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Editorial

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The House of Federation and the Unravelling of Ethiopia's Constitutional Order: A Comprehensive Legal Analysis of Territorial Disputes and Federal Failure (2020-2026)

The Constitutional Guardian Transformed

The House of Federation (HoF) stands as one of the most distinctive institutions in Ethiopian constitutional architecture. Established under Articles 61 and 62 of the Constitution of the Federal Democratic Republic of Ethiopia (FDRE), the HoF was conceived as the ultimate guardian of the nation's ethnic federalism—a second chamber composed of representatives of all Nations, Nationalities, and Peoples, vested with the exclusive power to interpret the Constitution, resolve disputes between states, and protect the rights of Ethiopia's diverse communities to self-determination. Unlike conventional federal systems where constitutional adjudication resides with supreme courts or specialised constitutional courts, Ethiopia's framers deliberately placed this authority in a political body, reasoning that questions of identity, territory, and self-governance required representation of the very peoples whose rights were at stake.

Since 2020, however, the House of Federation has undergone a profound transformation. From an institution designed to mediate conflicts and uphold constitutional integrity, it has become—through both action and inaction—an instrument for the dismantling of federalism itself. The HoF's handling of the Tigray crisis, beginning with its authorisation of federal intervention in November 2020, established a catastrophic precedent: that military force could constitutionally substitute for political negotiation, and that regional boundaries could be redrawn through conquest rather than consent. This precedent has not remained confined to Tigray. It has radiated outward, inflaming territorial disputes across the federation—between Amhara and Oromia, Oromia and Addis Ababa, Somali and Afar, Gambella and Southwest Ethiopia, and within Benishangul-Gumuz—while the constitutionally mandated arbiter remains silent, paralysed, or complicit.

TADAUK has been following the security developments in Ethiopia and examines the HoF's role in the systematic erosion of Ethiopia's constitutional order. It argues that the House's failure to exercise its Article 62 powers—to interpret the Constitution, resolve interstate disputes, protect the rights of Nations and Nationalities, and order federal intervention only where constitutionally justified—has transformed what should be a guardian of federal stability into a catalyst for its disintegration. Drawing on constitutional provisions, documented

territorial conflicts, and the HoF's own recent admissions of failure, this analysis demonstrates how the institution's dereliction has set Ethiopia on a path toward irreversible fragmentation.

Part One: Constitutional Foundations and the HoF's Mandate:

1.1 The Architecture Nations, Nationalities, and Peoples Federalism:

The FDRE Constitution establishes Ethiopia as a federation built explicitly around the rights of Nations, Nationalities, and Peoples. Article 46(2) mandates that "States shall be delimited on the basis of the settlement patterns, language, identity and consent of the peoples concerned". This provision represents a fundamental departure from territorial federalism: boundaries are not merely administrative conveniences but constitutional expressions of collective identity and self-determination.

Article 39 guarantees every Nation, Nationality, and People "an unconditional right to self-determination, including the right to secession," as well as the right to "speak, write and develop its own language; to express, develop and promote its culture; and to preserve its history." These rights are not aspirational—they are justiciable constitutional entitlements, enforceable through the HoF's interpretive authority.

1.2 The Powers of the House of Federation Under Article 62

Article 62 of the Constitution enumerates the HoF's powers, which include:

1. Constitutional Interpretation (Article 62(1)): The House possesses exclusive authority to interpret the Constitution—a power withheld from ordinary courts.
2. Self-Determination and Secession (Article 62(3)): The HoF decides "issues relating to the rights of Nations, Nationalities and Peoples to self-determination, including the right to secession".
3. Promotion of Equality and Unity (Article 62(4)): The House must "promote the equality of the Peoples of Ethiopia enshrined in the Constitution and promote and consolidate their unity based on their mutual consent".
4. Interstate Dispute Resolution (Article 62(6)): The HoF must "strive to find solutions to disputes or misunderstandings that may arise between States".
5. Federal Intervention Authority (Article 62(9)): The House may "order Federal intervention if any State, in violation of this Constitution, endangers the constitutional order".

These powers are supported by the Council of Constitutional Inquiry (CCI), established under Article 82, which undertakes technical examination of constitutional matters and provides recommendations to the HoF for final decision. The HoF is not bound by CCI recommendations—it possesses ultimate, unreviewable authority.

1.3 The Problem of Political Control

The HoF's composition creates an inherent tension. Members are elected by State Councils (regional parliaments) and are typically drawn from ruling parties at the regional level. As a political body dominated by the ruling party—formerly the EPRDF, now the Prosperity Party—the HoF lacks the independence characteristic of judicial constitutional review. Legal scholars have noted that this structure renders the House vulnerable to executive influence, particularly on sensitive questions of self-determination and territorial integrity where impartiality is most essential.

This structural vulnerability has been exposed catastrophically since 2020. When the HoF should have acted as a neutral arbiter between contending regional interests, it has instead functioned as an instrument of federal executive power, legitimising military solutions to political disputes and standing silent while constitutional boundaries are redrawn by force.

Part Two: The Tigray Precedent—How Constitutional Authorisation Enabled Catastrophe

2.1 The September 2020 Elections and Constitutional Crisis

The immediate catalyst for the Tigray war was the Tigray regional government's decision to proceed with regional elections in September 2020, after the federal government postponed all elections nationally due to COVID-19. The federal government declared the Tigray elections illegal, and tensions escalated through October 2020.

On November 4, 2020, the Tigray People's Liberation Front (TPLF) was accused of attacking the ENDF Northern Command in Mekelle. Within days, the HoF invoked Article 62(9) of the Constitution, determining that the Tigray regional government's actions constituted a threat to the constitutional order—specifically citing "armed uprising," resolution of disputes through non-peaceful means, and disturbance of federal peace and security. Based on this finding, the HoF ordered the federal government to intervene militarily to restore constitutional order.

2.2 Constitutional Analysis: The Misapplication of Article 62(9)

The HoF's invocation of Article 62(9) raises profound constitutional questions. The provision permits federal intervention when a State "endangers the constitutional order." However, the constitutional order encompasses not merely the absence of armed conflict but the entire structure of federal governance, including the rights of Nations and Nationalities under Article 39 and the principle that boundaries rest on "consent of the peoples concerned" under Article 46(2).

The HoF's determination that Tigray's actions endangered the constitutional order rested on a selective reading of events. It accepted uncritically the federal executive's characterisation of the Northern Command attack and the TPLF's alleged rebellion, without independent investigation or consideration of the underlying political dispute over electoral timing. More fundamentally, the HoF failed to consider whether its own intervention order might itself endanger the constitutional order by substituting military force for political resolution.

The consequences were catastrophic. The HoF's order provided constitutional cover for a full-scale military invasion, enabling the federal government to frame the conflict as a law enforcement operation against a "rogue state" rather than a political crisis requiring negotiation. This framing delegitimised the Tigrayan government, justified the suspension of regional institutions, and paved the way for the establishment of an interim administration accountable only to the federal executive.

2.3 The Territorial Question: Western Tigray and the Failure of Constitutional Protection

The most enduring constitutional injury from the HoF's Tigray decisions concerns Western Tigray—areas including Welkait, Tsegede, and parts of Raya that have been administered as

Tigrayan territory since the federation's founding in the 1990s. The constitutional basis for this administration rests on Article 46(2)'s requirement that boundaries reflect settlement patterns, language, identity, and consent. The 1994 and 2007 censuses recorded the population of Welkait-Tsegede as overwhelmingly Tigrayan—87.9% in 1994, rising to 92.3% in 2007.

During the 2020-2022 war, Amhara regional forces, allied with the ENDF, seized control of Western Tigray. What followed, according to joint investigations by Amnesty International and Human Rights Watch, included crimes against humanity and ethnic cleansing—mass expulsions, systematic sexual violence, extrajudicial killings, and forced demographic reordering designed to permanently alter the region's character.

The HoF's response has been constitutionally indefensible. Despite its Article 62(6) mandate to resolve interstate disputes, despite its Article 62(1) authority to interpret the Constitution's boundary provisions, and despite the Pretoria Agreement's November 2022 promise to restore constitutional order, the HoF has taken no action to restore Tigrayan administration or facilitate the return of displaced populations. In October 2025, HoF Speaker Agegnehu Teshager acknowledged that Tigray "has been asking and demanding to control the disputed areas as per the Pretoria Agreement" but stated that "this could not be realised." When asked about Tigray's request for a referendum, the Speaker responded: "A referendum is difficult. The issue might lead to conflict so we're examining everything cautiously. Both Amhara and Tigray must sit down for dialogue".

This response represents a wholesale abandonment of constitutional responsibility. Article 62 does not authorise the HoF to substitute "dialogue" for its adjudicative mandate when "dialogue" is difficult. The Constitution anticipates that disputes may be contentious—that is precisely why it vests final authority in the HoF rather than leaving matters to inter-regional negotiation. By refusing to exercise its constitutional authority, the HoF has effectively sanctioned de facto annexation through military force.

2.4 The Exclusion of Tigray from Federal Representation

The HoF's failure extends to Tigray's representation in the House itself. Under Article 61(2), each Nation, Nationality, and People is entitled to representation in the HoF—at least one member, with an additional representative for each million population. Tigray, with approximately six million people, is constitutionally entitled to multiple representatives.

Since the 2020 war began, Tigray has had no representatives in the HoF. Elections were not conducted in Tigray during the 2021 national elections, and the National Election Board of Ethiopia (NEBE) has refused to restore the TPLF's legal status, preventing Tigrayan political participation. The HoF has taken no action to remedy this exclusion, despite its Article 62(4) mandate to "promote the equality of the Peoples of Ethiopia."

The constitutional implications are profound. The HoF is currently adjudicating matters vital to Tigray's interests—including the status of Western Tigray—without any Tigrayan participation. Decisions affecting Tigray's territorial integrity, the rights of displaced populations, and the region's constitutional status are being made by a body from which Tigrayans are systematically excluded. This violates not only Article 61's representation requirements but the fundamental principle of consent underlying Ethiopia's federal compact.

Part Three: The Contagion Effect—How Tigray Set the Precedent for Expansionist Claims

The HoF's failure to defend Tigray's constitutional boundaries has not occurred in isolation. It has created a dangerous precedent: that regional boundaries are subject to revision through force, historical narrative, and demographic engineering, without constitutional consequence. This precedent has emboldened expansionist movements across the federation, generating a cascade of territorial conflicts that now threaten Ethiopia's survival as a multi-ethnic state.

3.1 Amhara Expansionism: From Western Tigray to Benishangul-Gumuz

The ideological project underlying the Western Tigray seizure extends beyond Tigray. Amhara nationalist movements have articulated a vision of "historical correction"—the recovery of territories allegedly annexed from Amhara after 1991. This vision now encompasses claims to parts of Benishangul-Gumuz, particularly Metekel zone, which Amhara nationalist groups regard as historically Amhara territory .

The logic mirrors the Western Tigray case: historical narratives are selectively deployed to override constitutional boundaries and demographic realities, while federal authorities stand silent. Tensions between Amhara and Benishangul-Gumuz regions heightened significantly, with recurrent violence fuelled by external meddling in Benishangul-Gumuz's internal affairs.

The HoF's role has been conspicuously absent. Despite its Article 62(6) mandate to resolve interstate disputes, despite the clear risk of escalating violence, and despite its own members' acknowledgment that territorial disputes are "rolling down for a long time in this House" , the HoF has taken no meaningful action to adjudicate Amhara's claims or protect Benishangul-Gumuz's constitutional boundaries.

3.2 Oromo Claims and Counterclaims

The expansionist dynamic is not one-sided. Factions within Oromo nationalism, notably the Oromo Liberation Army (OLA), have laid claim to parts of Benishangul-Gumuz's Metekel and Kamashi zones. This creates a multi-sided contest in which an indigenous region becomes a battleground for the territorial aspirations of its larger neighbour's.

External analysis confirms that "Amhara and Oromia regions have influenced affairs in Benishangul-Gumuz for more than three decades by meddling in its politics" . This meddling, intensified by the precedent set in Tigray, has transformed Benishangul-Gumuz into one of Ethiopia's most conflict-affected regions. Yet the HoF, constitutionally mandated to resolve interstate disputes, has offered no resolution.

3.3 Amhara-Oromia: The Longstanding Flashpoint

The territorial dispute between Amhara and Oromia predates the Tigray war but has been exacerbated by the HoF's failure to establish clear adjudicative principles. Disputed areas along the Amhara-Oromia border have experienced recurrent violence, with communities displaced and administrative control contested.

The HoF's inaction here is particularly significant because this dispute involves the two most populous regions in the federation. Resolution requires the HoF to apply Article 46(2)'s criteria—settlement patterns, language, identity, and consent—to complex, intermingled

populations. Instead, the House has allowed the dispute to fester, with periodic violence serving as a reminder of the costs of constitutional failure.

3.4 Oromia–Addis Ababa: The Special Interest of the Capital

Addis Ababa's status as a chartered city creates unique constitutional questions. The city is surrounded by Oromia, and disputes over the city's boundaries and the administration of surrounding areas have generated recurring tensions. The "special interest" of Oromia in Addis Ababa, recognised in the Constitution, requires ongoing negotiation and adjudication.

The HoF's failure to establish clear principles for managing Oromia-Addis Ababa relations has allowed these tensions to persist unresolved. As with other disputes, the absence of authoritative constitutional interpretation leaves communities vulnerable to unilateral actions and periodic violence.

3.5 Somali–Afar: The Chronic Border Conflict

The Somali and Afar regions share a lengthy border that has been contested for decades. Clashes between communities, often involving access to resources and grazing lands, have resulted in significant loss of life and displacement. The conflict was discussed during the HoF's October 2025 session, with members demanding to know why disputes "have been allowed to continue for years".

The Somali-Afar dispute exemplifies the HoF's systemic failure. Unlike the Western Tigray case, which involves competing claims to settled territory with clear demographic majorities, Somali-Afar involves overlapping claims to sparsely populated areas where resource competition exacerbates identity-based tensions. Resolution requires not merely boundary demarcation but the development of mechanisms for resource sharing and conflict prevention. The HoF has provided neither.

3.6 Oromia–Somali: The Expanding Battleground

The border between Oromia and Somali regions has been a site of recurrent, often deadly, violence. Disputes over administrative boundaries, access to resources, and local governance have generated cycles of attack and retaliation that claim civilian lives and displace thousands.

The HoF's October 2025 session acknowledged these disputes but offered no resolution. Meanwhile, ongoing conflict in Oromia between federal forces and the OLA, and in Somali region involving various armed groups, creates conditions in which border disputes become intertwined with broader insurgencies.

3.7 Gambella–Southwest Ethiopia: Mineral Resources and International Dimensions

The conflict between Gambella and the newly formed Southwest Ethiopia region represents a newer but particularly concerning territorial dispute. According to HoF discussions, the conflict began as a land dispute but has "grown in magnitude" because the disputed border area is rich in minerals. Alarming, House members alleged that "Nigerian migrants have gotten involved in the disputed areas".

This dispute illustrates how territorial conflicts, left unresolved, can attract external actors and escalate beyond local control. The involvement of foreign nationals in mineral-rich border areas raises questions about resource sovereignty and the federal government's responsibility to

protect national territory. The HoF's response has been limited to requesting federal intervention—essentially acknowledging its own inability to resolve the dispute through constitutional means.

3.8 The New Regions: Constitutional Creation Without Constitutional Support

The creation of new regional states—South Ethiopia, Central Ethiopia, and Southwest Ethiopia—through referendums and legislative action represents a significant exercise of self-determination rights under Article 39. However, the HoF has failed to integrate these new regions into the federal structure effectively.

In October 2025, HoF members decried the exclusion of newly formed regional states and disputed territories from federal budget subsidy allocations. The Ministry of Planning and Development had promised inclusion starting in the 2025/26 fiscal year, yet these areas remained excluded, facing "critical budget shortages" . One member declared this exclusion "unconstitutional" .

The HoF's *Défense*—that updated population data is unavailable and that allocation without data would be unfair—reveals a deeper constitutional failure. Article 62(7) empowers the HoF to "determine the division of revenues derived from joint Federal and State tax sources and the subsidies that the Federal Government may provide to the States" . This determination cannot be deferred indefinitely while regions go unfunded. The HoF's failure to develop interim mechanisms for new region funding has left constitutionally recognised states unable to pay teachers, health workers, and civil servants.

3.9 The Proliferation of Unrecognised Claims

Beyond formal disputes between recognised regions, the HoF faces a proliferation of claims from groups seeking recognition as Nations, Nationalities, and Peoples with rights to self-determination and territory. Speaker Agegnehu acknowledged in October 2025 that "several petitions for the creation of regional states" have reached the House, including from "some people sitting in Addis Ababa but want to create a new regional state somewhere in Ethiopia." Some groups, he noted, "are calling themselves nationalities or nations without legal recognition".

This proliferation reflects both the dynamism of ethnic identity and the HoF's failure to establish clear criteria for recognition under Article 39. Without authoritative interpretation of what constitutes a Nation, Nationality, or People entitled to self-determination, the federation faces endless fragmentation.

Part Four: The HoF's Active Failures—Budget, Representation, and Institutional Paralysis

4.1 The Budgetary Exclusion of Disputed Territories

The exclusion of disputed territories from federal budget allocations represents a particularly egregious constitutional failure. Areas whose constitutional status remains unresolved—including Western Tigray—receive no direct federal funding, depriving residents of essential services and creating conditions of administrative vacuum.

The HoF's October 2025 session revealed that "disputed territories between the Amhara and Tigray regions" have yet to be included in the budget allocation formula . While Oromia, Amhara, Somali, and Tigray administrations receive the bulk of the 415 billion Birr reserved for regional subsidies, the populations of disputed areas—many of them displaced or living under interim administrations—receive nothing.

The constitutional violation is clear. Article 62(7) requires the HoF to ensure equitable distribution of federal subsidies to all States. When territory is disputed, the House cannot simply decline to allocate funds—it must either resolve the dispute or develop interim mechanisms ensuring affected populations are not deprived of constitutional entitlements.

4.2 The Representation Crisis

Beyond Tigray, representation issues affect multiple regions. The HoF's composition, based on 2019 population data, does not reflect the creation of new regions or demographic changes . New regional states lack proportional representation, and disputed territories have no representation at all.

The House's own procedures for member selection—through State Councils dominated by ruling parties—raise questions about whether representatives genuinely reflect the will of the Nations, Nationalities, and Peoples they purport to represent. When the HoF addresses sensitive questions of self-determination and territorial integrity, it does so with a composition that may not reflect the diverse interests at stake.

4.3 The Problem of Unreviewable Power

The HoF's decisions are constitutionally unreviewable. No court may question its interpretation of the Constitution or its resolution of interstate disputes. This structure, unusual among federal systems, places enormous trust in the House's impartiality and constitutional fidelity.

That trust has been betrayed. The HoF's actions since 2020 demonstrate not impartial constitutional guardianship but political responsiveness to executive interests. As legal scholars have noted, this creates a "lack of check and balance" where "the only autonomous body to receive and reject cases and no other body to regulate excess power exercised by the legislative organ" . The result is an institution that can act with impunity, even when its actions violate the constitutional order it is meant to protect.

Part Five: Current Conflicts—The Harvest of Constitutional Failure

5.1 The January 2026 Tigray Border Clashes

In late January 2026, renewed conflict erupted in areas bordering Tigray, Amhara, and Afar—specifically Tselemti/Telemt, Megale, and Aba'ala . The Ethiopian Human Rights Commission (EHRC) reported that residents were displaced from Alamata town and surrounding areas, with restrictions imposed on civilian movement amid fears of "full-blown war".

The EHRC warned that this conflict "represents a setback to the relative peace and stability that had prevailed in these areas following the Pretoria Peace Agreement" and exposes residents to "renewed risks of further harm, displacement and other serious human rights violations" .

The connection to HoF failure is direct. Tselemti is among the disputed territories whose status remains unresolved nearly three years after Pretoria. The HoF's refusal to adjudicate the

Western Tigray question, its substitution of "dialogue" for constitutional determination, and its failure to ensure the return of displaced populations have created conditions in which conflict can reignite at any moment.

U.S. Representative Gregory Meeks warned that renewed fighting risks "dragging Ethiopia back into a civil war, endangering millions of lives, worsening the humanitarian crisis, and destabilising the wider region". The African Union Commission Chairperson urged "maximum restraint," cautioning against actions undermining the Pretoria agreement.

5.2 The February 2026 Warnings of Large-Scale Conflict

In February 2026, twenty international and regional human rights organizations warned that Ethiopia stands "on the brink" of renewed large-scale conflict. The groups cited "ongoing and unresolved conflicts, entrenched impunity, and rising regional tensions" placing civilians at grave risk, with "little meaningful progress toward durable conflict resolution in Tigray, Oromia, and Amhara".

The organisations specifically noted that "survivors of war crimes, crimes against humanity, and ethnic cleansing committed during the Tigray war continue to face barriers to justice, while alleged perpetrators remain shielded from scrutiny". They attributed fragility in Tigray to "failure to fully implement the 2022 Cessation of Hostilities Agreement (CoHA), the exclusion of key factors such as Eritrea, and the lack of consistent human rights monitoring".

5.3 Ongoing Conflicts Across the Federation

The warning organisations documented conflicts across multiple regions:

- Oromia: Fighting between federal forces and OLA continues amid reports of extrajudicial killings, mass arrests, property destruction, forced conscription, and collective punishment
- Amhara: Renewed clashes between federal forces and Fano militias have resulted in drone and air strikes, unlawful killings, mass detentions, and sexual violence
- Benishangul-Gumuz: Reports allege Ethiopian authorities are hosting a training facility for fighters affiliated with Sudan's Rapid Support Forces, supported financially by the UAE

These conflicts are interconnected. The failure to resolve one dispute inflames others; the precedent set in Tigray emboldens actors elsewhere; and the HoF's paralysis across multiple fronts creates a cascade of constitutional crises.

Part Six: Constitutional Interpretation and the Problem of Standards

6.1 Article 46(2): The Unapplied Standard

Article 46(2) provides the constitutional standard for state boundaries: "settlement patterns, language, identity, and consent of the peoples concerned." This standard requires the HoF to engage in complex factual determinations—assessing demographic data, evaluating linguistic and cultural identity, and determining whether affected populations consent to proposed boundaries.

The HoF has never meaningfully applied this standard. In the Western Tigray case, it has ignored census data showing overwhelming Tigrayan majority. In other disputes, it has failed to commission studies, hold hearings, or develop methodologies for assessing settlement

patterns and identity. The standard exists on paper only; the HoF has rendered it inoperative through non-enforcement.

6.2 Article 39: Self-Determination Deferred

Article 39's guarantees of self-determination, including secession, represent the most radical commitment in Ethiopia's constitutional order. These rights are not merely collective—they belong to each Nation, Nationality, and People, enforceable through the HoF.

Yet the HoF has developed no jurisprudence on what constitutes a Nation, Nationality, or People entitled to self-determination. It has established no criteria for assessing claims, no procedures for evaluating petitions, no standards for determining when secession referendums are appropriate. The rights exist in constitutional text but not in constitutional practice—a failure that leaves communities without legal recourse and drives them toward extra-constitutional action.

6.3 Article 62(6): Dispute Resolution Without Resolution

The HoF's mandate to "strive to find solutions to disputes or misunderstandings that may arise between States" implies active engagement—investigation, mediation, adjudication, and enforcement. Instead, the House has pursued passive strategies: urging dialogue, awaiting data, requesting federal intervention.

This approach transforms a constitutional mandate into a bureaucratic excuse. The HoF "strives" only in the weakest sense—by acknowledging problems while deferring solutions. Disputes do not resolve themselves; they fester, escalate, and generate violence. The HoF's failure to actively resolve interstate disputes constitutes a breach of its constitutional duty.

Part Seven: The Structural Crisis—Why the HoF Cannot Fulfill Its Mandate

7.1 Political Composition and Executive Dominance

The HoF's composition from State Councils dominated by the Prosperity Party renders it incapable of independent action on questions where party interests diverge from constitutional requirements. When territorial disputes involve regions governed by opposition parties or contested authorities, the HoF's political character prevents impartial adjudication.

The Tigray case illustrates this dynamic. With Tigray under interim administration and Tigrayans excluded from the HoF, the House cannot possibly render impartial judgment on Western Tigray's status. Any decision will reflect the interests of those present, not the constitutional rights of those absent.

7.2 The Absence of Judicial Review

The concentration of unreviewable interpretive authority in a political body creates structural risks that Ethiopia's constitutional framers may not have anticipated. Without judicial oversight, there is no mechanism to correct constitutional error, no check on political excess, no recourse for those whose rights is violated by HoF action or inaction.

Comparative experience suggests that constitutional adjudication requires independence from political pressures. Ethiopia's model, influenced by Marxist-Leninist constitutional traditions

that viewed judiciary as bourgeois institution, creates "clear and vivid setbacks for constructing a well flourished democratic society".

7.3 The Data Excuse and Administrative Paralysis

The HoF's repeated reliance on data deficiencies as justification for inaction reveals administrative paralysis. When members demanded inclusion of new regions in budget allocations, leadership responded that "available population data for these new regional states is available only for 2019, which is very outdated" and that data collection "could take up to three years".

This response mistakes the perfect for the good. The Constitution does not require perfect data before rights can be protected. The HoF can develop interim mechanisms, provisional allocations, and temporary arrangements while data collection proceeds. Its failure to do so reflects not technical limitation but political will.

Part Eight: Recommendations and Pathways to Constitutional Restoration

8.1 Immediate Actions Required

The HoF must take immediate steps to address the most urgent constitutional crises:

- Resolve the Western Tigray question through application of Article 46(2) criteria, including demographic data and affected population consent, with international monitoring of any transitional arrangements
- Restore Tigrayan representation in the HoF through elections or interim appointments pending electoral resolution
- Provide interim budget allocations for new regions and disputed territories, using available data and provisional mechanisms
- Establish clear procedures for evaluating territorial claims under Article 46(2), including evidentiary standards and consultation requirements

8.2 Structural Reforms

Long-term constitutional restoration requires structural reforms:

- Constitutional amendment to establish judicial review of HoF decisions on questions of individual rights and procedural compliance
- Independence guarantees for HoF members, including security of tenure and protection from political interference
- Transparent procedures for constitutional interpretation, including public hearings, commissioned research, and reasoned decisions subject to publication
- Enforcement mechanisms ensuring that HoF decisions on territorial disputes are implemented, with federal resources committed to boundary demarcation and dispute resolution

8.3 The International Dimension

Given the HoF's failure to protect constitutional rights, international engagement becomes essential:

- Pretoria Agreement guarantors must press for implementation of constitutional provisions, including restoration of displaced populations and resolution of territorial disputes
- Human rights monitoring must extend to HoF proceedings, documenting failures of constitutional protection
- Transitional justice mechanisms must address not only wartime atrocities but the constitutional failures that enabled them

The HoF and Ethiopia's Constitutional Future

The House of Federation was designed as Ethiopia's constitutional guardian—the institution uniquely positioned to protect the rights of Nations, Nationalities, and Peoples, resolve disputes between states, and ensure that federalism served its purpose of democratic transformation and durable peace. Since 2020, it has failed in every dimension of this mandate.

Through its authorisation of military intervention in Tigray, the HoF substituted force for law, legitimising the destruction of constitutional order in the name of preserving it. Through its refusal to adjudicate territorial disputes, it sanctioned de facto annexation and ethnic cleansing, allowing boundaries to be redrawn by conquest rather than consent. Through its exclusion of affected populations, it violated the very principle of representation that justifies its existence. Through its paralysis on budget allocations and new region integration, it deprived constitutionally recognised entities of the resources necessary for survival.

The consequences now threaten the federation itself. From Western Tigray to Benishangul-Gumuz, from Amhara-Oromia to Somali-Afar, unresolved territorial conflicts generate violence, displacement, and deepening ethnic animosity. The precedent set in Tigray—that force can succeed where law fails—has emboldened expansionist movements across the country, creating a cascade of claims that no institution currently has the capacity to resolve.

The HoF's October 2025 session revealed that its own members recognise these failures. They demanded to know why disputes "have been allowed to continue for years" and warned that failure to resolve territorial disputes before upcoming elections would "doom the election". They acknowledged that "illegal actions over the disputed areas should not be allowed to continue".

Recognition without action, however, is merely confession. The HoF must move from acknowledgment to resolution—applying constitutional standards, enforcing its decisions, and protecting the rights of all Nations, Nationalities, and Peoples. If it cannot, then Ethiopia's constitutional order faces not crisis but collapse, and the federation will unravel not through secession but through the cumulative effect of countless unresolved disputes, each one a small death of constitutional government.

The choice remains stark: reaffirm the constitutional principles of self-determination, equality, and rule of law, or accept a future where Ethiopia's internal boundaries are redrawn by blood and iron. The House of Federation holds the balance. Its response will determine not only the fate of disputed territories but the survival of Ethiopia as a multi-ethnic federal state.

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