommodate the ethnic, cultural, linguistic, religious and racial diversity of the South Sudanese people, promote political pluralism and maintain peace." The August 2015 Peace agreement, which is incorporated into the 2011 Constitution, includes principles that mandate the permanent constitution to establish a federal and democratic system based on constitutionalism and rule of law and recognizes the "ethnic and regional diversity and communal rights, including the right of communities to preserve their history, develop their language, promote their culture and express their identities" (*Sudan Tribune*, August 17, 2015).

In Somalia, one might think that the federal arrangement is not motivated by communal tensions.⁴ After all, the people of Somali share a common religion, language, and ethnic identity. Yet, they are divided along clan, sub-clan, and family lines (Omar 2001; Arrieta 2017, 124–125). It is this clan-based division that characterizes the Somalia society that the federal arrangement that the country adopted seeks to manage (Hirsch and Oakley 1995, 3). It is the prolonged clan-based civil war and apparent anarchy that forced the international community to push for a federal solution that mainly runs along clan lines (*Pambazuka*, February 20, 2014; Elmi 2014, 5). This may not be immediately clear from the Constitution that does not mention clan division as the major political division that the Constitution seeks to address. However, Article 49 (5) of the Constitution indicate that "federal member State boundaries shall be based on the boundaries of the administrative regions as they existed before 1991" and the actual process of creating the member states is dominated by a debate on clan-based federalism.

From the foregoing, it is clear that the main driver of federalism or decentralization in the Horn of Africa is not the desire to achieve administrative efficiency or, as it is the case in many African countries, bring about economic development. It is post-conflict efforts of state-building that have dictated countries in the region to adopt either a federal or a decentralized form of governance. A federal and/or decentralized system of governance in post 1991 has therefore been a response, mainly, to identity-based conflicts. The question is: has it worked?

The Practice of Federalism and Decentralization: Benefits and Challenges

Despite the fact that federalism or decentralization has been considered and campaigned for in most of the countries in the region, it has not been implemented in practice or where it has been adopted, it has not been fully implemented. A very good example of this is Sudan. Although the 1998 Constitution of Sudan describes the establishment of "an Islamic federal system" that is composed of 28 states (prior to the exit of South Sudan), that arguably is only on paper (Green 2011, 1091– 1092). While the Constitution divides power between the national government and the state governments, the states were not able to exercise their constitutionally allocated powers without the blessing of the central government. Power was exercised "solely at the convenience of the central government" (Abdulbari 2013, 411). Leaders of the state governments (it is difficult to call them governments) were appointed and removed by the President. Despite the official description of the system, it is very difficult to regard Sudan as a federation; this is partly attributed to the fact that the federal principles incorporated in the 1998 Constitution "were incorporated to lessen the political and economic pressure the civil war in the southern region placed on Sudan's government, rather than arising from the genuine intention of accommodating the people" (Abdulbari 2013, 411). And that was not the first time the federation was in name only. The federal type arrangements of the 1970s and 1990s were also poorly designed and their implementation was thwarted due to lack of commitment by those controlling the government in Khartoum.⁵

The recent political development in the country, until it was rudely interrupted by a military coup, suggested that federalism might be given a real chance. It started in 2018 when the government of Omar Al Bashir started to face unprecedented and persistent public protest after ruling the country for almost thirty years (*The Guardian*, April 7, 2019). The protests eventually led to his removal and the establishment of a transitional government in a form of Sovereign Council, consisting of five civilians and five generals chaired by Prime Minister Abdalla Hamdok (*BBC*, August 22, 2019). Federalism quickly emerged as part of the package that needs to be put in place in

order to address the country's intractable problems. This is made clear in the 2020 Juba Agreement that confirms the agreement of the parties to establish a federal state. The same agreement imposes a duty on the Transitional Government to take "the necessary legislative measures to issue a legal decision to reestablish the federal system in a period not exceeding (60) sixty days" from the day on which the agreement was signed (IDEA 2020). The Agreement envisages the establishment of a federal government that is comprised of three levels of governments (Juba Agreement 2020, Article 1, Chapter 4). Separate agreements signed between the government and rebel forces from specific regions, including the Blue Nile, Kordofan, and Drafur, also provide for the establishment of a federal form of government. These bilateral agreements suggest that Sudan might function as asymmetric federation until such time that the other parts of the country bargain on the nature and extent of federalism that the country must adopt. The final shape of the federal arrangement was likely to be based on the outcome of the national conference on the system of government that was expected to be held soon. The Juba Agreement provides that the conference should "determine the vertical and horizontal powers and relationships of the federal system" (Juba Agreement 2020, Article 10.1) and "review the internal boundaries and administrative divisions of the regions, the various levels of government, the framework and powers of the regions in a manner that does not contradict the peace agreements that have been signed by the parties in Juba" (Juba Agreement 2020, Article 10.3, Chapter 1).

In South Sudan, the Transitional Constitution adopts a decentralized system of governance that has not really taken off the ground. The government has not been willing to "allow the decentralized system to function properly" (African Union Commission of Inquiry on South Sudan 2014, 5–7). The President regularly fired governors (Ibid). In fact, the President, in violation of the Constitution, dissolved the existing states to create 32 haphazardly demarcated new states (*Sudan Tribune*, January 15, 2017). The long-held perception that the politics of South Sudan is dominated by the Dinka, the largest ethnic group in the country, has been reinforced by the actions of the government (Willems and Deng 2015, 11). It is claimed that "under the ten states arrangement, the oil producing states were dominated by the Nuer and that the new boundaries gave the Dinka greater control of oil producing regions" (Ayele 2019, 249). The peace agreement signed on February 22, 2020 has again reduced the number of regions to 10 from the previous 32 and three administrative areas have been created (*Al Jazeera*, February 23, 2020). It is too early to tell how this restructuring will unfold in the future and whether the political actors will allow for the system to come into reality.

The federalization of Ethiopia, which was introduced after a long period of attempted centralization, was received with both hope and skepticism (Aalen 2002). Some considered ethnic federalism a bold experiment, while others saw it as inherently divisive and a recipe for disaster (Aalen 2002). In its early days, the adoption of ethnic federalism is credited for bringing to an end one of the most protracted civil wars in Africa (Fisseha 2019, 19). It has also contributed towards cultural upliftment: "A country that for ages used only one language as an official language of communication has now given way to a federation whose constituent units use different languages for the purpose of government business within their respective boundaries" (Fessha 2019). However, the same cannot be said of political upliftment as the state governments that were expected to facilitate the self-rule of ethnic communities were basically reduced to implementers of the decisions of the national government.

Yet, the federal arrangement has not been able to peacefully manage the challenges of ethnic diversity. As mentioned earlier, the making of the subnational units in Ethiopia involves providing ethnic communities their own homelands, a geographical configuration of the federation that sought to match ethnicity with territory, cultural boundaries with political boundaries – albeit unsuccessfully. Given the impractical possibility of creating an ethically pure subnational unit, the geographical configuration has led to the proliferation of ethnic groups demanding recognition, some sort of territorial autonomy, or re-demarcation in order to join their ethnic kin across internal geographic and political borders. The federation has not also been able to avoid inter-ethnic conflicts (Abbink 2006, 390). By the government's own admission, there were 113 inter-ethnic

conflicts that broke out across the country between 2015-2018. Inter-ethnic violence has intensified after the coming into power of PM Abiy Ahmed, resulting in the displacement of millions of people from their homes (OCHA 2019).

The prospect of the federal solution successfully managing the clan-based division that characterizes the Somali society is also not evident. There are already major misgivings. First, as some would argue, the federal design is a document largely designed and implemented by international experts with the strong influence of regional actors like Ethiopia and Kenya (Thomas 2017, 222). Little or no attention given to local civil society, including traditional and religious institutions, in the crafting of the new dispensation. Second, the constitution is very vague on a number of issues, leaving the bulk of establishment powers to the national parliament rather than to the constitution itself. Importantly, the federal bargain, which is supposedly thought as a solution that will remedy clan competition for political power, has rather resulted in inconsistent power sharing thereby exacerbating communal tension between the different clans (Mohamoud 2015, 11). Because of these and other reasons, some argue that its prospect of alleviating communal tension is limited (Schmit 2017, 95–96). It is probably too early to evaluate the benefits and challenges of adopting the federal solution to manage the clan-based political division that has made Somalia ungovernable for decades. As it is the case with South Sudan, it is difficult to discuss the relevance and success of federalism while there are ongoing conflicts. Debates about the relevance of federalism and decentralization cannot be properly evaluated while the "search for an end to hostilities" has not yet borne fruit. What can be stated at this stage is that federalism is received with both hope and skepticism (Adam 1994, 114–116). On the one hand, it is applauded for the fact that it will be the best available option to contain clan-based differences by granting autonomy to subnational units demarcated along clan lines. Its detractors, on the other hand, see federalism as something that is imposed from outside, a top down approach, in which the Somali people did not have any say (Hiraan Online, February 4, 2008).

The greatest challenge of federalism in Somalia is the security dilemma. The country still remains under the protection of internationally assembled troops. Lack of security, among others, is informed by the power struggle between the different arms of government, which itself is motivated by clan alliances. Recently, Somalia's parliament ousted Prime Minister Hassan Ali Khaire in a no confidence vote in what apparently looks like a simmering power struggle between the Prime Minister and the President. The president has reportedly accused the Prime Minister of failing to stabilize the security situation (Reuters 2020). With this, the future of a federal Somalia still hangs in the balance. Particularly, as some would argue, given the nature of the Somali society (i. e. homogenous religious and ethnic attributes), there is a fear that a federal solution that is exclusively based on clan affiliation may jeopardize the bigger project of pulling Somalia out from a failed state scenario (Abtidoon 2018).

The Explanations

The development of and relevance of federalism and decentralization in the Horn of Africa grew out from a struggle for cultural and political justice. As the foregoing sections reveal, the contribution of federalism and decentralization to the management of communal tensions is, to say the least, a mixed bag. Yet, the practice of federalism and decentralization in the sub-region provides us with some preliminary insights into the reasons behind the limitations of the success of the federal idea in responding to the challenges of communal tensions that the Horn of Africa countries are facing.

The problems and challenges partly lie in design. For example, in the case of Ethiopia, as much as the Constitution has empowered the hitherto marginalized communities to use their language, profess their cultures, and exercise self-rule, the federal experiment has also frozen ethnic identity in designated territories thereby encouraging the localization and maybe the creation of new conflicts. More disturbingly, the system has elevated ethnicity into a primary political identity based on which political competition or cooperation should be conducted. This is the reason why, when the new prime minister met with the leaders of about 81 political parties in 2018, more than two thirds of them were ethnicity-based (*CNBC Africa*, November 27, 2018). It is also the reason why the country is currently facing a floodgate of demands by ethnic groups to have their own state (*Addis Standard*, December 3, 2018). It is also because of the elevation of ethnicity to a primary political identity that the federation has to continuously entertain demands from some ethnic groups that, in search of "their homeland," are demanding to be transferred from one state to another as the system has left them with the feeling of being outsiders in the area they have traditionally inhabited (Abute 2002, 245–249; Fessha 2018). The original sin of Ethiopian federalism, as argued elsewhere, is that it has made ethnicity the exclusive basis for state organization. The federation is organized as if ethnicity is the only political identity that matters (Fessha 2017, 232–245).

There is a fear that similar design issues might exacerbate the divisions that characterize the Somalian society. Unlike many countries in Africa, Somalia, as mentioned earlier, is a largely homogenous society with a population that speaks the same language, professes the same religion, and belongs to one ethnic group. In this regard, the Somali community is the most homogenous society speaking one language, adhering to one religion, and belonging to one ethnic community. Political divisions run along clan lines. In terms of design, the debate still persists on whether Somalia should adopt a federal, confederal, decentralized unitary state or a non-territorial form of decentralization (London School of Economics and Political Science 1995, 14). The fear is that decision to introduce a federal design that institutionalizes the clan divide rather than downplays the clannish tendencies further undermines the national unity and territorial integrity of the country (Schmit 2017, 94).

Design problems are also evident in the case of South Sudan. Although the constitution adopts decentralization as the preferred from of governance, it also includes clauses that allows the President and the central government to undermine the decentralized nature of the state. The Constitution allows the President to remove state governors and dissolve state parliaments "in times of crisis" in the state that threaten national security and territorial integrity. There is nothing in the constitution that puts a limit and check on the exercise of this power making it possible for the President to employ these powers for partisan purposes (as was evident in his decision 'to remove governors unfavorable to him') (Ayele 2019, 249).

The same can be said for Sudan whose constitutions of 1998 and 2005 claim to have adopted federalism for the purposes of accommodating diversity declare Islam as the state religion and/or Sharia as the main source of legislations (Abdulbari 2013, 395–396). This is despite the fact that Sudan, even after the secession of South Sudan, remains religiously, ethnically, and culturally diverse. This obviously shows that the commitment of the constitution to use federalism to accommodate diversity was undermined by decision of the same constitution to define the identity of the state along the identity of a particular segment of the Sudanese society. One important consequence of the constitutional reforms that were introduced after the removal of Al Bashir is that Sudan constitutionally became a secular state. This decision of Sudan's transitional government effectively ends 30 years of Islamic rule by separating religion and state. Unfortunately, the winds of change that were promising to herald a new era of constitutional dispensation have dissipated, thanks to the military coup.

The biggest challenge in the Horn of Africa is, however, that the commitment to the federal project is not always evident. Even forces that championed federalism have made a U-turn when they find themselves on the other side of the table. This is the case for example in South Sudan. Advocate of the federal idea until 2011, the SPLM "had a volte-face on the issue." Kiir and his Dinka-dominated government became opposed to the idea of federalism. Their reason was that federalism would result in disintegration of the country, which, ironically, is the same argument that Khartoum used to deny the aspiration of South Sudanese for self-governance (Ayele 2019, 243).

In the Horn of Africa, one can argue that federalism was never given a chance. In almost all countries, federalism or decentralization was introduced as a top-down approach without democratization, the rule of law, grassroots public participation, and sufficient financial resources, as a

result of which, federalization and/or devolution of powers operate with a patchy degree of success. Although, as mentioned earlier, the design of the federal formula in South Sudan was deficit, the system was "rendered completely inoperable" by the actions of the President that flouted the constitutional safeguards of state governments by firing governors and abolishing states at his own discretion (Al Jazeera, December 25, 2015). The country immediately descended into ethnic based civil strife and the government did not show any commitment to make the available decentralization formula work.

In Ethiopia, federalism, for the most part, was undermined because Ethiopia was a federation in name only. The federation operated under a dominant party state. That reduced the state government into an implementing agent of the federal government. This is not only because the ruling party controlled the federal government and each of the nine state governments. It is largely due to the strong centralization tendencies of the ruling party where decisions are made by highranking officials and implemented through the party's chain of command under the system of democratic centralism (Fessha 2019).

The major political developments that unfolded since the election of Abiy Ahmed to the office of the Prime Minster has significantly affected the operation of the federation. This is particularly true in the arena of intergovernmental relations (IGR). The intergovernmental relation that has been free from tension suddenly started to get complicated. The dissolution of EPRDF into the Prosperity Party (PP) and the decision of the Tigray Peoples Liberation Front (TPLF) (one of the four coalition members of EPRDF) not to join the new party resulted in a regional government that is technically controlled by an opposition party. This, along with the weakening of democratic centralism, brought a new dynamic to a federal arrangement that was operating as a centralized state. Democratic centralism entails that decisions made by the highest decision-making body of a ruling party are implemented by officials of federal and state governments. Tensions run high along the Tigray and Amhara state borders that are now controlled by different political parties. The relationship between the federal government and Tigray became increasingly acrimonious. Things came to head when the Tigray state government decided to establish its own electoral board and hold its own regional election after the federal government suspended countrywide elections due to the novel coronavirus outbreak.

The country is once again at a crossroads. Even after three decades of ethnic federalism, no other issue remains as divisive as the subject of ethnic federalism itself. While no group or political party challenges or campaigns against the idea of federalism, at least openly, public opinion is divided on the extent to which ethnic federalism has contained or exacerbated communal tensions. While some strongly advocate for stronger fidelity to the ethnic federal experiment, others are advocating for a federal bargain that shifts away from ethnic federalism or one that gives little or no credence to ethnicity. Some see the decision of the Prime Minister to dissolve the EPRDF, a coalition of four ethnic based parties, and replace it with a single national party in the form of the PP, as a prelude to moving away from ethnic federalism. Although PP has made it clear that it wants to stand at a middle ground between ethnic and civic nationalism, the TPLF, the erstwhile dominant member of the EPRDF and the ruling party of the Tigray state government, and other major political parties that claim to represent the Oromo, the largest ethnic group in the country, saw the formation of PP as a veiled unitarist political agenda that aims at dismantling the federal project.

Intergovernmental tensions had escalated after the National Electoral Board announced that due to Covid-19 elections scheduled for August 29, 2020 could not take place as scheduled before the term of the current administration expires in October 2020. Without a clear answer in the constitution regarding the fate of an incumbent whose term ends before an election, a simmering power struggle between different political groups erupted. The House of Federation, the second chamber of the Ethiopian federal parliament that is known for its unusual power of interpreting the constitution, ruled to extend the term of the office of the incumbent administration until the next elections are held (CGTN, June 11, 2020). The State government of Tigray and a number of other opposition parties deemed the move an illegitimate control of power. They called for a national dialogue that should lead to the establishment of a transitional government. Tigray took its opposition further by establishing its own electoral board and holding an election on September 9, 2020 (*Al Jazeera*, September 9, 2020) despite the threat by the House of Federation that the elections would be declared null and void (ENA, September 5, 2020). But the state government did not stop at that. After holding an election that did not bring about any change in the composition of the state government, it immediately moved to further provoke the federal government by declaring the latter illegitimate and pulling out members of the federal parliament that hailed from Tigray. Eventually, the federal government invoked its constitutional power of federal intervention and launched a military offensive (*BBC*, November 4, 2020) against the government of the State of Tigray after the later attacked a federal military base in Tigray, plunging the country into a conflict that has already cost thousands of lives, enabled massive human rights violations, further deepened communal divisions, and made the continued existence of the country more precarious than ever.

It is also clear that Sudan's commitment to a federal or decentralized system of governance is only in rhetoric and not in practice (El-Gaili 2004, 544). This is a reflection of the long-held belief by political elites in Sudan that federalism provides fertile ground for secession. This has continued to undermine the genuine implementation of federalism in the country, even after the secession of South Sudan (Abdulbari 2013, 412). The constitutional provisions governing the creation of state boundaries, appointment of state and local officials, and the division of powers between the center and the states were hardly implemented (El-Battahani and Ali Gadkarim, 2017, 29). Some justify the infidelity to the constitution by arguing that implementing the "decentralization provisions in the Interim National Constitution contributes to and may even trigger further conflict in states and regions already affected by war" (El-Battahani and Ali Gadkarim, 30).

Perhaps, the constitutional and political reforms that are currently unfolding in the country would have brought the federal system into reality had it not been for the decisions of the military to seize power. The prospect of federalism depends, among others, on the ability of the government to bring an end to decades-long conflict, carry economic dividends to people, and re-integrate the country from years of international political and economic isolation. In this regard, the October 2020 Juba Agreement for Peace in Sudan is already burdened with a lot of expectations. As a document signed between the Transitional Government and representatives of several armed groups, it is expected to bring to an end the armed conflict in the country. However, two of the main rebel groups, namely the Sudan People's Liberation Movement – North (led by Abdalaziz Adam Alhilu) and The Sudan Liberation Movement (led by Abdel Wahed Mohamed Nour) are yet to sign the Juba Agreement.

Conclusion

Federalism and decentralization have a long history in the Horn. It has been and remains an idea championed and struggled for by many political forces in the region. The major driver of the federal or decentralization idea in the Horn is to contain communal tensions. It has been part of the solution that many of the countries in the region sought to implement in order to attain some level of peace and stability. In fact, some have already contended that a federal link between countries of the Horn is probably the best available solution to bring peace and stability (Woodward and Forsyth 1994, ix).

Yet, despite the desire by many for a federal or decentralized form of governance and the formal adoption of such a system, its track record of alleviating communal tensions has not been encouraging. Design issues have plagued the efforts to use federalism to address communal tensions. More importantly, the commitment to genuinely implement the federalization or decentralization project has largely been absent. While a federal and decentralized system of governance has long been in place in these countries, their democratic and genuine implementation has consistently been undermined by governments that have centralized power in the capital. Recent developments have not also been encouraging. Countries across the Horn are at a crossroads. The

civil war in Ethiopia, the election crisis in Somalia, the military coup in Sudan that has derailed the transition process, and the conflict in South Sudan that is yet to be resolved threaten to unravel the fragile peace and stability of the sub-region. The promise of a federal and decentralized form of governance in addressing communal tensions is facing a setback across the Horn.

Irrespective of the challenges and on-going conflicts, however, it is clear that the search for a form of government that devolves power to subnational units, whether in a decentralized or federal form, is here to stay. However, peace will remain elusive if the states continue to operate in a manner that is indifferent to the federal or decentralized system. The countries must shake off their centralizing tendencies and institutions if federalism and decentralization are going to deliver the desired result of peace and stability.

Disclosures. None.

Notes

- 1 Based on the CPA, during the interim period (2005–2011), in what appeared to be a decentralization formula, regions and local governments were established in the Sudan (Brosché 2009, 16-23). Yet, except for the autonomy arrangement of southern Sudan, the rest were founded on ordinary legislations, making their existence amenable to the wishes of the central government.
- 2 Somaliland and Puntland remain outside the federal arrangement.
- 3 Since 1991, this arrangement continues to empower ethnic communities in designated territories. Currently, the bargain is being challenged both from the masses and internal division within the ruling coalition and has put into question whether Ethiopia should still stick with ethnic federalism or not (Al Jazeera, April 5, 2019).
- 4 Somalia's military regime that followed an intensely centralized mode of nation building, centered upon Somali speaking people in the Horn, eventually brought about its own collapse and the breakup of territory.
- 5 Similar to Ethiopia, Sudan is currently standing at crossroads with the deposition of its long time ruler Omar Hassan Al Bashir. Sudan is a country that has, since independence, aspired for federalism or a decentralized system of governance but had its ambitions crushed by successive military coups. It is now standing at a crucial time in history to, in particular, demonstrate that it is seriously committed to redress its ethnic and religious divisions.
- 6 The Juba Agreement, signed on October 3, 2020, is actually a collection of several agreements and bringing them together to a single agreement, making it a very complex accord. Some of these agreements are: Darfur Peace Agreement, Blue Nile and Kordofan Agreement, Eastern Path Peace Agreement, Northern Path Peace Agreement, Central Path Peace Agreement, and Third Front Security Agreement. Each of the bilateral agreements has national level implications.
- 7 The civil war had two dimensions: fighting undertaken for the secession of ethnic constituencies, on the one hand, and the struggle for the equal respect of cultures, equitable political representation and participation, as well as broader recognition of ethno-regional autonomy, on the other. The insurgencies based in Eritrea wanted to separate Eritrea from Ethiopia. The same with the ONLF that wanted to separate the Somali speaking part, and the OLF, which wanted to secede Oromia from Ethiopia.
- 8 The formation of the subnational and local government units based on ethnicity clearly separated the empowered (dominant) and minority ethnic communities, creating severe conflicts between the two. For instance, despite the fact that the regional states of the country are established in favor of ethnic groups considered native to a particular territory, there are sizable numbers of other migrant ethnic groups, which in some situations like Gambella and Benishangul-Gumuz constitute nearly half of the total population. Regional border area conflicts between ethnic groups have also dented the viability of the federal arrangement. The formation of the borders of the subnational and ethnic local government units has not only been unable to create

- homogenous territories dominated by the intended ethnic groups, but rather harbors large populations demarcated in the "wrong side." The shift in the locus of consideration also shifts the ensuing benefits and political dominance, leading to confrontations in many border localities. Conflicts have also flared up both as a result of several demands by ethnic communities for increased territorial autonomy and identity recognition.
- 9 In Somalia, the introduction of a federal form of governance since 2004, and particularly in the 2012 constitution, was arguably against the usually prescribed preconditions of a federal system: importantly, the existence and the need to preserve ethnic, linguistic and/or religious diversities.
- 10 States report consistent interventions by the central government undermining their autonomy. Above all, they lack the crucial aspect of federalism fiscal autonomy (Abdulbari 2013, 411).

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