

Research Article

The Role of Federal Democratic Revolution of Ethiopia Constitution in Democratization Process and Its Limitations: The Case of Somali Regional State

Aschale Abie* , Molla Ayalew

Department of Political Science and International Relations, Kebri Dehar University, Kebri Dehar, Ethiopia

Abstract

This study examines the role and limitations of the Federal Democratic Republic of Ethiopia (FDRE) Constitution in the democratization process of the Somali Regional State. Using a qualitative case study approach, purposive sampling, semi-structured interviews, and focus group discussions, the researchers employed thematic analysis. The findings highlight that the FDRE Constitution provides a legal framework supporting fundamental rights, democratic institutions, decentralization, and self-governance, addressing the Somali Regional State's aspirations for inclusivity and autonomy. However, challenges in implementation and interpretation persist, particularly in this ethnically diverse and conflict-prone region, hindering the full realization of its democratic potential.

Keywords

Ethiopia, Constitution, Role, Democratization Process, Limitation

1. Introduction

1.1. Background of the Study

We are witnessing a global surge in constitution-making. With nearly 200 national constitutions currently in force, more than half have been drafted or revised within the last 25 years. This wave of constitutional change has become a defining feature of modern democratic evolution [40]. In pursuit of democratic legitimacy often essential for international recognition and access to global political, financial, and trade networks new states and transformative regimes prioritize constitution drafting [21]. Over recent decades, constitution-making and reform have surged, revealing a shift in how societies perceive their role and significance [24]. Some

modern constitutions symbolize a break from past eras and the emergence of new social forces, such as in post-Soviet Eastern Europe. Others reflect pressures to democratize, stemming from dissatisfaction with or collapse of authoritarian systems as seen in Thailand, Brazil, Argentina, and Mozambique [20]. Constitutional reform has also frequently followed the resolution of long-standing internal conflicts, where stalemates led to negotiated settlements often with international mediation in places like South Africa, Northern Ireland, Afghanistan, Iraq, Bosnia and Herzegovina, and Sudan. In nearly all these instances, constitutions underscore democratic values, uphold constitutional governance, and include comprehensive bills of rights. Fundamentally, a constitution holds a unique

*Corresponding author: aschalewabie@gmail.com (Aschale Abie)

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status as a nation's supreme legal framework, outlining political structures and defining relationships between governmental organs and citizens [20].

A constitution is far more than a legal framework outlining governmental structures and roles it is a profound reflection of a nation's identity [16]. It encapsulates the aspirations, ideals, and shared values that unify its people and restrain its rulers. Beyond shaping governance, it guides societal growth across generations [14].

The global political landscape, constitutions serve as custodians of both internal coherence and external sovereignty acting as the lifeblood of state functionality [9]. They define the foundational rules that govern political engagement, promoting stability, justice, and progress [32]. To thrive, modern states must establish enduring constitutional orders that foster development and combat systemic issues like poverty, disease, and inequality while upholding the rule of law and equal rights for all [29]. According to [19], countries that successfully uphold constitutional governance often lead in innovation, economic strength, cultural growth, and overall human welfare. In contrast, those that struggle to maintain constitutional order tend to fall short in achieving their full developmental promise. A democratic constitution goes beyond merely instituting democratic governance it must also emerge through an inclusive, democratic process [27]. This evolution affirms a moral imperative for public participation, rooted in democratic values and norms [40]. The demand for public participation in constitution-making stems from the conviction that shared authorship fosters a vital sense of ownership. Without this, citizens may struggle to grasp, uphold, or adhere to the principles of constitutional governance [4]. From 1991 to 1995, Ethiopia encountered a significant chance to reimagine and redefine its national framework [13]. This period culminated in the adoption of a new constitution by the Constitutional Assembly on December 8, 1994, which officially took effect in 1995 whether seen as a bold stride or a missed opportunity [37].

1.2. Statement of the Problem

As the supreme legal authority, the constitution establishes the foundational structure that governs how a state formulates and implements its laws and policies [20]. A constitution plays a fundamental role in maintaining political order by channelling political activity through structured institutions and widely accepted procedures [14, 15]. It serves as a benchmark for assessing the legitimacy of actions taken by both the state and private individuals. Beyond legal functions, it also carries ideological weight, promoting the core values it seeks to uphold. Establishing democracy through constitutional means is a complex task, especially as many modern conflicts centre on debates over state design making the constitution a focal point in national disputes [41]. So how does a constitution secure democratic ideals and practices?

One-third of Ethiopia's FDRE Constitution is devoted to

human rights, illustrating its deep commitment to individual dignity and democratic values. It safeguards essential liberties such as the right to life, privacy, property, and protection from cruel treatment including humane conditions for those incarcerated (FDRE, 1995). Citizens are guaranteed equality, freedom of movement, honor, and protection regardless of ethnicity, religion, or race [16]. These rights play a crucial role in healing past injustices and advancing democratic aspirations, particularly in a multi-ethnic society [28]. The Constitution also affirms political rights such as voting, candidacy, and freedom of expression, association, and press (FDRE Constitution, Articles 31 & 38). It extends beyond individual protections to recognize collective "group rights," most notably in Article 39. This provision empowers communities to preserve their languages, cultures, and histories serving both as a form of justice and a pathway to inclusive governance [22]. Nevertheless how many these rights are implemented; is under questioned.

According to [34], Ethiopia's political landscape prior to 1991 was marked by authoritarianism and passive citizen compliance with state power. The introduction of the FDRE Constitution in 1995 represented a significant shift, enshrining democratic principles and a Bill of Rights that promises freedom, equality, and social justice. This post-1991 legal framework, supported by subsequent laws and development programs, laid the foundation for democratization in Ethiopia. As in many African nations, Ethiopia's constitutional transformation in the 1990s aimed to heal the wounds of previous regimes and bring stability amid political turbulence [13]. However, despite being in place for over 27 years, the FDRE Constitution has not resolved many of the country's underlying political risks some of which have worsened over time [28]. History shows that constitutions don't always serve democratic ends. Often, they have been tools of authoritarian control. In several countries, constitutional documents remain largely symbolic, lacking real influence or public trust [11].

There are diverging scholarly opinions regarding Ethiopia's FDRE Constitution. Some critics assert that the Constitution itself is a source of ongoing political unrest, citing its failure to represent all nations, nationalities, and peoples of Ethiopia equitably. According to these voices, rather than fostering unity, the Constitution has exacerbated fragmentation and instability. Conversely, scholars like [37] contend that the FDRE Constitution was fundamentally a peace-building accord, crafted to reimagine Ethiopia's political future. They view it as a democratic blueprint a deliberate departure from historical oppression designed to usher in respect for human rights, equality, and the right to self-determination.

1.3. Significance of the Study

By examining the roles of FDRE constitution in democratisation process in Ethiopia and its limitation in Somali regional state the study could provide the following significances: First and for most, The study contributed to gives

adequate information and fills the knowledge gap about the roles of the current FDRE constitution in democratisation process and its limitation in the region.

1.4. Research Questions

1. What are the roles of FDRE constitution in democratization process in Somali regional state?
2. Does the constitution answer the questions of Somali people?
3. What are the limitations of FDRE constitution in Somali regional state?

1.5. Objectives of the Study

1.5.1. General Objective

The general objective of the study is to analyse the role of constitution in democratization process and its limitation in Ethiopia: the case of Somali regional state.

1.5.2. Specific Objectives

To analyse the role of constitution in democratization process in Somali regional state.

To evaluate how much the constitution answered the question of people in Somali regional state.

To analyse the limitation of the constitution in Somali regional state.

2. Literature Review

2.1. Understanding Constitution

While its sense and meaning differs across centuries; the word constitution has ancient origin. In its ancient conception 'constitution' means a particular legislation the word used to distinguish such legislations from ancient customs [41]. But in its modern sense constitution mean a special type of legislation or a fundamental and supreme law. Constitution took its modern form around the end of 18th c. following the adoption of USA and France constitutions. Thomas Paine (the famous political philosopher, who lived in time of adoption of USA and France constitutions around the end of the 18th century) had argued that constitution is not the act of a government, but of a people constituting a government, and a government without a constitution is power without right. According to him, constitution is a thing antecedent to a government; and a government is only the creature of a constitution [35].

There are different models of constitutions; this classification of constitutions rest upon the relationship between the contents of the constitutional document and the fundamental character or form of the polity it is designed to serve [30]. Based on this Elazar (1985) identified five models of constitution such as, the constitution as frame of government and protector of rights; the constitution as code; the constitution as

revolutionary manifest; the constitution as (tempered) political ideal and the constitution as a modern adaptation of an ancient traditional constitution. In essence, most third world constitutions (which are political ideal) are designed to present and ideal picture of the institutional framework of the proper polity while simultaneously reflecting the charter of already rooted power systems and the details of rule by the current power-holder.

2.2. Democratization Process in Ethiopia

Following the collapse of the Derg regime and the conclusion of a devastating civil war, Ethiopia was gripped by a nationwide and international yearning for peace, democracy, and rule of law. Responding to this urgency, a peace and democracy conference was held on July 1, 1991, in line with the agreements reached at the U.S.-brokered London Peace Conference [25]. The outcome of this historic gathering was the formulation of a Transitional Period Charter, effectively serving as an interim constitution. Under this charter, a Council of Representatives was created to lead the country until democratic elections could install a permanent government. The Transitional Period Charter of 1991 laid a foundational legal framework for Ethiopia's journey toward democratization. It introduced progressive principles that reflected the country's emerging commitment to liberal governance after years of conflict and authoritarian rule (Transitional Period Charter, 1991).

In line with its democratization vision, the Transitional Period Charter (TPC) of 1991 formally recognized the right to self-determination for Ethiopia's nations, nationalities, and peoples. This right encompassed; the preservation and respect of cultural identity, Authority to govern their own affairs and the option to pursue independence, should these rights be violated or revoked (Transitional Period Charter, Article 2: a, b, & c). This pivotal principle was later entrenched as Article 39 in Ethiopia's 1995 Constitution, providing a more detailed and permanent legal foundation for self-determination. According to [34], the democratization process following the adoption of the FDRE Constitution reflects both promise and tension. Although the Constitution aimed to advance equality, autonomy, and human rights, it also introduced challenges related to political fragmentation, interethnic relations, and constitutional interpretation issues that continue to shape Ethiopia's democratic trajectory.

2.3. The Role of Constitution in Democracy

A constitution enjoys a special place in the life of any nation [16]. In political science, the non-existence of well-ordered society without state is one of the celebrated maxims; similarly it is to be believed that there can be no state without a constitution. In the 21st century almost all states of the world have their own constitutions [20]. Constitutions serve as the foundational framework and principal guardian of

the rule of law within a nation. They offer a structured blueprint for how lawful governance should operate, while simultaneously empowering and legitimizing the institutions responsible for upholding and enforcing legal norms and democratic principles [19].

A constitutional democracy is a political system where the people directly or indirectly shape governance through elections, and where all governing powers operate within boundaries established by a supreme constitutional framework [11]. The constitution not only delineates the structure and limits of government authority but also derives its legitimacy from the people, who are its ultimate source [23]. As [43] highlights, this form of democracy contributes to global justice in two significant ways: It ensures a consistent and impartial application of the rule of law, preventing governance based on personal whims or unchecked power. It imposes constitutional constraints on majoritarian rule, safeguarding minority rights and preventing democratic tyranny [15]. For justice to be universal there must be a global constitutional order a framework that enshrines and enforces human rights across nations. The FDRE Constitution explicitly guarantees political freedoms, including: The right to vote and stand for election, Freedom of association, Freedom of the press (FDRE Constitution Articles 31 and 38, 1995). Beyond these individual liberties, the Constitution also enshrines collective rights, especially under the renowned and often debated Article 39. This article outlines an extensive set of rights granted to Ethiopia's various nations, nationalities, and peoples, such as:

1. The right to develop and use one's language in writing and speech.
2. The freedom to preserve, promote, and express cultural heritage and historical identity.
3. The authority to establish self-governing institutions in the regions they inhabit.
4. The guarantee of fair representation at both federal and regional levels (FDRE Constitution, 1995).

The FDRE Constitution enshrines vital social and economic rights for Ethiopian citizens, particularly through Articles 41 and 43. Among these is the right to participate in national development, which includes being consulted on policies and projects that impact local communities. A cornerstone of Ethiopia's constitutional human rights framework is its alignment with international legal standards: one All rights must be interpreted in accordance with the Universal Declaration of Human Rights (UDHR). Second International and regional human rights conventions ratified by Ethiopia are considered an integral part of the Constitution. To give practical effect to these rights, the Constitution mandates the creation of appropriate institutional mechanisms:

1. The House of Peoples' Representatives (HPR) is tasked with establishing the National Human Rights Commission and the Ombudsman Institution.
2. These bodies are empowered to investigate human rights violations and maladministration, respectively. Alt-

hough their establishment was delayed, both institutions were finally inaugurated in 2000, marking a significant step toward institutionalizing rights protection, democratic governance, and accountability in Ethiopia [31].

The Ethiopian Human Rights Commission (EHRC) was founded with the core mandate of safeguarding the human rights guaranteed by the FDRE Constitution. As one of the state's enforcement organs, its principal function is to advocate for and enhance public understanding and respect for human rights. This includes raising awareness about the nature and scope of those rights among Ethiopian citizens (FDRE Negarit Gazet, 2000). As emphasized by [26, 34], the EHRC is not just a reactive body it plays a proactive role in building national commitment to human rights, democracy, and accountability.

In a continued effort to bolster human rights, Ethiopia established the Institution of Ombudsman through Proclamation No. 211/2000. This body plays a critical role in upholding constitutional rights by addressing administrative injustices and bureaucratic abuse, and by offering citizens a clear avenue for lodging complaints when such violations occur (FDRE Negarit Gazet, 2000). Its mandate compels government entities to honor and implement the human rights provisions outlined in the FDRE Constitution and other relevant laws. The Ombudsman is empowered to investigate actions taken by ministries, departments, or their personnel making it particularly important for tackling workplace-based human rights violations.

2.4. Key Phases in Ethiopia's Constitutional History

1931 Constitution (First Modern Constitution) Emperor Haile Selassie introduced this document to centralize authority and modernize governance. Inspired by Japan's Meiji Constitution, it reinforced imperial power and laid the groundwork for Ethiopia's bureaucratic state.

1955 Revised Constitution expanded the rights of citizens and included symbolic gestures toward modernization, such as the introduction of a parliament. However, real power remained with the emperor, and political pluralism was virtually absent.

1987 PDRE Constitution under the Marxist Derg regime, Ethiopia adopted this constitution, declaring the country a socialist state. It introduced state ownership of land and centralized planning, but lacked legitimacy due to political repression and authoritarian rule [42].

1995 FDRE Constitution (Current) Instituted by the Ethiopian People's Revolutionary Democratic Front (EPRDF), it marked a major shift. Ethiopia became a federal republic based on ethnic lines. Key features include:

1. Recognition of over 80 ethnic groups.
2. Right of "nations, nationalities, and peoples" to self-determination, including secession.
3. Parliamentary democracy and fundamental human

rights.

2.5. FDRE Constitution

Following the political upheaval of 1991, the Ethiopian People's Revolutionary Democratic Front (EPRDF) initiated the drafting process for a new constitution, which culminated in its adoption by 1994 [31]. The foundation for this constitutional transformation was laid during the transitional phase from 1991 to 1995, during which governance was temporarily regulated by the Transitional Period Charter a concise, provisional document comprised of fewer than 20 articles. Rather than a traditional constitution, the Charter functioned as a negotiated agreement among various ethno-nationalist liberation movements. These groups, having overthrown the previous regime through armed resistance, positioned themselves as "peace-loving and democratic forces" [37]. This constitution introduced several changes on the political history of the state. As stated under the first paragraph of the preamble, the constitution is adopted for '*full and free exercise of our right to self-determination, to building a political community founded on the rule of law and capable of ensuring a lasting peace, guaranteeing a democratic order, and advancing our economic and social development*'.

The process of making the constitution, the contents and contexts of the constitution are remaining debatable. The constitution making process for the government patronage groups was inclusive and participatory. Whereas, for many others the constitution making process was not inclusive and participatory. To this [29], stated that "*there was little meaningful public participatory debate, especially debate focused on devolution versus ethnic federalism, let alone sovereignty or self-determination, opposition parties withdrew. Instead of debating the content of the constitution, they denounced the legitimacy of the whole project*" [29]. Tsegaye [38] also tried to indicate the disagreement on the constitution and say "there were times when it was said that the constitution is nothing more than the program of the party in power. As he stated the interview of old and retired TPLF members with the VOA Amharic... "that the constitution is nothing more than TPLF program", this is a sentiment shared by many "opposition" politicians.

3. Research Methodology

3.1. Research Method

This study designed to examine the role of FDRE constitution in democratization process in Somali regional state. The qualitative research approach allows digging deep into context, meaning, subjective experience and other phenomena [6]. Qualitative research by its nature is multi-dimensional which involves interpretation of a subject matter to the given context. As [7], mentioned that; qualitative research is an approach to be used for exploring and understanding the

meaning individuals or groups ascribe to a social or human problem.

3.2. Research Design

Research design is the structured plan that brings together the various elements of a study in a coherent and methodical manner, ensuring that the investigation effectively tackles the central research question. Case study design entails a detailed and in-depth examination of a specific individual, group, or institution with the goal of producing a comprehensive and accurate understanding of the selected case [12]. This methodological approach is particularly valuable for generating deeper insights and for building generalizable concepts by merging established theoretical frameworks with fresh empirical evidence [7]. Accordingly, to explore the research objectives related to the influence of the FDRE Constitution on Ethiopia's democratization process, the case study design was deemed appropriate and employed by the researchers to uncover nuanced perspectives on the subject.

3.3. Sampling Techniques

Sampling represents a critical component of any research design [10]. In the context of purposive sampling, researchers deliberately choose participants and research sites based on their relevance to the central phenomenon under investigation [7]. This selection hinges on the criterion of information richness, ensuring that those chosen can offer meaningful insights into the research problem. The rationale behind employing purposive sampling lies in its capacity to yield comprehensive data through the inclusion of knowledgeable and directly involved individuals. Its inherent flexibility and openness make it particularly well-suited to loosely structured designs and manageable in exploratory studies [10]. Accordingly, the researchers opted for purposive sampling, identifying participants who were most qualified to provide nuanced and relevant information aligned with the objectives of the study [7].

3.4. Tools of Data Collection

To carry out the planned objectives of this study, the researchers used different data-gathering instruments depending on their useful or helpful situations. Based on the research objectives, both primary and secondary data sources used in the study. Different scholars stated that "Multiple data collection strategies are more advantageous than single data collection strategy in a research work". Hence Primary data collected through the use of semi structured interview and FGD those who are concerned. The secondary sources gathered from the relevant literature, books, journal articles, published and unpublished materials, conference papers, and etc.

3.4.1. In-depth Interview

The in-depth interview gives the researcher a first-hand account of the research question at hand [8]. In-depth interviews the researchers prepared semi-structure open ended questions and collect the data from the individual's by purposive sampling strategy.

3.4.2. Focus Group Discussion (FGD)

The study involved a focus group of six participants, all of whom are faculty members from the Department of Political Science and International Relations at Kabri Dahar University. These individuals were purposefully selected based on their willingness to participate, as well as their expertise and familiarity with the subject matter. To facilitate the collection of rich empirical data, the researchers cultivated an environment that encouraged open dialogue and assured participants that they could share their insights without reservation. Consequently, a Focus Group Discussion (FGD) was employed to obtain diverse perspectives on the role of the FDRE Constitution in Ethiopia's democratization process, with particular emphasis on its limitations within the Somali Regional State.

3.4.3. Document Analysis

Document analysis constitutes a structured method for reviewing and evaluating both printed and digital. As with other qualitative research techniques, this approach involves systematically examining and interpreting textual data to derive meaning, deepen understanding, and build empirical insights. In this study, the researchers assessed a range of published and unpublished sources-including books, journals, and articles selected for their relevance and reliability in addressing the research objectives.

3.5. Method of Data Analysis

In qualitative research, data analysis is a continuous process that begins the moment data is collected [7]. Researchers are empowered to independently interpret the data to achieve the study's goals and to prepare findings for scholarly use. Among the various qualitative techniques, thematic analysis stands out as a method for uncovering, examining, and reporting recurring patterns within the data [6]. This approach involves identifying and coding segments of text or visual data that reflect common ideas, allowing researchers to organize content into thematic categories.

In this study, thematic analysis was employed to interpret and clarify the research findings in alignment with its objectives. Primary data were sorted and analyzed according to thematic categories that mirrored the research aims. Additionally, secondary sources including academic articles, books, newspapers, and journals were reviewed, identified, and synthesized to reinforce and broaden the analytical insights.

3.6. Ethical Consideration

The researchers adhered to universally recognized ethical

standards throughout the study. They demonstrated respect for the dignity of all participants; ensuring individuals were not merely used as tools to fulfil research objectives. A key ethical practice involved formally acknowledging both the participants and the authors whose work contributed to the research. Gratitude was expressed for their involvement and intellectual input. Furthermore, the researchers upheld a strong stance against plagiarism, taking thorough measures to maintain academic integrity and ensure that the study aligned with but did not replicate the work of others.

4. Discussions and Analysis

4.1. The Role of FDRE Constitution in Democratization Process in Somali Regional State

The FDRE (Federal Democratic Republic of Ethiopia) Constitution plays a significant role in the democratization process in the Somali Regional State of Ethiopia. The constitution and democracy have strong relationships. Constitution has a vital important for democratization process in once country in addition to being a national document the supreme law of the country the FDRE constitution has its own contribution (K¹). The constitution, as the supreme legal foundation, establishes the guiding framework for the formulation and implementation of state laws and policies. In the context of Ethiopia's Somali Region, the Federal Democratic Republic of Ethiopia (FDRE) Constitution plays a crucial role in promoting the orderly functioning of the political system. Moreover, it provides a mechanism for resolving conflicts and disputes that naturally arise within the political sphere. The legitimacy of both governmental and private actions is assessed based on the standards and principles enshrined in the constitutional provisions (K²). In addition to its legal and structural functions, a constitution serves an ideological purpose by embedding the core values it aims to promote. In Ethiopia's case, this includes the formal acknowledgment and elevation of ethnic diversity. Historically marginalized ethnic groups were empowered through their transformation into semi-autonomous sub-national entities. This evolution led to the adoption of a written constitution that envisions a federal, secular, democratic republic grounded in human rights, composed of ethno-national units that are equal in status and sovereignty.

The FDRE constitution has the significant role for political institution building, human rights institution and a democratic transformation. It building the following institution such as; establishment of election board, human rights commission and Ombudsman institution (K³). The National Election Board of Ethiopia (NEBE) was founded under Proclamation

1 Political science department staffs, Kebri Dehar, university, 2023

2 Beshir Shek deputy of Somali regional state justice office, Jigjiga, 2023

3 ibid

No. 64/1992 with the primary mandate of facilitating the formation of governments through elections that are free, fair, and impartial, in line with constitutional provisions (NEBE, 2015). As an autonomous and legally recognized institution, the Board operates independently to oversee electoral processes. Its establishment represents a foundational element in advancing the country's democratization efforts. Another notable aspect of the FDRE Constitution is its commitment to safeguarding human rights within the newly formed federal political framework (FGD⁴). The Ethiopian Human Rights Commission (EHRC) is an independent federal institution established under Article 55(14) of the FDRE Constitution through Proclamation No. 210/2000, and later amended by Proclamation No. 1224/2000. Mandated as Ethiopia's national human rights institution, the EHRC operates under the oversight of Parliament, with the core responsibility of promoting and safeguarding human rights as well as investigating violations across the country. At the regional level, the Commission has actively engaged in rights protection efforts within the Somali Regional State, operating through its dedicated branch office located in Jigjiga (K⁵).

The Federal Democratic Republic of Ethiopia (FDRE) Constitution places significant emphasis on human rights, dedicating approximately one-third of its provisions to the protection and promotion of fundamental freedoms. Among the core rights enshrined are the rights to life, property, and privacy, along with safeguards against inhumane treatment particularly for individuals in custody, including those serving prison sentences (FDRE, 1995). The Constitution also upholds the rights of minority groups, with particular attention to those residing in the Somali Regional State. It explicitly prohibits discrimination on the grounds of ethnicity, religion, language, or other identifiers, thereby ensuring equal treatment and fostering inclusivity and social cohesion within Ethiopia's diverse societal framework.

One of the defining features of the Federal Democratic Republic of Ethiopia (FDRE) Constitution is its emphasis on decentralizing power. The Constitution embraces a framework of decentralization designed to acknowledge and honor the country's rich cultural, ethnic, and linguistic diversity. This commitment was formally institutionalized in the 1995 FDRE Constitution, particularly through Articles 39 and 55. The adoption of this constitutional order marked a transformative shift toward a decentralized governance model one that promotes local autonomy, encourages institutional development, and fosters peaceful coexistence among Ethiopia's diverse ethnic communities (K⁶). That means the regional states have the right to self-rule, they are autonomous. All powers not given expressly to the Federal Government alone, or concurrently to the Federal Government and the States are reserved to the States. The FDRE Constitution recognizes the right to self-administration and self-government for regional

states, including the Somali Regional State (FDRE, 1995). This allows the Somali region peoples to have a degree of autonomy in managing their own affairs, including political, economic, and cultural matters. The Constitution provides for the establishment of regional governments and the election of regional representatives, enabling the Somali people to participate in decision-making processes that affect their region (K⁷).

The 1995 Constitution marked a pivotal shift in Ethiopia's governance structure by introducing a new institutional framework centred on the formal decentralization of previously centralized authority. This shift led to multiple stages of enhanced devolution, beginning with the transfer of power to regional states and extending further to Woreda-level administrations reflecting the broader adoption of a federal system. As a result, the Somali Regional State has seen significant autonomy in shaping and implementing economic policies and development initiatives, with authority shifting notably from the federal centre to the regional level. According to key informants, Article 39 of the Constitution holds profound significance for the people of the Somali Region, as it guarantees all Nations, Nationalities, and Peoples the unconditional right to self-determination; including the right to secession an essential element of the Constitution's ethnically based federal design. And also the constitution declare that Every Nation, Nationality and People in Ethiopia has the right to speak, to write and to develop its own language; to express, to develop and to promote its culture; and to preserve its history (FDRE constitution, 1995). Consequently, the Somali people possess the constitutional right to freely speak, write, and cultivate their own language. They are empowered to express, preserve, and promote their cultural heritage and historical identity. Additionally, they are entitled to a full measure of self-governance, which encompasses the authority to establish governmental institutions within their territorial domain and to ensure fair and equitable representation (FGD⁸). The Constitution promotes genuine self-governance, particularly at the local administrative level. This commitment encouraged the federal government to initiate further devolution of authority to Woreda administrations. As a result, the continued expansion of decentralization has positioned Woredas as pivotal centres for socio-economic development and resource-based autonomy. This framework enhances meaningful local participation in democratic processes and strengthens grassroots engagement. Ultimately, the right to self-rule has played a crucial role in advancing the democratization process at the community level (FGD⁹). The FDRE Constitution promotes representation and inclusivity in the Somali Regional State. It recognizes the diversity of Ethiopia's population, including ethnic and linguistic diversity, and ensures that all citizens, regardless of their background, have the right to participate in the political process. The Constitu-

4 Political science department staffs, Kebri Dehar university, 2023

5 Saied (PhD), EHRC Jigjiga branch director, Jigjiga, 2023

6 Abdulalih, EHRC Jigjiga branch officer, Jigjiga, 2023

7 Beshir Shek deputy of Somali regional state justice office, Jigjiga, 2023

8 Political science department staffs, Kebri Dehar, university, 2023

9 Political science department staffs, Kebri Dehar, university, 2023

tion guarantees the right to vote and stand for public office, allowing the Somali people to elect their representatives and have a voice in the regional government (K¹⁰).

The researchers conclude that the FDRE Constitution plays a crucial role in the democratization process in the Somali Regional State by promoting autonomy, representation, protection of minority rights, decentralization, and peaceful conflict resolution. It provides the legal and institutional framework for democratic governance in the region, allowing the Somali people to participate in decision-making processes and shape the development of their region.

4.2. How Much FDRE Constitution Answered the Questions of Somali People

The FDRE (Federal Democratic Republic of Ethiopia) Constitution, as the supreme law of the land, aims to address the needs and aspirations of all Ethiopian citizens, including the Somali people. While it provides a framework for democratic governance and the protection of fundamental rights and freedoms, the extent to which it fully answers the specific questions and concerns of the Somali people can vary.

Furthermore, the FDRE Constitution includes provisions that protect minority rights, ensuring that the rights of ethnic minorities within the Somali Regional State are respected and that they have the opportunity to participate in the political process and be represented in regional institutions. The FDRE constitution is the supreme law of Ethiopia, and it grants the right to self-determination, including secession, to all nations, nationalities, and peoples of Ethiopia. However, this right is constrained by both legal and practical challenges, especially in the Somali regional state, which is one of the most ethnically diverse and conflict-prone regions in the country (FGD¹¹). The FDRE Constitution includes provisions that address the concerns of the Somali people to some extent (K¹²). One of the key provisions is Article 39, which recognizes the rights of nations, nationalities, and peoples to self-administration, including the right to secession. This provision aims to safeguard the rights and interests of the Somali people and other ethnic groups in Ethiopia. The constitution grants extensive self-government and self-administration to the regional states, but it also reserves some important functions and duties to the federal government, such as defence, foreign affairs, currency, and taxation [5]. However, the division of power and resources between the two levels of government is not clear and equitable, and the federal government often interferes in the affairs of the regional states, or neglects their needs and demands [17].

The constitution guarantees a range of civil, political, economic, social, and cultural rights to all citizens, and establishes a federal system of courts, including a constitutional court, to ensure the respect and enforcement of these rights [5].

However, the reality is that the human rights situation in the Somali regional state is dismal, and the judicial system is weak and politicized. The federal and regional governments have been accused of committing serious human rights violations, such as arbitrary arrests, torture, extrajudicial killings, and displacement, against their opponents and critics, and the constitutional court has not been able to effectively review and adjudicate constitutional disputes and complaints (K¹³).

Additionally, regional constitutions have been established that delegate significant political and economic powers to regions, allowing for greater self-governance [3]. These regional powers have provided the Somali people with a degree of autonomy and control over their regional affairs. The FDRE Constitution recognizes the diversity of Ethiopia's population, including the Somali people, and guarantees the right to self-determination, which allows regional states to have a degree of autonomy in managing their affairs. This recognition of regional autonomy provides an avenue for the Somali people to address their specific needs and concerns within the framework of the constitution (FGD¹⁴). Furthermore, the FDRE Constitution acknowledges the importance of cultural and linguistic diversity. It recognizes the Somali language as an official language in the Somali Regional State, ensuring that the Somali people can use their language in official communications and public services. This recognition helps to preserve and promote the cultural identity of the Somali people (K¹⁵). Some may argue that the constitution has provided a legal framework and a political opportunity for the Somali region people to exercise their right to self-determination and to participate in the federal system. Others may contend that the constitution has failed to address the historical grievances and the current challenges of the Somali region people, and that it has been violated and manipulated by the federal and regional governments (FGD¹⁶). Ultimately, the success of the constitution depends on how it is implemented and interpreted in practice and how it is accepted and respected by the people [18] and [5].

However, the FDRE Constitution may not fully address all the specific questions and concerns of every individual or community. The implementation and interpretation of the constitution, as well as the effectiveness of governance structures, play a crucial role in ensuring that the needs and aspirations of the Somali people, and all Ethiopian citizens, are adequately addressed. The extent to which the FDRE Constitution has addressed the specific questions and concerns of the Somali people may vary. Some scholars argue that further amendments may be necessary to address the challenges and aspirations of different ethnic groups, including the Somali people.

10 Beshir Shek deputy of Somali regional state justice office, Jigjiga, 2023

11 Political science department staffs, Kebri Dehar, university, 2023

12 Beshir Shek deputy of Somali regional state justice office, Jigjiga, 2023

13 Saied (PhD), EHRC Jigjiga branch director, Jigjiga, 2023

14 Political science department staffs, Kebri Dehar, university, 2023

15 Abdulalih, EHRC Jigjiga branch officer, Jigjiga, 2023

16 Political science department staffs, university of Kabri dahar, 2023

4.3. The Limitations of FDRE Constitution

The Constitution of the Federal Democratic Republic of Ethiopia (FDRE) stands as the nation's highest legal authority, establishing a federal governance structure composed of nine regional states and two chartered city administrations. It enshrines the right to self-determination including the possibility of secession for all Nations, Nationalities, and Peoples of Ethiopia. Despite its progressive framework, the Constitution encounters notable challenges in both implementation and interpretation. These issues are especially pronounced in the Somali Regional State, a region characterized by its ethnic diversity and recurrent socio-political tensions (FGD¹⁷).

A key limitation of the Federal Democratic Republic of Ethiopia (FDRE) Constitution lies in its limited implementation. Although the 1995 Constitution formally affirms citizens' right to private property ownership, it places restrictions on land ownership by designating rural and urban land as collective property of the nation's ethnic groups, thereby prohibiting its sale. While the Constitution guarantees access to land for farmers and pastoralist communities, these rights remain inadequately enforced. In lieu of land privatization an approach advocated by some international donors and domestic stakeholders the government has launched expansive registration and certification initiatives aimed at enhancing land tenure security and facilitating informal transfers in rural areas. Additionally, efforts have been made to decentralize and simplify land transfer procedures to strengthen local governance over land-related matters. The judicial system, however, lacks both the capacity to properly enforce property rights and the resources to resist corruption (K¹⁸).

Although the 1995 Constitution formally outlines the principle of separation of powers assigning the judiciary a pivotal role in impartially resolving disputes, upholding the rule of law, and limiting governmental overreach the practical balance among the three branches of government has proven problematic [39]. In particular, the legislative branch has attempted to curtail judicial authority by transferring certain legal responsibilities to quasi-judicial entities housed within the executive. This structural shift has weakened the independence of the judiciary, which has also struggled to effectively hold the executive accountable and ensure that its actions remain within constitutional boundaries (K¹⁹). The prevailing assessment suggests that Ethiopia's judiciary has yet to fully articulate its institutional role, properly interpret the doctrine of separation of powers, or establish itself as a robust mechanism for the enforcement of human rights [2]. Compounding these institutional challenges is the rigidity of the Federal Democratic Republic of Ethiopia (FDRE) Constitution, which renders the amendment process highly complex. Several provisions within the Constitution remain deeply contentious including the unconditional right to

self-determination and secession for Nations, Nationalities, and Peoples; the state's ownership of land; and the ethnically-based federal structure of governance. These issues were central not only to the drafting process but also remain at the core of on-going constitutional debates, contributing to the difficulty in initiating and executing constitutional reform (FGD²⁰).

Lack of clear and consistent criteria for the creation and recognition of new regional states, the constitution allows for the formation of new states based on the demand of the people concerned, but it does not specify the procedures, conditions, and mechanisms for doing so [33]. This creates ambiguity and confusion, and may lead to disputes and conflicts among different ethnic groups and regions [5] and [36]. For example, the Somali regional state has been claiming the right to incorporate some parts of the neighboring Oromia and Afar regions, which are inhabited by ethnic Somalis, into its territory. However, the Oromo and Afar people have resisted this claim, and the federal government has not resolved the issue [1].

The imbalance and inconsistency of power and resources between the federal and regional governments, the constitution grants extensive autonomy and authority to the regional states, but it also reserves some important powers and functions to the federal government, such as defense, foreign affairs, currency, and taxation. However, the division of power and resources between the two levels of government is not clear and equitable, and the federal government often interferes in the affairs of the regional states, or neglects their needs and demands [5]. For example, the Somali regional state has been suffering from chronic underdevelopment, poverty, and insecurity, and has accused the federal government of marginalizing and discriminating against its people.

The absence of effective and independent institutions and mechanisms for the protection and promotion of human rights and the rule of law, the constitution guarantees a range of civil, political, economic, social, and cultural rights to all citizens, and establishes a federal system of courts, including a constitutional court, to ensure the respect and enforcement of these rights. However, the reality is that the human rights situation in Ethiopia, and especially in the Somali regional state, is dismal, and the judicial system is weak and politicized (FGD²¹). The federal and regional governments have been accused of committing serious human rights violations, such as arbitrary arrests, torture, extrajudicial killings, and displacement, against their opponents and critics, and the constitutional court has not been able to effectively review and adjudicate constitutional disputes and complaints [2]. Incomplete decentralization, while the FDRE Constitution promotes decentralization, the full implementation of local governance structures in the Somali Regional State face challenges. Limited administrative capacity, insufficient resources, and varying degrees of commitment to decentraliza-

17 Political science department staffs, university of Kabri dahar, 2023

18 Beshir Shek deputy of Somali regional state justice office, Jigjiga, 2023

19 ibid

20 Political science department staffs, university of Kabri dahar, 2023

21 Political science department staffs, university of Kabri dahar, 2023

tion can hinder the effective establishment and functioning of local governments, impacting community involvement in decision-making (FGD²²).

Another limitation of FDRE constitution is the ethnicization of politics, which has led to ethnic antagonisms and tensions within the regional states, including the Somali Regional State [5]. The emphasis on ethnic identity in the federal structure has brought about challenges and potential conflicts among different ethnic groups. This can hinder the smooth operation of democratic processes and inclusive governance. These are some of the limitations of the FDRE constitution in the Somali regional state, which pose significant challenges for the stability, democracy, and development of the country. However, these limitations are not insurmountable, and they can be addressed and overcome through dialogue, reform, and cooperation among the federal and regional governments, and the various ethnic groups and civil society actors in Ethiopia.

5. Conclusion

The Federal Democratic Republic of Ethiopia (FDRE) constitution plays a crucial role in the democratization process in the Somali Regional State by providing a legal framework that ensures the protection of fundamental rights, the establishment of democratic institutions, and the promotion of decentralization and self-governance. The constitution guarantees the rights of all citizens, including those in the Somali Regional State, to participate in the political process, elect their representatives, and have a voice in decision-making processes. It also outlines the principles of federalism, which allow for the devolution of power to regional states like Somali, enabling them to govern themselves autonomously within the framework of the federal system. Overall, the FDRE constitution serves as a cornerstone for promoting democracy, inclusivity, and good governance in the Somali Regional State and Ethiopia as a whole. The FDRE constitution has made significant progresses in addressing the aspirations and concerns of the people of the Somali Regional State by recognizing their rights, promoting self-governance, and fostering inclusivity within the federal system. However, challenges and grievances still exist among the people of the Somali Regional State, such as issues related to representation, resource allocation, and political participation. While the constitution provides a legal framework for addressing these issues, further efforts are needed to ensure that the principles of federalism, democracy, and decentralization are realized in the Somali Regional State.

The FDRE constitution, although providing a legal framework for democracy and decentralization, has certain limitations in addressing the specific needs and challenges faced by the Somali Regional State. The constitution not fully addresses the issue of adequate representation and participation of the diverse communities and groups within the Somali

Regional State in the decision-making processes. The constitution not adequately addresses the disparities in resource allocation and development opportunities in the Somali Regional State. The extent of autonomy granted in Somali Regional State, is limited by centralized decision-making processes or conflicting interpretations of the constitution.

Abbreviations

FDRE	Federal Democratic Republic of Ethiopia
NEBE	National Election Board of Ethiopia
FGD	Focus Group Discussion

Conflicts of Interest

The authors declare no conflicts of interest.

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