POWER TRANSFER CONFLICTS: HISTORICAL, CONCEPTUAL AND LEGAL PERSPECTIVES – ETHIOPIA

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Abstract

A recent law enforcement campaign in Tigray Region raised the question as to why the Tigray People's Liberation Front (TPLF), a leading member of the Ethiopian People's Revolutionary Democratic Front (EPRDF), failed to observe the Constitution, and why the current government used force instead of peaceful resolution. This article examines the transfer of power conflicts based on desk research, personal observations, political parties' programs, parliamentary debates and speeches. The roots of conflicts in power transfer relate to historical absolutist governance traditions, despite challenges. Borrowed laws did not stop conflicts nor develop participatory governance. The current competitive politics and the market system may develop a home-grown legal culture in power transfer.

1. Introduction

On 4 November 2020, the Prime Minister (PM) reported to the Ethiopian Parliament that the Tigray People's Liberation Front TPLF had attacked, occupied, destroyed, and dispersed the Northern Regiment of the federal army, stationed in five bases in Tigray Region. It had also organized a regional army, numerically is about 250,000 soldiers and militias, greater than the federal army of approximately 140,000 active soldiers (Reuters, Nov. 13, 2020). In addition, during its time in power it had embezzled aid funds which it used to acquire

arms and ammunition which were stored in secret hidden bases in Tigray. The House of Federation instructed the federal government to intervene and avert the apparent threat to the federal and regional governments' constitutional order (Abnink, 2021). The TPLF, it argued, had violated the constitutional provisions of the transfer of power.

The PM declared in 2020 that over the past 27 years the TPLF had deliberately established a control system in the army and security establishments, in which over 80% of the top members of the intelligence and military command and control structures were TPLF members and, disregarding federal orders, kept secret military arsenals and missiles. It had harboured officials indicted for corruption and mismanagement in defiance of the House of Federation and the Federal Election Board rulings. It had also conducted regional elections illegally.

The federal government is entrusted to protect and defend the Constitution under article 51 of the 1994 Constitution. Procedurally, the House of Federation, which represents each state, authorizes the federal government to intervene, under Article 62(9), if any state of the federation endangers the constitutional order (FDRE Constitution, Art. 62(9)).

The TPLF argued that under article 32 of the Constitution, a regional state has the power to administer its own affairs and that the federal government had violated the Constitution by postponing the national election following measures taken under the COVID-19 emergency law provisions. Therefore, the governing party did not have the legitimate authority to govern, according to former Ambassador Seyoum Mesfin (2020).

Conceptually, a leadership group fails to observe the law because the system does not accommodate differences and has neither conflict management mechanisms nor good laws. Instead, conflicts are managed by "subjugating or eliminating" opposing groups. Thus, absolutist governance practice initiates conflicts in the transition of powers (Sabine & Thorson, 1973). Consequently, this article highlights on the power transfer conflicts in Ethiopia from the

historical, conceptual and legal perspectives and suggest a way forwards to get out of the vicious circle.

2. The Law Enforcement Campaign

Between July 2019 and August 2020, the federal government sent negotiating teams to meet with the TPLF. The negotiating teams comprised traditional elders, religious leaders, and other mediation teams, in effect a peace commission to negotiate peace (Gebre-Selassie, 2020). However, on the evening of November 3, 2020, the TPLF attacked the federal army's Northern Regiment. In the attack many federal army members were killed, some escaped to Eritrea, and some were taken as hostages.

Federal government troops from other regions reacted swiftly and began operations to arrest members of the TPLF leadership. Within three weeks, federal government troops had occupied all the major towns in Tigray, disbanding a TPLF force estimated at some 200,000 strong, in comparison to the 150,000 federal government forces (Mesfin, 2020). The TPLF had also enlisted the Oromo armed faction which in the past they had designated as a terrorist organization.

Following a cease-fire and a withdrawal of federal troops from Tigray, the TPLF attacked the Amhara and Afar provinces, advancing to within 300 kilometres of Addis Ababa, occupying many towns, looting their properties, destroying infrastructure, and violating the human rights of local people. While federal forces have driven the TPLF back to Tigray, they have not entered the province and the situation is still unclear at the time of writing (early 2022).

2.1 Rule of Law in Diffusing Conflicts

The idea that weaknesses in the rule of law (ROL) could be removed by importing essential elements of developed economies' legal frameworks was discredited as the efforts did not bring the expected results (Trubek & Galanter, 1974). Laws are reflections of a society's culture, norms, habits and therefore must reflect them and be used to enforce, control and adjust the behaviours of members of the society (Kassahun, 2006, p. 177; Berkowitz et al., 2003). The rule of law

protecting the society against violence failed in Ethiopia to diffuse violence, particularly in the power transition away from the TPLF in 2018.

Of the two aspects of the rule of law, the static letter of the law that ensures predictability, clarity and impartiality; and the dynamic aspect in which today's law will be the same tomorrow, the latter fails the test of time in Ethiopia (North, Wallis & Weingast, 2009). A new leadership rejects the past and rescinds the rules. Beginning in 1931, succeeding regimes have written their respective constitutions without regard to the former one (Nahum, 1997). Three conflictual power transitions have occurred since then. The disregard for the rule of law in leadership transitions has caused discontent, resistance and conflict.

A few examples illustrate how these transitions have played out: A mass protest against the imperial regime in 1974 was spearheaded by student movements out of which political movements like Meison, the Ethiopian People's Revolutionary Party (EPRP), Tigray People's Liberation Front (TPLF), Eriteran People's Liberation Front (EPLF), and Oromo Liberation Front (OLF) Emerged (Tadesse, 1993). It also influenced succeeding governments with a leftist ideological tendency (Zewde, 1991). The military stepped in and removed the Emperor and abolished the 1955 Constitution.

In 1991, the TPLF violently deposed and imprisoned the military leaders until they in turn were deposed in 2018. The TPLF adopted its own constitution in 1994, and established the governing Ethiopian People's Revolutionary Democratic Federation (EPRDF), in the process abrogating the 1991 transitional constitution and the 1987 military constitution.

In 2018, the TPLF was removed from the EPRDF leadership by internal procedures but was unwilling to accept a peaceful transfer of power and initiated war in 2020, violating the procedures of its own 1994 constitution. Thus, in a short span of time four constitutions were adopted and dismissed by each outgoing and incoming government. What are the reasons for of the failure of the constitutions to survive regime change?

2.2 Power Transfer

A successful law binds the populace under certain conditions:

- when it is known in advance;
- when it is not designed to benefit or hurt specific groups of persons;
- when it has transparent, accountable enforcement processes; and
- when it has well-functioning public institutions.

In Ethiopia, these requirements were missed because of three factors: borrowed laws, leadership based on military capacity, and corrupt and extractive institutions.

Leaders who adopt successful laws from other jurisdictions without examining their popular acceptance and creating effective public institutions to enforce them are doomed to failure. For instance, the 1931 Ethiopian constitution was adopted from the Japanese Meiji constitution and was revised in 1955, but key historical problems such as ethnicity were not addressed and the enforcement had procedural deficiencies. The imported laws were applied in a hierarchical manner, stating for example that "Imperial appointments, promotions, grants … are bestowed directly by the ruler establishing filial bond and obligations", and applied right down to county administrator levels (Markakis & Ayele, 1978, p. 209). Therefore, the modern constitution was unpopular and failed to quell violence.

Similarly, the Derg adopted a socialist constitution and laws that bestowed power on the heads of urban dwellers, workers'/peasants' associations and political cadres. Anyone contradicting them was deemed anti-revolution and dealt with severely. The laws and enforcement processes discriminated against many and failed to avoid uprisings that ultimately deposed the leaders (Wogderes, 2013).

The EPRDF constitution included declarations of ethnic equality. However, the implementation by the TPLF favoured themselves and their supporters for government contracts, licenses and access to financing. Again, the discriminatory application of the law failed to stop internal government change, leading to violence.

In all three systems, the laws benefited a single group and had neither popular acceptance nor strong institutional backing to counter a violent transition to power.

Secondly, it is a truism that a ruler with superior arms retains power (Tibebu, 1995). As arms purchases create dependency, buying arms establishes allegiance with the foreign power supplying the arms. The last Emperor, for instance, allied with the US for arms until 1974, in order to reject the British stay in Ethiopia after 1941 and to suppress local opposition. Similarly, the Derg purchased substantial military hardware from the Soviet Union to support a standing army of half a million which created the dependency relationship necessary to remain in power but with increased violence. In both regimes, dependency relationships failed to stop the violence leading to and during a power transition.

The corrupt and extractive nature and capacity of ruling elites' institutions established economic dominance over other ethnic groups (Tibebu, 1995). The extractive administrative structure ran from the centre down to the lowest units both in the imperial and the socialist centrally planned economies. The structures extracted resources to support the survival of the governing system. The extracted resources and laws did not stop violence in changing the governments. The EPRDF/TPLF established a control system known as "one and five" where a TPLF representative directed every committee's decisions on behalf of the extractive institutions and marginalized the population (Aaman, 2021).

The rationale of weak laws in power transitions relates to the lengthy historical build-up of absolutism since the mid-nineteenth century. The source of absolutism itself relates to ethnic-based extractive institutional governance frameworks that influenced generations of leaders.

3. Unwritten Constitutions and Power Transfer

3.1 Challenges to Imperial Rule

In the northern and central parts of Ethiopia (Eritrea, Tigray, Amhara and Shewa) the imperial unwritten constitution required that the Emperor came from the Solomonic dynasty line, be of an Orthodox Christian faith, and be the male heir to succeed to the throne. However, some exceptions can be seen, such as Empress Zauditu's rule in the early 20th century (Nahum, 1997, p. 18). Despite the tradition, princes fought to secure the throne upon the death or removal of the incumbent emperor (Zewde, 1991, p. 63). The one with either superior firearms or support from a coalition of nobles won power (Tegenu, 1996, p. 144).

The traditional unwritten imperial power succession norms were challenged at the beginning of the nineteenth century. The Emperors' rule was weak and strong nobles, mainly the Oromo, replaced them (Abir, 1968; Pierce, 2017). A noble legitimized power by retaining a figurehead Emperor who claimed Solomonic dynasty lineage.

The Oromo nobles were dominant players in all regions beginning in the sixteenth century through a slow but steady movement over the northern, eastern and western parts of Ethiopia by the conquest and assimilation process known as the *Gudifecha* system (Hassen, 1994, p. xiii, 96). In the Gondar and Amhara regions, the Oromo nobles protected the Orthodox church and the imperial system, reconstituting governance to nominal emperors. They governed Ethiopia for 70 years in this decentralized power structure (Abir, 1968; Pierce, 2017).

During this period, three civilizations interfaced modifying imperial rule: the orthodox Christian faith which some writers call the Ge'ez civilization, the Gada civilization or Oromo governance principles; and the Islamic religion (Teshale, 1995).

In the Christian north, the Emperor, however nominal, provided legitimacy for rulers through traditional codes like the Fetha Nagest (Justice of the Emperors) which provides legislative backing for judicial rulings, and the Kibra Nagast (Glory of the Emperors). The

population accepted governance principles via these codes (Abir, 1968).

The Muslims in the sixteenth century made a failed attempt for supremacy in Highland Ethiopia. Much success was gained by aggressive but peaceful conversion with Arab financial support, and also enhanced by an increased Islamic population. The Meles government (TPLF) depended on Islamic support in return for unrestricted proselytization. Tactics were used such as expanding the number of mosques and islamic schools. The movement sources funds from Saudi Arabia and other Arab states, expanding Wahabism (Orthodox Church, 2008).

The Oromo Gada, a highly developed democratic polity with supporting institutions was based on a division of society by age up to 80 years of age – five leadership strata, each stratum ruling for eight years (Gemeda, 1973). The Kallu provided an ideological and religious blessing of the leaders and age group successions and sustained rituals to one God, Waka, who commands the skies, the earth, the weather, health, and fertility. The Gada and Kallu became weak as Oromos spread farther away from their centre in the South West, but there has been a nominal revival by the Oromo struggles which still has to develop some elements into a modern governance version (Legesse, 2000, p. 42).

3.2 Lessons

The three civilizations left lessons that confirmed that a transition to power was procedural, conflictual and at worst an armed contest. At all times, however, the concept of an Ethiopian nation existed, despite the leadership turnover in imperial or mesafint era loose governance entities. Clear distinctions in the civilizations' governance characteristics, cultural values and ethnic identities interfaced conceptually and actually during Zemene Mesafint. The Oromo Gada principles created a territorial and conceptual wedge between the Christian north and the Islamic east, diminishing the possibilities of continued war between Islam and Christianity.

Chigudu (2021) notes that "ignorance of history serves many ends…to legitimize the way the society is arranged at present". The transitions of the past century give a rationale and source of present-day political contradictions in Ethiopia. However, they also left substantial positive historical marks, including:

- How to live together in geographic contiguity where different groups recognized that they all have similar destinies in war or in peace, even if they have decentralized governance systems.
- Shared governance: Whether under an Imperial, Gada, or an Islamic system, they all aligned in a psychological "live and let live" frame of mind, but acted jointly against aggressors.
- Shared cultural mix: The movement of peoples throughout Ethiopia enabled them to become familiar with the cultural values of each other. These cultural interactions created social fibres that were useful to adjust to and respect other groups to be able to live together. The Oromo movements, for instance, despite their distinct Gada system, modified and abandoned it in many respects to integrate, assimilate and live together with other cultures.
- Shared economy: Economic resources were important factors in power transition conflicts. However, during the Zemene Mesafint period land-holding rules were modified, inter-group trade brought more economic opportunities, and combined agriculture and animal husbandry diversified economic activities, thereby reducing conflicts over resources. Each group remained self-sufficient.
- Trade between regions internally connected peoples with the Amole (salt bar) became a monetary means of exchange tying different groups together.

4. Re-constitution of Imperial Power

Beginning in 1855, Emperor Tewodros reduced the power of the church, the Oromo, and Muslim rulers (Gemeda, 1973). Despite the Emperor's foresight, conflicts continued, and growth became elusive. Abba Abkrezun (in Getachew, 2003) noted that "the roots of poverty are wars" and post-Zemene Mesafint governors ushered in absolutist governance variants. They featured:

- The "my way only" concept, in terms of which any opposition against a ruler must be crushed severely.
- Ethnic features: The Emperors let the local leaders govern their respective regions in Amhara and Tigray if they recognized their authority. The other ethnic groups were forced to accept the norms and language of the dominant governing elite.
- "Reject the unknown": Unknown foreigners were not trusted and innovation that brings new, untested matters was scorned. For instance, Emperor Teowdros' attempt to produce guns died for almost a century until the Derg began military arsenal production and repairs.
- The past must be destroyed and defaced instead of building on it to advance into the future. The mobile seats of Emperors did not create institutions that survived the defacing of the past.

Emperor Yohannes, who secured an allegiance forcing nobles to convert to Christianity, was an absolutist leader. However, he mobilized all to defend against foreign intruders. His successor, Emperor Menelik, used absolutism by acquiring arms through purchase and diplomacy. While he repelled an Italian incursion, he subjugated the southern kingdoms severely, causing conflicts to this day (Tessema Taa, n.d.). He also created the Naftegna concept (an external governor with arms). Those like Wollega, Jimma, and the northern provinces who accepted the Emperor's suzerainty retained self-rule (Perham, 1948, p. 49, 293).

The last Emperor Haile Selassie legitimized the absolutist system by adopting the written constitutions of 1931 and 1955, and imported many other laws for modernization.

4.1 Development initiatives

Ethiopia's development needs, after failing to repel the Italian invaders (1936–1941), were urgent. Emperor Haile Selassie introduced a number of legal instruments including the revised constitution of 1955, and many codes to modernize society. All were imported, reflecting an advanced capitalist legal system.

Laws are an outgrowth of a given social system (Hart, 1962, p. 50). In the Ethiopian case, there has been a wide discrepancy between

social realities and the introduction of borrowed laws and their enforcement. Enforcement was partial in a semi-feudal property holding and hierarchical obedience to the Emperor instead of through court rulings. The reformed constitution was introduced by external pressure – post-war pressure to reform the imperial system and the United Nations decisions on the Eritrean federation – rather than internally organized demands.

The laws hardly affected popular behaviour and did not stop conflicts between the dominant ethnic group elites and the bulk of the population, and led ultimately to a violent power transfer when a popular uprising swept away the system and the military took power in 1974.

4.2 Lessons

Unification process: The Imperial system faced external colonial forces and effectively defended and retained Ethiopian independence. The struggle to retain the Red Sea and Western borders by Emperor Yohannes continued under Emperor Menelik, who defeated the Italians at Adwa, and negotiated boundaries with the French, Italians, and the British, unifying the country as a territory defined by boundaries. The system ensured the survival of an independent Ethiopia despite the absolutist atrocities.

Ethnic divisions: Amhara/Tigray benefited from the psychological superiority over other ethnic groups as winners over the Oromo and other minorities, and retained their land as *balabats* (owner of the country). The rest of the ethnic groups were conquered, suppressed, lost their land and many were subjected to serfdom. The economic imbalance became a source of continuing resistance.

Public administration: The Imperial system established administrative structures from the emperors down to the county-level leaders. However, these were seen as having an extractive character.

Wars of liberation: The wars of liberation against Imperial rule increased. Ethno and nationalistic sentiments and reduced a collective Ethiopian identity.

Borrowed laws: The initiative to modernize by introducing foreign laws did not bring much change in the country as the laws were deemed to strengthen and legitimize the imperial power and ethnic relationships. The laws were not integrated into local cultural norms and therefore did not achieve the intended modernist purposes.

Absolutism: The characteristics of absolutism became the norm for the transition to power. The relationship between the ruling group and the public remained rule by 'force' and 'fear'.

Socialist theory: The Ethiopian student movement promoted socialist political theories as the way towards solving Ethiopia's backwardness. This movement massively influenced succeeding governments after 1974. However, the post-imperial generation of governments still retained the historical absolutist transition to power and governance.

5. The Military Government and the EPRDF

5.1 Military Rule

The Ethiopian student movements which began the struggle against the Imperial regime advocated that the contradictions in the country could be remedied by a socialist workers' and peasants' struggle with the intention of abolishing the absolutist ruling class. In the post-imperial period, the military government (Derg) was influenced by leftist ideology and established a Marxist-oriented system but continued absolutist governance on the Soviet model.

The military nationalized land and urban houses with heavy-handed repression against opposition groups, including students and leftist parties. It declared that by nationalizing the productive economic base a Marxist workers' party would solve ethnic demands. The resistance against the repression arose internally and by

liberation movements that deposed the Derg. The TPLF, which took power, imprisoned the leaders for decades. The conflictual power transfer continued with the TPLF.

5.2 The Ethiopian People's Revolutionary Front (EPRDF)

The EPRDF's 1994 constitution set out that nations, nationalities and peoples were the source of power and established nine regions that formed the federal state. The positive results were that it encouraged the ethnic groups to be more independent psychologically and adopt the developmental state policy of enhanced growth. On both counts, however, there were critical shortcomings.

The EPRDF, led by the TPLF, controlled the bureaucratic and economic organs and the military. It owned commercial, financial and business resources causing the exclusion of non-TPLF supporters from leadership. For example, in the security services and the military, over 80% of the senior ranks were TPLF members (Ahmed, 2019). The economic imbalance, indiscriminate repression of any form of opposition, and continued absolutist governance caused the rise of resistance from youth and armed groups in the Oromia, Amhara, Somali, and Afar regions.

The developmental state transformed the economy but the TPLF and its political supporters dominated economically. In comparison, in the Asian developmental state models, the political leadership directed the economies with a clear market orientation that, despite an authoritarian leadership, provided a level playing field for entrepreneurs which the governments supported. However, in Ethiopia, the TPLF favoured its leadership group and supporters and failed to create a level playing field for the entrepreneurial market system.

The principles of developmental state governance, irrespective of governance differences, had some common features that the Ethiopian version have missed. Some common missing components included:

- Promoting government intervention in market guidance through laws and regulations to develop and encourage profitable private companies.
- Establishing market systems that included all entrepreneurs, by creating a free and level playing field in access to finance, real estate, infrastructure and other benefits.
- Selecting a key economic sector as a driver of the economy.
- Making the poor active participants in the mainstream economy as clients, purchasers, and producers to boost national economic performance; and
- Promoting international trade, focusing on export promotions.

These developmental state principles have been in part successful, as Ethiopia recorded GDP growth averaging close to 10% over the last decade (World Bank, 2020). However, the implementation that produced these impressive figures was challenged politically, as there were clear deviations and missing elements from the inputs and outputs management.

At the macro-economic level, Ethiopia achieved a high growth level by borrowing to enhance infrastructure development. Local capital resources were invested in property development instead of developing small-scale industry input, for example in agriculture, and by reducing imports. (In 1917, Ethiopia's imports were about 19 billion Birr, while exports stood at approximately 8 billion Birr according to figures provided by the Ministry of Finance). Agriculture, which was the backbone of the economy, was outsourced to large-scale foreign concessions that displaced local farmers but were never able to satisfy debt payment requirements (Rahmato & Zafu, n.d.).

Overseas debtors were already seeking repayment which depleted the foreign exchange resources. The key sectors which were encouraged were high-rise buildings in which the main beneficiaries were mainly TPLF leaders and their supporters. As a result, the high-rises were unaffordable for the majority of the urban population. Many residents were displaced and became homeless, building squatter villages (informally known as "moonlight settlements" as

they were built seemingly overnight) around the cities (Panizza, 2018).

The market system was unbalanced. Licenses, credits, and investment benefits were dispensed on a political allegiance basis. The poor, who in developmental state principles are economic growth drivers, were not systematically integrated into the mainstream economy as the new mainstream consumers. The dichotomy between the rich and the continuing poor in Ethiopia expanded greatly.

In summary, the developmental state principles that enabled extraordinary growth in many countries failed to produce similar results in Ethiopia because they were not effectively implemented.

Within the ruling EPRDF, political resistance led to an internal change in 2018 in which the TPLF was ousted from leadership in favour of the Oromo and Amhara representative groups.

5.3 Decay and Change

Governance inevitably decays but internal reform may delay or avoid the decay (Shihata, 1997). The end result of decay may be the growth of new, energetic, system changes. This happened in the EPRDF leadership (Fana TV, 2019).

The TPLF ethnic federation had institutional governance weaknesses around nationality management. The first was a ministry that the TPLF established for guiding and controlling the EPRDF representatives of the four big regions to support the concept of Democratic Centralism. The Federation Assistance Centre, also a ministry, guided the other five minor nationalities. Both created top-down governing systems. The internal conflict between the two ministries led to the election of a new Prime Minister, whose reforms challenged the TPLF leadership. The reforms, which had costs, included:

- A release of political prisoners.
- A peace agreement with Eritrea, after decades of belligerent status.
- Removal of TPLF leaders suspected of corruption and those indicted by Federal prosecutors. This action caused an exodus of the TPLF

leadership into the Tigray Regional State and their claiming immunity from Federal government interference.

- Inclusion of opposition groups that the TPLF categorized as terrorists.
- Replacement of the developmental state principles with a market-led liberal economic system.
- Changing the EPRDF into a Prosperity Party, with all regional states represented equally.
- An invitation to all other political parties to compete for leadership in a free and fair election.

These steps had major positive as well as negative consequences. The positive results were that:

- Ethiopia for the first time in its history had leadership that allowed all opposition groups to compete in a free and fair election;
- A home-grown economic policy called Medemer or Inclusion, which promotes a competitive market system with government oversight;
- Federation with the ethnic groups having their political and physical boundaries; and
- The separation of political parties from Federal and Regional State governments.

The negative consequences were that:

- The TPLF rejected the EPRDF leadership changes; and
- It initiated a costly war to overthrow the Federal government. The war resulted in the loss of lives, damage to infrastructure and property and major population displacements.

The result of the absolutist governance that the TPLF pursued made it difficult for it to relinquish power without armed resistance (Articles 51-1,-6,-16; 62-9). The ethnic federation created a narrow ethnic sense causing conflicts among ethnic groups in which identity issues became a 'political theme' causing attacks on minorities.

The EPRDF failures, of an otherwise promising federalist governance with developmental state economic principles, reconfirmed again that absolutist governance underlies the conflicts in power transition.

6. Future Indicators: Transition to Access State

6.1 The Transition Approach

The future directions are whether Ethiopia under *Medemer* policies will create conditions for the transition from a weak state to a so-called access state (Ahmed, 2020). The characteristics of an access state include:

- democratic governance in which popularly elected representatives issue legislation.
- economic opportunities for all through fair property ownership, access to credits, and public services.
- laws equally and fairly enforced.
- political competitiveness with a fair and equitable election system in which contestants can equally and fairly participate.
- conflict management institutions that fairly and impartially mediate.

These institutions outlive any government and transfer from one leadership to the next in perpetuity. To arrive at a rule of law-based system, a state must pass through transition gates successfully. Ethiopia is at the beginning stage of the transition gate.

Ethiopia still suffers from weak institutions to enforce laws and enhance market activities, solve conflicts and professionally manage public services. It must overcome two inherited problems: corrupt and extractive institutions, and rent-seeking officers. The problems increased when the rule of law became weakest during the Derg and the TPLF/EPRDF regimes. To match institutions with an efficient market system, they should be re-evaluated to reduce their extractive nature. Changing rent-seeking officers' attitudes and establishing accountability with result-measured performance requires much intensive work from civil society, religious organizations, and strong law enforcement approaches (United Nations, 2018).

There are however challenges on how to manage ethnic identity alongside political identity and secondly how to develop the legal and institutional frameworks necessary to sustain both.

6.2 Sustainable Institutions

In the last 27 years, the ethnic federal institutions functioned by addressing emerging ethnic problems through traditional conflict management. However, when political differences in the EPRDF arose the ethnic federal system was shaken.

The TPLF social democratic principle was a modified version of Marxist ideology. It promoted state intervention in the economy, intolerance for political opposition, and a strong military and police system to suppress any opposing political or economic principles (Hamid, 2021). Thus a Medemer program declaring a liberal market economy was repugnant to the TPLF version of social democracy.

However, the TPLF social democracy principles failed because of the unbalanced allocation of economic benefits that favoured the TPLF ruling elite and its supporters. It failed to apply the social democratic principles fairly and equitably. The Medemer principle tries to remove these problems by adopting a liberal democracy but still will face problems of ethnicity and ideologically inspired political groups. It needs a framework to accommodate these differences.

The reformulation of the EPRDF into the Prosperity Party will be tested further as it retains members oriented in the TPLF social democratic principles. Early indicators are continuing ethnic identity-based killings and an underlying fear of losing their gained ethnic identity. Much sensitization is needed to change the ethnic-based liberation movements into political parties.

Within an ethnic group, such ideological trends may allow unity based on ideology across ethnic lines to participate in elections. The last election was deemed to be fair by both local and international observers.

Most political parties participated to some extent in the re-constitution of ethnic groups along different political party lines. However, some hard-core believers in ethnic identity remain. To encourage such politically oriented regrouping may require adjustments of some relevant provisions of the Constitution.

6.3 Conditions for Perpetual Laws and Institutions

Laws are the tools for implementing the policies of a governance system. The policies grow out of the needs, aspirations, and common visions of a population. In a weak state, policies and laws change with a changing governance system. The frequencies of the changes indicate that the government policies address the aspirations of the governing few instead of the whole population. When the few were removed by force, often their policies were decimated along with the leadership.

Because of weak institutions, the bureaucratic system cannot defend itself from the encroachment of a new government that dismisses or modifies existing laws. Thus, the processes like collecting taxes, allocating funds for the administrative and capital budgets, and controlling and auditing, become soft, create performance gaps, and are open to corrupt practices and failures.

Sustainable institutions and laws begin with valuing and improving what the country has gained, irrespective of the damage that the prior governing group has caused. Keeping institutions and improving them regularly leads them to become perpetual. The constitutionally established organs and institutions remain and with minor changes as necessary (Kassahun, 2019). The institutions' strengths resist tendencies of emerging dictators which negate the needs, interests and common visions of nations, nationalities and peoples.

Sustaining the Constitution and governance institutions requires addressing gaps without changing the fundamentals of the Constitution or institutions. For instance, an ongoing reform is addressing procedures for solving constitutional problems in which a constitutional court advisory ruling passes to the House of Federation for confirmation. This reform addressed the problem of the House of Federation meeting every six months, which delayed the effectiveness of the court rulings. It also cleared procedures for implementation. These types of reforms are indicators of strengthening internal modalities for reform, improving and

maintaining the Constitution instead of throwing away the whole or part of the constitutional provisions (Minister of Justice, 2021).

6.4 Avoiding Economic Policy Pitfalls

Ethiopia has now gained substantial lessons in exercising borrowed economic models. While in a multi-ethnic society these exercises may have brought some changes, in essence, none of them has been sustained. The current government's Medemer policy of economic inclusiveness, with a market-led economy, needs careful evaluation.

During the Imperial regime, agricultural developments like those in Humera, Shashamane, and elsewhere created a wealth-benefitting aristocracy and an emerging bourgeoisie. The lessons, however, were that Ethiopian entrepreneurs could develop and manage major economic projects, given conducive conditions. It could be argued that such conditions must be part of the "inclusive" market-led economy that is a step towards an access state.

Ethiopia's Marxist military experiment, however much it mutilated the basic ideology, was an institution-building exercise that included the base of the society. Economic growth depends on such a base if 'included' as key players and beneficiaries in the mainstream economy. The institutional framework left behind should be reformulated conceptually: from a top-down command system to participatory (access state formulation), and 'inclusive' to realize the institution-building with fair wealth appropriation principles.

The key institutions that enhanced double-digit growth under the developmental state should be examined, including major industrial enterprises linked to agriculture, a state-run industrial corporate system like METEK, and the expanded service sector including private banks. These growth drivers should be reviewed carefully because many industrial conglomerates were non-inclusive, corrupt and riddled with debt. The positive lessons, however, may be reformulated to a business-like orientation but retain the institutional strengths, during a transition, when the private sector is still weak.

Focussing on key industry developments from which the technology spin-off can benefit small scale manufacturing entities

should be explored. Production of heavy essential industrial items must be included to enable the private sector to produce component parts. A further benefit could be the spin-off development of high tech and Artificial Intelligence and the development of small but specialized producers.

Another example was using iron ore mined in Wollega to feed into Tigrai's Mesfin industrial complex, instead of building a foundry at the mining site and bringing industries to the area. Foundries are essential for local innovations to produce small tools such as those used in an inset clean-up by women in Gurage and machine tools that can be appended to a plough to increase efficiency in ploughing. Such simple but useful principles are essential to the effectiveness of "inclusive principles".

6.5 Mental and Attitude De-Bureaucratization

6.5.1 Religious Entities

The religious organizations do not have a political or economic interest but keep the society together in its social fibre. Their members are involved in government and in all economic sectors. Currently, the government mediates to solve the divisions in churches and mosques as these institutions keep the country's social fabric together by teaching members to refrain from actions like corruption, divisive behaviours and killing (Ahmed, 2020). The entities may also need in-depth internal doctrine reforms.

Both the Ethiopian Orthodox Church and the Muslim religion have stuck to the original doctrines of the individual's predetermined fate. In the European Christian reform after the Middle Ages, the changes continued into Renaissance writings and philosophies which gradually changed societies' and individuals' attitudes towards the importance of hard work. Hard work was perceived as that which determined whether one was poor or rich instead of purely by God's will. The religious beliefs then became important to instil the value of hard work as the driving engine of economic growth.

The energetic Axumite empire lost its vibrant economy by the influence of the emergence of monastic Christianity (Kitchen, 2014).

The concept of self-denial and working for life after death took root in the Ethiopian Orthodox church. These trends, though slightly modified, remained. The church as the ideological base of imperial rule calmed the populace by putting forward the concept that being rich or poor is God's will. While the current government's effort was to strengthen the social use of keeping the morality of society, the church needs to do much towards an attitudinal change relating to the essence of hard work as God's commandment.

The world Muslim religious reform began with looking back to the teachings of the prophet Mohamed, beginning in the nineteenth century to keep the Islamic state together. It declared the *makful* or "closed' principle prohibiting thinking outside the original teachings of the Prophet and his disciples. Islamic scientific innovations from Cordova to Ankara and Baghdad changed the thinking back to metaphysical philosophies. Islamic science regressed to the last Islamic caliphate, demolished during the First World War (Frazer, 2008).

The newer reform movements like ISIS even went further to include beheading of infidels or Muslim "heretics" which included most Islamic country leaders. The Arab Spring movement countered theological extremism by demanding democracy and economic growth but was reversed, leading to destructive internecine wars in Libya, Syria and Yemen, and dictatorship in Egypt and Tunisia. Competition between Saudi Arabia's Wahhabism and Iran's Shia trends promoted inter-religious wars. No internal Islamic reform is in sight, despite the yearnings of the Arab spring movement.

The changes are also affecting the Ethiopian Islamic community, which currently is not heavily involved in the ongoing Middle East extremist versions. The government's attempt to bring differences to a common solution is positive. Hopefully, Islamic reform in Ethiopia may emerge to influence the Islamic world. It is a fine line, though, as an ethnic group resistance can adopt idealist Islamic extremism as revolutionary. The current government's approach should, therefore, be encouraged despite the constitutional separation of state and religion.

6.5.2 Peaceful Settlement Culture

Civil society may help in changing the current violent culture of solving problems to a negotiated and peaceful settlement approach. Ethiopians were brought up to be good children taking a parental beating and rebukes instead of discussion. This character has grown into heavy-handed governments developing the elements of absolutism to govern by instilling a fear of authority.

In fear-based cultures, civil society plays a major role through sensitization, family education, films, theatre and literature, and other creative channels. Creative art groups can instil positive cultural values through educational social entertainment. The development of the sector should massively involve the private sector to enhance creative art at regional, town and Woreda levels. These are vehicles for changing attitudes by thinking out of the box freely and enhancing innovations.

More training on negotiations and alternative dispute settlement are very useful as I personally experienced working in South Africa and other countries to help attitudinal change. This approach may take a lengthy lead period as consciousness of the public is subject to absolutist rule, as the disregard for elders, church leaders and mediators' attempt for averting and solving the Tigray conflict demonstrated. Repetitions of the 2021 participatory democratic elections, a significant historical step, in including all political parties in the electoral process, may gradually create a culture of negotiations in the coming decades.

It may be useful to examine the South African Truth and Reconciliation Commission approach to national reconciliation as a mechanism for conflict resolution.

6.5.3 Education

Elementary education is the foundation of creativity and in its advanced form is the bridge to work and innovative enterprises. In some countries, children as young as two are in schools and by age five can write, read, calculate, and sing and have any special talents identified. In some other countries, an early age is spent in acquiring

knowledge about their surroundings such as trees, rivers, plants, and animals. They begin formal education at age six and by age nine write compositions and competently attempt first level maths. In both situations, children are encouraged to see problems and design solutions (e.g. in the Scandinavian case).

The Ethiopian *kes* (priest) school trains the mind of the child to recite letters, and gradually be able to read religious texts. It trains discipline in developing writing skills and creating poems. In systems like the traditional Oromo, children have roles of acquiring knowledge of their surroundings, keeping cattle, learning the art of wrestling and traditional games to prepare them for the adulthood management of resources, to lead in wars and maintain the fabric of society.

When modern schools were introduced, after the Second World War, British colonial texts were brought from Kenya for teaching the English language and first-level maths. It did not include moulding young minds to identify and solve problems but emphasized the colonial requirement on how to obey. The current attempt to teach using ethnic languages should focus on problem-solving methods from an early age.

During the last EPRDF government, many universities were established with the objective of providing access for all to higher education. The universities, however, lacked adequate facilities and qualified lecturers. Unlike the systems where advanced education is linked to development programs, the Ethiopian universities produce graduates without the necessary qualifications needed in key production areas.

University programs should be re-examined to develop problem-solving minds and advanced thinking inked to productive sectors. In that way, they will provide a basis to develop the massively needed capacity for problem solving and innovation.

6.6 Foreign Affairs

Ethiopian foreign affairs policies traditionally focussed on security especially after the 1936 Italian invasion brought a requirement for

seeking protection in an interdependent world. The then Emperor's "collective security" policy was promoted through the United Nations, Non-Aligned Movement and Organization of African Union.

The succeeding military government, however, emphasized an ideology linked with the Soviet Union for military assistance. Despite the linked ideologies, arms were purchased commercially incurring a debt for which the country is still paying. The EPRDF then courted China for assistance and secured massive loans at high-interest rates. The level of repayment has forced the present government to renegotiate the payment schedule.

With the objective of stability and security for market-driven growth, Ethiopia may strategize two levels of relationships: one with immediate neighbours, an inner circle; and more general relations with other countries, an outer circle.

The Inner Circle Neighbours – Eritrea, Somalia, Djibouti, Kenya, Southern Sudan, Sudan – are important for security and economic interdependence. All have a common interest in Ethiopia's security as a bigger country, numerically, economically and with a strategic central location. All countries will benefit from economic interdependence and combined use of their port facilities. The Intergovernmental Agency for Development (IGAD) can be a useful regional vehicle to strengthen economic relations in cross-border trade and investment, which may lead to economic integration and security.

The main challenge is major power interests in the Red Sea, the Ethiopian Renaissance Dam, and the cooperation between Eritrea, Ethiopia and Somalia, which have drawn the interests of major powers like the US, European Union, and Egypt. There is considerable evidence that they are bent on destabilizing the country or worse promote disintegration as in Serbia, by using proxy wars through the TPLF and other ethnic-based wars in Oromia and Benishangul, and supporting a Sudanese military incursion into Ethiopia.

The US State Department, through proxies such as Susan Rice and Gayle Smith, has actively promoted regime change in Ethiopia and supported the TPLF's attempts to regain power. In turn, the TPLF has used the aid funds embezzled during their time in power to purchase weapons and the mainstream media influence needed to be able to present to the world a one-sided view of the conflict in Ethiopia. It is only through the activities of the Ethiopian diaspora, several courageous independent journalists and the popular #Nomore and the #GreatHomeComing social media movements that both sides of the conflict are available for examination. In short, media coverage of the Ethiopian conflict demonstrates that conflict management during wars may continue with additional features like "killer media" and psychological warfare. False rumours can disband a thousand strong army, as locals say.

The Outer Circle Relationship comprises multilateral organizations and individual countries. As a poor economy, Ethiopia can exert influence internationally only through the African Union (AU) and United Nations (UN) as a founding member of both.

The African Union and Ethiopia have common security and economic interests in the Red Sea for transiting goods, investments, human movement and religious activities. There are common concerns in military build-ups by China, Turkey, France and the USA in the Horn of Africa as they vie for influence.

Middle Eastern crises tend to spill over with extremist Islamist activities and refugee inflows which are issues for Ethiopia and Africa more broadly. Ethiopia and the AU can have strong voices to enhance global interests like climate change, and the current health pandemic. An Ethiopian voice in the AU is essential.

Since the UN is a world forum setting guidelines on security, Ethiopia may need to define strategies to keep her independent opinion, based on country-level interests and her world views. Her votes as an individual and as a member of a group of similar countries should create influence. When Ethiopia becomes a focus, as in the recent past on Tigray, keeping relations with major powers on her side pays to stop any negative perceptions and decisions. However,

the current negative role of the mainstream media and foreign interference in Ethiopian internal affairs, particularly by the United States and European Union, must be addressed and countered.

When it comes to UN specialized agencies' decisions, for instance for soft loans or health pandemics, Ethiopia must have strategies of creating a common front with groups of countries as well as making a special effort for the placement of Ethiopian experts in world organizations who, despite neutrality, may influence decision making. However, the UN and other international organisations in Ethiopia have been targeted by the TPLF who deployed cadres to occupy positions of influence and skew the view in favour of themselves. That must be addressed and redressed.

Major economic and political powers: Ethiopia's transition to a non-aligned state will be achieved by a concerted focus on the country's strengths, including:

- A Gateway to Africa. Traditionally, Ethiopia has been a trading hub between North, Central and Southern Africa, the Middle East and India. There is evidence of trade with the Far East.
- Technology Transfer. In many ways, Ethiopia is a green-field site for the newest technologies and will be able to attract investment from potential suppliers.
- Infrastructure Development. Allied with technology transfer is the opportunity to upgrade the national infrastructure, particularly power, water, and data by partnering with external suppliers. This has already begun with the building of a rail system and the sale of part of Ethiotel to an overseas investor. The role of GERD, while controversial, is key to the ability to provide stable and sufficient power to the nation.
- Tourism. Ethiopia is one of the last untapped major tourism venues in Africa, offering everything from eco-tourism to religious pilgrimages.

A strong Ethiopia will reduce the ability of major powers like US and EU to destabilise the elected government, for example by proxy war in Tigray, with the intention of promoting regime change to further their own interests.

7. Conclusion: Avoiding Transitional Conflicts

Weak institutions were taken advantage of by political groups that have absorbed, integrated and internalized an absolutist governance tradition. The absolutist governance tradition was challenged during Zemene Mesafint, military and social democracy experiments, and the current market system. All vied for stability but failed to establish fair economic growth, participatory political institutions, ethic equality, religious freedom and women's equality.

The attempt to modernize by introducing written constitutions and laws during the last century failed because imported legal documents were not rooted in the norms, values and traditions of the country. They remained foreign to the larger section of the population and the institutions for enforcing them were weak.

Resistance to the imperial regime spearheaded by the students' movement during the last century influenced successive governments' ideological direction. For example, the military government claimed to be Marxist Leninist but established Soviet-style absolutist governance. The TPLF/EPRDF adopted developmental state economic governance and ethnic federalism without equitable shares between nationalities. The TPLF also promoted self-focussed economic, political and military absolutist governance. The TPLF failed to uphold the Constitution during the transition in 2018 and initiated war against the Federal government.

The current government declared an inclusive ethnic, economic and social policy adopting competitive free and fair elections, a market economy with private sector participation in developing the country, the equality of women, religious freedom, keeping ethnic federalism, and extending peaceful relations with the neighbouring countries.

The challenges will be de-bureaucratizing the governing elite's beliefs, views and traditions to transform from the role of absolutist rulers to public servants. This means establishing effective institutions staffed with qualified public servants, bringing the poor into the mainstream economy and developing a political culture

where the rule of law is the method, system and approach that governs not only coming to power but also leaving power.

The last election, in which most parties equally participated, demonstrates a step towards these democratic aspirations. In this process learning the lessons of the cultural and governance values of every ethnic group may develop a home-grown system of inclusive and democratic non-violent political power transition.

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