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THE SPECIAL POLICE IN ETHIOPIA



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The name of the author has been withheld at their request.

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Executive Summary

Like many federal and devolved systems, Ethiopia has both federal and regional security forces. In the last fifteen years, however, Ethiopia's regional states have established regional special police forces, in addition to the regular regional state police. Established first in Ethiopia's Somali region in 2007 to conduct counter-insurgency operations and riot control, special police quickly spread to all other regions of Ethiopia.

The role and status of special police forces in Ethiopia remain contested. Resembling paramilitary forces, the regional special police units are well armed and receive military training. They are rapidly growing in size and have successfully recruited senior (former) army officers into their ranks. Special police forces have become deeply involved in Ethiopia's interregional conflicts and border disputes, most notably in the current conflict in Tigray. They have even been involved in international operations in Somalia and Sudan and internal coup attempts. They have also been linked to severe human rights abuses.

While federal and regional governments are empowered to establish their respective police forces, no specific legal provision deals with the special police force. As trust in the federal government waned in many regional capitals, states have linked the mandate of their special police forces with self-government. Still, special police have overstepped that boundary and engaged in activities, such as international border security and settling interregional disputes, that fall within the exclusive mandate of the federal government and federal forces.

This report explores the origins and growth of the special police and its roles in current Ethiopia. It investigates the force's constitutional and legal ambiguity and places the special police within the broader debate over Ethiopian federalism. Finally, it suggests several models that Ethiopia could adopt to regulate its proliferating special police forces. A failure to do so may have dire consequences for the future of the country.

1. Introduction

One of the prime functions of the state is to have a monopoly over the use of force, to ensure law and order on its territory, and to provide security.¹ Public security is a foundation for other higher goals such as democracy, development, and good governance.² While the army is responsible for external defence and ensuring the country's sovereignty, the police's primary role is to prevent and detect crime, combat and investigate crime, maintain public order, enforce the law, and protect citizens.³

Relevant Ethiopian laws, including criminal codes, stipulate the significant police duties: preserving the peace and preventing crime; discovering the commission of offences; apprehending offenders and supporting the prosecution office to charge offenders. In September 2020, Ethiopia's Ministry of Peace issued a new "Police Doctrine" introducing what one may call *four D's*. The document states that "the Police as an institution should be *demilitarized, depoliticized, democratized* and provide *decentralized services*."⁴

Demilitarized police imply it is a civilian institution, not an army. Depoliticization of the police means that the police as an institution should be impartial and free from the control of a political party. Democratic policing, the third D, is a much more complicated concept, and the document does not clearly define it. Bonner defines the concept as follows:

"democratic policing can be understood as when *elected political leaders* are able to effectively use police to uphold the rule of law (implied to refer to both crime control and protest policing) and that the police, as public servants, respond to citizen complaints, are *accountable*, use a minimal level of *coercion*, and *respect human rights* and notions of justice and equality."⁵

Democratic policing is thus a rich concept that aims to reduce the violent potential within the police by making it subject to a democratic system founded on the rule of law, a system of accountability, and, more importantly, respect for human rights. It assumes, therefore, that the regime itself is primarily democratic. If it is not, then the police become an instrument of repression and violation of human rights. Democratic policing turns to *regime policing* with little accountability and respect for human rights instead of promoting partisan interests.

The final D, a decentralized police service, implies the police is organized at the federal and regional state level to perform its duties and ensure security to citizens at different levels.

The police would have the duty to respect citizens' rights as a branch of the executive bound by the rule of law and separate from the army; however, several studies indicate that the influence of politics on the police is evident in Ethiopia.⁶ The laws regulating the police, the process of appointment of the heads of the police, and the fact that the ruling party sets its mission make the police prone to political manipulations.

In federal and devolved systems, such as Ethiopia, two or more actors at different levels may have separate or shared mandates over security, despite the various governments ruling the same people

¹ Max Weber, *Politics as a Vocation* (Politik als Beruf), in *Gesammelte Politische Schriften*, Munich, 1919 [1921]. pp. 396-450; Thomas Hobbes, *Leviathan: Or the Matter, Forme, and Power of a Common-Wealth Ecclesiasticall and Civil*, ed. Ian Shapiro (New Haven: Yale University Press, 2010).

² Christian Leuprecht, *Public Safety in Federations: A Premier*, Centre international de formation européenne L'Europe en Formation 2012/1 n° 363.

³ The Ethiopian Federal Police Commission Establishment Proclamation No. 720/2011, Art 6(5)(c)

⁴ The idea of civilian control over the police and the army has been there since the adoption of the 1995 constitution but the concept of police doctrine seems a new element. Federal Democratic Republic of Ethiopia (FDRE) Police Doctrine (2020) P.15

⁵ Michelle Bonner, 'What Democratic Policing is....and Is not' *Policing and Society* v.30:9 (2020) p.1046

⁶ See Workneh Gebeyehu, *An Analysis of the Influence of Politics on Policing in Ethiopia* (unpublished PhD thesis, 2016)

and territory.⁷ Within Ethiopia's federal system, a distinct institution has developed called the special police (*Liyu Police* in Amharic), of which the constitutional mandate, role, and accountability system remain contested. A comparison with other federal countries shows it is rare to find similar institutions elsewhere. The study aims to shed some light on this institution. It shows that Ethiopian police forces, particularly the special police, are increasingly militarized – not demilitarized as claimed in the Police Doctrine – to the extent that one finds great difficulty distinguishing it from an army in terms of the mandate. Ensuring systems of accountability is also a significant challenge.

Looking at the conditions in Ethiopia, the main questions that this report aims to investigate have to do with these tensions around policing in a federal system. How does one allocate competencies on security among the different levels of governments and at the same time ensure smooth coordination and accountability among other actors while avoiding anarchy and fragmentation? What are the legal status and constitutional basis of the special police? Do regional states have a mandate to establish such a police force? Is it a force for stability or instability? How should it be regulated?

This report is based on i) in-depth interviews with key informants, including members of the special police, former and retired army generals who served as either heads or trainers of the regional special police, and members of the federal police who work closely with the regional special police; ii) a focus group discussion (FGD) with academics, a regional state police commission, and militia; iii) review of federal and regional legal sources and policy documents; iv) and review of secondary sources. The report has primarily looked at the special police in Oromia and Amhara, which have the most sizeable special police forces in Ethiopia. However, trends are similar in other regions of Ethiopia. It has also analysed information from the Somali region, where the special police emerged, and Tigray, despite the current difficulties in accessing data from that region.

This report contains five sections. This first section has introduced the research questions. Section two explores the origins of Ethiopia's special police, controversies, and the forces' size, weapons, and recruitment. Section three details the constitutional and legal ambiguity surrounding the special police. Section four places the regional special police within the broader political debate between Ethiopia's centrists and ethno-nationalists. The final section discusses potential models by which Ethiopia could regulate its special police forces.

⁷ For comparative insights see Ronald Watts, *Comparing Federal Systems*, 3rd edn, (Montreal and Kingston, McGill, Queen's University Press, 2008). Federal systems allocate competencies between the federal and state governments. The division of power is enshrined in the constitution that binds both spheres of governments and thus the pact cannot be altered unilaterally. In Unitary systems, the national government may decide to transfer some powers to local units by ordinary law. Such transfer of power has no constitutional guarantee and the national government can alter it unilaterally.

2. The rise of Ethiopia's special police

2.1 Origins of the special police

During the early 1990s, Ethiopia's regional states established rapid police forces, separate from the regular police. These had the mandate to combat banditry in rural areas and organized urban crime. According to one source, following the 2005 election crisis, an evaluation indicated that the rapid police force members had links and sympathized with the then-opposition parties. They were also alleged to be behind the riots and protests in some major cities of the country.⁸ The ruling party decided to do away with rapid police forces by integrating them into the federal police.

Regional states were left with the regular police for crime prevention, investigation, traffic management, and community policing. However, the emergence of "special crimes" – crimes committed by organized armed groups, severe inter-communal conflicts, or protests in regional states – was beyond regular police competence. This led to riot control police units: a paramilitary force trained to control and disperse crowds, protesters, and rioters. According to a source, the units were small in numbers – a few hundred – and trained and equipped distinctively, with a particular chain of command. They wore unique police uniforms, different from the regular force, and resided within military-style camps deemed conducive for training, maintaining the chain of command, and control.⁹ The rapid and riot police establishment points to the fact that there are special security issues that the regional state security apparatus cannot handle using the regular regional state police.

According to multiple sources, the regional state special police first emerged in the Somali region of Ethiopia in 2007. This was a response to the insurgent Ogaden National Liberation Front (ONLF), a group fighting for the self-determination of the Somali region. The ONLF was accused of summary execution of dozens of Chinese and Ethiopian civilians during an attack on an oil exploration site in the region in April 2007. It was also accused of indiscriminate mining of roads used by government convoys.¹⁰ As the ONLF's increased presence caused severe security concerns, the federal government and the then-president of the regional state Abdi Mohamed Omar "Iley"¹¹ – the Somali region's long-serving President imprisoned in 2018 – established the Somali region special force as a means to counter the ONLF.¹²

The Somali regional state's "Liyu police," referred to in Amharic, was initially estimated to be 10,000 strong. Later estimates show a number as high as 45,000.¹³ Its recruits were deliberately drawn from the Ogaden clan, the same clan the ONLF claimed to represent, although it absorbed recruits from other Somali clans later. While the federal army had been unable to understand local dynamics in the region, owing to language and geographic barriers, they and the federal government had found a way to deal with the ONLF insurgency, using forces from its own clan that were well-versed in the local dynamics. Some of the members of the special police were indeed former members of the ONLF.

⁸ Member of the federal police, interview by author, 5 June 2021, Addis Ababa.

⁹ Ibid.

¹⁰ The Guardian (2007) "Ethnic Somali rebels kill 74 at Chinese oilfield in Ethiopia", 25 April, <https://www.theguardian.com/world/2007/apr/25/ethiopia>, accessed 5 May 2021.

¹¹ Abdi Iley was security head of the Somali region and he was facing the ONLF way before he along the federal government agreed to establish the Special police. Brook Abdu (2016) "Query response Ethiopia: The special police (Liyu Police) in the Somali Regional State", *The Reporter*, 3 June <https://www.thereporterethiopia.com/article/regional-special-forces-threats-or-safeties> accessed 3 May 2021.

¹² Tobias Hajmann (2020) "Fast Politics, Slow Justice: Ethiopia's Somali Region two Years After Abdi Iley", London School of Economics, Briefing Paper 11, September, <https://www.lse.ac.uk/ideas/Assets/Documents/Conflict-Research-Programme/crp-memos/Hajmann-Two-years-after-Iley-final.pdf>

¹³ Brook Abdu (2016) "Query response Ethiopia: The special police (Liyu Police) in the Somali Regional State", *The Reporter*, 3 June <https://www.thereporterethiopia.com/article/regional-special-forces-threats-or-safeties> accessed 3 May 2021.

What started in the Somali region was then slowly transplanted to all other regions of Ethiopia. In the process, however, the rationale for the creation of a “special police” changed: initially established to counter an insurgent group in the Somali region, later special police forces became the leading actor in interregional state conflicts. One such example is between Oromia and the Somali region. Shortly after establishing the Liyu police, Oromia established its own special police force in 2008 with only 120 members.¹⁴

The border between Oromia and the Somali region has never been conclusively drawn, and there are claims and counterclaims between the two regional states. The post-1991 political development changed the dynamic of the conflict:¹⁵ disputed areas now coincided with the administrative boundaries between regional governments, which transformed a conflict between local communities into a conflict between regional states.¹⁶ Each side mobilized its population and special police against the other. As one analyst described it, the conflict between the two regional states “was partly a culmination of the power struggle between the special forces, the political elite, and militias of the two regions.”¹⁷ At the height of the Oromia-Somali region conflict in 2017, the Oromia region accused Abdi Iley and the special police of triggering the conflict between the two regional states and displacement of hundreds of thousands from the border areas of the two regional states.¹⁸

The special police forces of both regional states were accused of massive atrocities. In particular, the Somali “Liyu police” were accused of committing extrajudicial killings, torture, and gross human rights violations in the region.¹⁹ Tobias Hagmann concludes the era of Abdi Iley was a “decade of fear and terror in Ethiopia's Somali region.”²⁰ Human Rights Watch has also issued several reports accusing the Special Police and the regional state President of “extrajudicial killings, torture, and violence against people in the Somali region.”²¹

As will be demonstrated later, with the increased role of the special police in ensuring border security and interregional state conflicts and of late in the war between the federal government and Tigray,

¹⁴ Special Police Force Command of the State of Oromia, interview by author, 4 June 2021, Police Commission of the State of Oromia, Addis Ababa.

¹⁵ An observer on the changing nature of the conflicts said “earlier on we used to hear elders/religious leaders were able to resolve the conflict among communities at the local level. Later we were informed that local and regional state leaders have resolved such disputes. As time goes by we are told the federal police and defence force have intervened and resolved the dispute. Who are we going to call next? Those from the UN with Blue Helmet Peace keepers?” Reflection on current events by Dr. Mehari Redae at Addis Ababa University public meeting, 28 September 28 2014.

¹⁶ Asnake Kefale (2004) “Federalism: Some Trends of Ethnic Conflicts and their Management in Ethiopia,” in A.G. Nhema (ed.) *The Quest for Peace in Africa*.

¹⁷ Semir Yesuf (2019) *What is Driving Ethiopia's Ethnic Conflicts?* Institute of Security Studies, East Africa Report 28, November, p.9.

¹⁸ According to Harry Verhoeven “The different factions of the EPRDF have mobilized popular anger in different regions of the country to increase their bargaining strength at the centre in Addis Ababa. In fact, Abiy's own OPDO, has reinvented itself by surfing the waves of long-standing grievances held by the Oromo population about their socioeconomic and political marginalization. It has instrumentalised legitimate anger flowing from rising inequality amidst the boom in Ethiopia to demand a greater share of power for itself... Over the past few months, the security forces of the Somali and Oromo regional states have incited ethnic cleansing and confronted each other in battle, triggering a huge exodus and a worsening humanitarian crisis. It is hard to overstate the irony of open fighting between different branches of the same government.” See Harry Verhoeven (2018) “An eastern problem for Ethiopia's new leader”, *Al Jazeera*, <https://www.aljazeera.com/indepth/opinion/eastern-problem-ethiopia-leader-180408103243499.html> When all these was happening the federal government was nearly absent hence the view by many ‘*Mengist yelem?* Is not there a federal government in this country?

¹⁹ “Ethiopia: Special Police Execute 10” (2012) *Human Rights Watch*, 28 May, <https://www.hrw.org/news/2012/05/28/ethiopia-special-police-execute-10>.

²⁰ Tobias Hajmann (2020) “Fast Politics, Slow Justice: Ethiopia's Somali Region two Years After Abdi Iley”, London School of Economics, Briefing Paper 11, September, <https://www.lse.ac.uk/ideas/Assets/Documents/Conflict-Research-Programme/crp-memos/Hagmann-Two-years-after-Iley-final.pdf>

²¹ See “Ethiopia: Probe Years of Abuse in Somali Region, Redress and Accountability Needed for Crimes” (2018) *Human Rights Watch*, 20 August, <https://www.hrw.org/news/2018/08/20/ethiopia-probe-years-abuse-somali-region>.

one observes a shift in terminology from special police to special force (*Liyu Hayle* in Amharic). In the case of Tigray, it has now evolved into the much larger Tigray Defense Force (TDF).

2.2 Mandate creep and controversies

While the establishment of the special police began in 2007, its proliferation and active engagement in interregional conflicts are linked with the crisis in the ruling party. The rupture and mistrust within Ethiopia's ruling coalition, the Ethiopian People's Revolutionary Democratic Front (EPRDF), which was long dominated by the Tigrayan People's Liberation Front (TPLF), led to tension between the federal government and regional states. The special police began to take a different shape and role as many of the regional states argued that they had lost faith in federal institutions, including the army. These regions started using the special police as a means to defend themselves from what they call "undue interference from the federal government or other regional states."²²

A retired army general and former head of special police in the Amhara region said

"in a divided society like Ethiopia, it is hardly possible to have impartial federal institutions such as the army. They have fallen into the hands of factional leaders that continue to serve or defend the interest of a section of society. As a result, regional states resort to their special police to defend their interests."²³

In a context of increased interregional state conflicts, the reliance of regional states on special police forces has become a recurring problem. Conflicts between Amhara and Benishangul-Gumuz, Amhara and Oromia,²⁴ Afar and Somali, and most notably, Amhara and Tigray have caused death and displacement to millions of people.²⁵ Most of these conflicts relate to claims and counterclaims over land and the rights of minorities in regional states; in all these disputes, the special police forces are among the lead actors. The federal government often fails to provide a political solution – for example, through the House of Federation, Ethiopia's higher chamber with a mandate for resolving inter-regional conflicts – before violence erupts.

The special police are now considered a safeguard for the interests of the dominant elites in regional states, which often hold strong ethno-nationalist ideologies. For example, at the height of the mass killings in Benishangul-Gumuz in 2020, the then head of the Amhara region special police stated in public that if the federal government was unable to stop the violence, he would order his police force to intervene, stop the killings, and ensure law and order in Benishangul-Gumuz state.²⁶

Special police forces have been successful in recruiting (former) senior officers from the armed forces.²⁷ One example is the late Brigadier General Asaminew Tsige. Asaminew was an army general

²² Former head of a regional state special police and retired army general, interview by author, 26 May 2021.

²³ Ibid.

²⁴ Zecharias Zelalem (2021) "Worsening violence in western Ethiopia forcing civilians to flee", *Al Jazeera*, 20 March, <https://www.aljazeera.com/news/2021/3/20/worsening-violence-western-ethiopia-forcing-civilians-to-flee>; "Conflict in Ethiopia's Amhara Region Killed at Least 200 People Democracy now" (2021) *Democracy Now*, 28 April, https://www.democracynow.org/2021/4/28/headlines/conflict_in_ethiopias_amhara_region_killed_at_least_200_people_this_month.

²⁵ Tom Gardner (2021) "All Is Not Quiet on Ethiopia's Western Front", *Foreign Policy* 6 January, <https://foreignpolicy.com/2021/01/06/ethiopia-benishangul-gumuz-violence-gerd-western-front/> 6 January 2021

²⁶ Brook Abdu (2016) "Query response Ethiopia: The special police (Liyu Police) in the Somali Regional State", *The Reporter*, 3 June <https://www.thereporterethiopia.com/article/regional-special-forces-threats-or-safeties> accessed 3 May 2021.

²⁷ "Ethiopian general defects" (2006) *The Economist*, 17 August, <https://www.economist.com/middle-east-and-africa/2006/08/17/a-general-defects>; Nizar Manek (2019) "Abiy Ahmed's Reforms have Unleashed Forces he can no longer control", *Foreign Policy*, 4 July, <https://foreignpolicy.com/2019/07/04/abiy-ahmeds-reforms-have-unleashed-forces-he-can-no-longer-control-ethiopia-amhara-asaminew-adp-adfm/>

who was accused of a coup attempt and sent to jail in 2009. After Prime Minister Abiy came to power, Asaminew was released, and shortly after, the Amhara region appointed him as head of the police. Similarly, Brigadier General Tefera Mamo, who had been in jail on a conviction of attempting a coup, was also granted amnesty and became the head of the Amhara security apparatus.

The trend of senior army officers joining their region's special police forces after retirement or dismissal has also taken place in other regional states. Brigadier General Kemal Gelchu was a member of the defence forces who abandoned the army and escaped to Eritrea in 2006 to join the Oromo Liberation Front (OLF). When the Ethiopian government in 2018 declared an amnesty for rebel forces in exile, including the OLF, he returned to Ethiopia. He was appointed as the head of the Oromia security office. The special police in Tigray were headed by Tekieu Mitiku, Head of the regional state security bureau, before the war in November 2020. The TDF is currently led by Ethiopia's former chief of the army, Lieutenant General Tsadkan Gebretensai, following its initial collapse in November during the early stages of the war. In a recent interview, Tsadkan stated that "in response to the all-out war against Tigray that began early November 2020, senior Tigrayan generals and colonels have taken over the task of training recruits to TDF."²⁸

According to a key informant from Oromia, the defense and federal security apparatus is slowly losing its capable people as they continue to join the regional state special police.²⁹ This brings two significant consequences: regional state special police increasingly resemble Ethiopia's national defense force and lead to the gradual weakening and perhaps even liquidation of the defense force. It has compelled the federal government to elevate the role of the special police, effectively making them a part of the army. In 2021, at the height of the confrontation between the federal government and Tigray, Prime Minister Abiy Ahmed was asked about the presence of the Amhara special police in Tigray. He reported to parliament: "I can deploy the Amhara region special police to Tigray, the Somali region, or any other place for that matter."³⁰ The federal government has since deployed regional state special police from Oromia, Afar, Amhara, and Somali regions alongside the army against the TDF.

Regional state special police have been linked to high-profile assassinations. Having assumed control of the Amhara regional police, in June 2019, Brigadier General Asaminew Tsige used its forces to commit a coordinated assassination on the region's top officials, including regional state President Dr. Ambachew Mekonnen and his advisor Ezez Wassie. On the same day, General Seare Mekonnen, Chief of Staff of the Ethiopian Defense Force, and Major General Gezai Abera, a retired senior general, were assassinated in Addis Ababa by forces linked to the Amhara special police.³¹ The federal government characterized the events as a "regional coup attempt" in which Asaminew sought to take control of the Amhara government.³² The federal army later killed Asaminew in Bahr Dar, but the episode showed how the growing military prowess of regional special police forces could be used for political ends.

²⁸ Dimsti Weyane Interview with Lieutenant General Tsadkan Gebretensai <https://www.youtube.com/watch?v=McgqxJfVecY> 29 May 2021; see also Michael Horton, TDF Resists Ethiopian Army Offensive as Sudan, Eritrean and Ethnic Militias Enter the Fray *Terrorism Monitor* v.19 no. 10 24 May 2021

²⁹ Interview made with a Special Police Force Command of the State of Oromia, interview made on 4th of June 2021 at the Police Commission of the State of Oromia, Finfine.

³⁰ His speech is available at <https://www.youtube.com/watch?v=b-2cN-3KK0A>

³¹ Bereket Tsegay (2021) "Regional police threat to peace and security in Ethiopia", *The Global Observatory*, <https://theglobalobservatory.org/2021/02/regional-special-forces-pose-threat-to-peace-and-security-ethiopia/> as accessed on 3 May 2021

³² "Ethiopia's Amhara state chief killed amid regional coup attempt" (2019) *Al Jazeera*, 23 June, <https://www.aljazeera.com/news/2019/6/23/ethiopias-amhara-state-chief-killed-amid-regional-coup-attempt>

Special police forces have also been engaged in border security. In the Southern regional state, forces have been deployed along the country's international borders with Kenya and South Sudan.³³ Currently, the Amhara region special police are engaged in preventing incursions from Sudan, which has occupied a sizeable piece of contested territory in the western part of the regional state. The justification is that the federal police and the army cannot cover all borders, and those regional states found close to the international border should also ensure border security.³⁴

The involvement in border security is another example of creeping mandates by which special police forces have gained an increasingly prominent place in Ethiopia's security sector. Ensuring the country's sovereignty is a prime function of the federal government, particularly of the defence forces and federal police, as stipulated in article 87-3 of the Ethiopian Constitution. The army, however, may have difficulties understanding local conflict dynamics; thus, it may need to work closely with regional states and their security apparatus. But to delegate such a crucial mandate to the special police is an abdication of primary constitutional responsibility; it may have set a flawed precedent for the role of the special police.

The Somali region's Liyu police have even been involved in international offensive operations, crossing the border and entering Somalia to attack al-Shabaab Islamic militants.³⁵ This was clear inflation of the special police's mandate: responding to terrorism – al-Shabaab and the ONLF were designated as such³⁶ – is the purview of the armed forces and the federal police.³⁷ Using regional state special police for cross-border conflicts is not only unconstitutional, but it further blurs the distinction between the armed forces and the special police. It also induces special police forces to think as a regional state defense force, with a mandate that overlaps with or even substitutes for the federal defense force. This confusion in the mandate and role of the special police is a significant source of the current instability in Ethiopia.

2.3 Size of special forces

Over the past years, Ethiopia's regional special police forces have rapidly grown in size. The online media site *Borkena* reported in late 2019:

"[The] Oromo regional state security force continues to swell. Thousands of special forces have graduated...the latest additions are *the 29th batch* trained by the region's police."³⁸ [Emphasis added]

The report noted that the exact number of forces that had been trained was unclear, but it was reported to be tens of thousands. Recruits received a six-month training, as long as the training for the armed forces and double the three months generally required for police forces. The acting President of the Oromia region, Shimeles Abdissa, said Oromia "has started organizing the security force in a new form to ensure peace and security of people in the region."³⁹

³³ Fiseha Habtetsion (2017) *The State of Vertical Division of Power in the Ethiopian Federation*, unpublished PhD thesis, Addis Ababa University, pp.189.

³⁴ Ibid, pp.189.

³⁵ Brook Abdu (2016) "Query response Ethiopia: The special police (Liyu Police) in the Somali Regional State", *The Reporter*, 3 June <https://www.thereporterethiopia.com/article/regional-special-forces-threats-or-safeties> accessed 3 May 2021.

³⁶ The ONLF signed a peace deal with the federal government of Ethiopia in Asmera after Abiy assumed the premiership in 2018 and is operating as an opposition political party in Somali region and has office in Addis Ababa.

³⁷ The Ethiopian Federal Police Commission Establishment Proclamation No. 720/2011, Art. 6(5)).

³⁸ "Oromo region security continues to swell, thousands of special forces added" (2019) *Borkena*, 29 December, <https://borkena.com/2019/12/29/ethiopia-oromo-region-security-swellings-thousands-of-special-forces-added/> as accessed on 4 May 2021.

³⁹ Ibid



Picture: The graduation of Oromo special police forces
Source: Borkena

There are many similar reports about the "successful completion and graduation" of special police. Training is done regularly; Oromia announced its 31st round in May 2021. All regional states conduct such training, but not all make such public announcements. According to some sources, the size of the Oromia special police is close to 100,000. In the Amhara region, it is estimated to be 60,000 (this number may have increased with the war between the federal government and the Tigray Defense Force now expanding into the Amhara region).⁴⁰ Other regional states are estimated to have a smaller number than the special police figures for Amhara and Oromia, but all states have established special police forces.⁴¹

In a report to ENDF army generals in Mekelle in December 2020, Prime Minister Abiy stated an estimated 80,000 Tigrayan special forces are in Tigray. International Crisis Group estimates the number may be in the hundreds of thousands, although these numbers remain disputed.⁴² Meanwhile, the size of the Ethiopian National Defense Force (ENDF) may have gone down with the ongoing war between the federal government and the TDF – which grew out of the Tigrayan special police. By contrast, the size of the special force has significantly increased in nearly all regional states.⁴³

⁴⁰ Member of the federal police, interview by author, 26 May 2021 Addis Ababa.

⁴¹ Rene Lefort (2021) "Ethiopia's vicious deadlock", *Ethiopia Insight*, 27 April, <https://www.ethiopia-insight.com/2021/04/27/ethiopias-vicious-deadlock/>

⁴² See his speech at <https://www.youtube.com/watch?v=goJobQ1p3-c>. International Crisis Group quoted in Reuters <https://www.reuters.com/article/us-ethiopia-conflict-military-factbox-idUSKBN27T14J> as accessed on 3 September 2021

⁴³ Regional state heads of special police and experts are not willing to disclose exact figures. One expert estimates more than 200,000 special police in one regional state. Interview with member of the federal police who also works with regional state police 5 June 2021. See also Bereket Tsegay (2021) "Regional police threat to peace and security in Ethiopia", *The Global Observatory*, <https://theglobalobservatory.org/2021/02/regional-special-forces-pose-threat-to-peace-and-security-ethiopia/> as accessed on 3 May 2021; Brook Abdu (2016) "Query response Ethiopia: The special police (Liyu Police) in the

Until recently, regional states were left with a broad discretionary power to establish a regional police force. There was no guidance or national standard on the type of police institution, structure, training, and weaponry the regional state police institutions needed. This led to the evolution of inconsistent practices within regional states.⁴⁴ Similar to the army, regional special police forces are organized in divisions, battalions, and squads. Across the board these special police forces resemble more closely the defence forces than any type of conventional police. If there is any difference, it is only in the name or the uniforms they wear, and as more and more former army officers join the ranks of special police forces, lines between the two are becoming increasingly blurred. Reflecting the transformation in its role, some regional states like Tigray have abandoned the name special police. Since January 2021, for example, the Tigrayan special police was renamed to the TDF. In Oromia and Amhara, the preferred term remains *Liyu Hayle*, or “special force.”



Picture: Amhara region special police graduation ceremony

Source: *Tobia Tube*⁴⁵

2.4 Heavy weapons

A 2019 report concluded that regional special police forces posed a unique threat to the country's federal unity due to their "bolstered numbers and sophistication of these contingents, their access to recruits, state-of-the-art training, specialized equipment and their association with anti-federal government sentiment."⁴⁶

Somali Regional State”, *The Reporter*, 3 June <https://www.thereporterethiopia.com/article/regional-special-forces-threats-or-safeties> accessed 3 May 2021.

⁴⁴ Member of the Federal Police who also has links with regional state police, interview by author, 5 June 2021, Addis Ababa

⁴⁵ Available online: <https://www.tobiatube247.com/watch.php?vid=4718b7945>

⁴⁶ Ann Fitz-Gerald (2019) “Ethiopia’s Security Dilemma’s” RUSI, 18 July 2019, <https://rusi.org/commentary/ethiopias-security-dilemmas>

The weapons that the special police could carry were not formally regulated until late 2020. While detailed accounts of the weaponry carried by the special police are not easy to find, it is clear the forces carry far heavier arms than the regular police force in Ethiopia does. Special police forces have access to heavy weapons like machine guns, M40 rifles, sniper rifles, DShK heavy machine guns, and the like.⁴⁷ For example, the Oromia region's special police were given 600 Toyota pickups in 2021 on the occasion of completing its 31st graduation ceremony.⁴⁸

The Somali region's *Liyu* police, which has a history of involvement in interregional conflicts and has been used for (cross-)border operations, was equipped as a military force. Their equipment was reportedly supplied by the Somali Region Eastern Command of the Ethiopian Ministry of Defence. Nearly 20 Toyota four-wheel drive (4WD) pickup trucks and a dozen 26–30-ton Isuzu pickup trucks were purchased for the *Liyu* police, though they frequently use civilian and government-owned vehicles. They carried AK-47s, PKMs, RPGs, and other military-grade weapons.

The consequences of the availability of this weaponry cannot be understated. In a March 2021 interregional state conflict between Afar and Somali communities, an international media outlet reported, "Somali special forces returned with truck-mounted firearms and rocket-propelled grenades to Haruka and two nearby areas, killing an unknown number of civilians, including women and children, in their sleep."⁴⁹



Picture: Special Police forces in Tigray, now known as the Tigray Defense Force (TDF)

Source: *Janes*⁵⁰

The conflict in Tigray that broke out in November 2020 has further exacerbated the situation. The former head of the Amhara regional police commission has spoken publicly about how the regional special police were instrumental in assisting the ENDF in the so-called "law enforcement operation"

⁴⁷ Special Police Force Command of the State of Oromia, interview by author, 4 June 2021, Police Commission of the State of Oromia, Addis Ababa.

⁴⁸ Interview with member of federal police 26 May 2021 Addis Ababa

⁴⁹ "Agence France-Presse Officials: Clashes in Disputed Zone Kill Dozens of Ethiopian Herders," (2021) *VOA News*, 6 April, https://www.voanews.com/a/africa_officials-clashes-disputed-zone-kill-dozens-ethiopian-herders/6204240.html accessed on 4 May, 2021

⁵⁰ Available online: <https://www.janes.com/defence-news/news-detail/ethiopia-says-northern-command-is-counterattacking-tigray-rebels>

in Tigray. He also highlighted the militarization of the regional special police: The Amhara special police have been supplied with heavy weapons from the federal government.⁵¹ Similarly, the TDF has captured heavy weaponry from the ENDF since its first attack on the ENDF's Northern Command started the Tigray conflict, and it now more nearly resembles a conventional army than any paramilitary police force.

2.5 Training and recruitment

Sources indicate that the special police's training is primarily military. It is conducted in places separate from the institutions used to train the regular police.⁵² Whereas regular police are trained in police training institutes, special police are trained in areas that have strategic importance. Furthermore, the content of the training stands in stark contrast. Training for regular "civil" police focuses on the federal and regional constitution, criminal law, police ethics, crime prevention, criminal investigations, community policing, traffic management, and other policing-related social services. Regular police are trained on using firearms and police offensive and defensive techniques, but the intensity and coverage of those police tactics training are very minimal.

The training of the regional special police force is the near-opposite of the regular police force. As one former trainer observed:

"The mission of the special police is to protect the region from internal insurgency, the neighbouring regions, and other countries. It is different from the regular police in terms of training, mission, and duties."⁵³

The special police's training is exceedingly focused on physical fitness, building the skill and capacity of the police officers in defending from attacks by an enemy – with or without a weapon – and how to take offensive actions against enemy forces or criminals. It is a paramilitary training in which recruits are taught tactical defence, counterinsurgency techniques, and anti-terror skills. The training also includes building up "commando skills."

One source from Oromia, which trains its special forces for six months, underlined that most special force training is devoted to practice, including different techniques used in a conventional and guerrilla war.⁵⁴ Ninety percent of the training is field training, whereas in-class training makes up only ten percent of the course.⁵⁵ The reverse is valid for the ordinary police, who receive ten percent field training while the rest is devoted to classroom theory.⁵⁶

Recruitment of regional special police forces generally takes two forms. Regional states make a public announcement for the recruitment of new regular police officers. Those recruited complete six months of training and became members of the regular police force. Those who perform best during the police training are selected for another three-month training to become a member of the regional special police. Alternatively, regional states can announce a recruitment process for a direct nine-month regional special police training; those who complete this training become members of the special police.⁵⁷ In the Somali region, the first region to set up a special police force, the training was

⁵¹ See <https://www.youtube.com/watch?v=neBbEDmrNPc>

⁵² Retired army general and former head of regional state special police, interview by author, 26 May 2021; Brook Abdu (2016) "Query response Ethiopia: The special police (Liyu Police) in the Somali Regional State", *The Reporter*, 3 June <https://www.thereporterethiopia.com/article/regional-special-forces-threats-or-safeties> accessed 3 May 2021.

⁵³ Former head of security of regional police, interview by author, 26 May 2021.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Member of the federal police, interview by author, 26 May 2021, Addis Ababa.

conducted by the federal defence forces stationed there; in other regional states, it is given either by the federal defence force or the heads of the regional special police. While there is an upper age limit for the recruitment of regular police, this requirement is waived in the case of special police to attract retired army generals and officers.



Picture: The Special Police Force of the State of Oromia, Parade at Bulbula Training center

Source: Oromia Police Commission, 2021

Recently, the federal government, including Prime Minister Abiy, has publicly complained that the federal army has not enrolled recruits. It was reported that new enrolments numbered less than 1,000 from Oromia and Amhara combined.⁵⁸ He was thus induced to call for all military-aged males to join the ENDF.⁵⁹ One senior political observer said:

"regional special forces appear to have a growing influence on security while the once-vaunted ENDF is a shadow of its former self, hollowed out by the loss of the Northern Command, the removal of the Tigrayan officer corps and battlefield reverses in Tigray."⁶⁰

On the contrary, regional states seem to have few problems recruiting members to the special police force. The Tigray special police, now known as the TDF, claim young men and women are joining in hundreds every day.⁶¹ The damage inflicted on civilians and civilian institutions under the pretext of "law enforcement operation" has triggered the Tigrayan youth to rally behind the TDF more than at any time before.⁶² Although these recruit numbers are not verified, it hints that the regional state police is perceived as more legitimate than the federal security institutions. A former army general

⁵⁸ Brook Abdu (2016) "Query response Ethiopia: The special police (Liyu Police) in the Somali Regional State", *The Reporter*, 3 June <https://www.thereporterethiopia.com/article/regional-special-forces-threats-or-safeties> accessed 3 May 2021.

⁵⁹ "Ethiopia calls on civilians to join army to fight Tigray forces", (2021) *Al Jazeera*, 10 August, <https://www.aljazeera.com/news/2021/8/10/ethiopia-calls-on-civilians-to-join-army-to-fight-tigray-rebels>

⁶⁰ Report by senior European diplomat 30 May 2021, Addis Ababa.

⁶¹ Dimsti Weyane, Interview with Lieutenant General Tsadkan Gebretensai <https://www.youtube.com/watch?v=McgqxJfVecY>, 29 May 2021

⁶² Rene Lefort (2021) "Les Tigréens sont mis à genoux et dépossédés des moyens de se relever" *Le Monde Afrique*, 3 June, https://www.lemonde.fr/afrique/article/2021/06/03/ethiopie-les-tigreens-sont-mis-a-genoux-et-depossedes-des-moyens-de-se-relever_6082718_3212.html.

and head of special police in one of the regional states concluded: "one of the reasons for the proliferation of the special police is loss of trust in federal institutions, including the army."⁶³

3. Constitutional and legal challenges to the special police

3.1 Constitutional ambiguity

Since 1995, Ethiopia has been a federal country with two governments systems: one federal and ten regional states.⁶⁴ The constitution allocates mandates (legislative, executive, and judicial) between the two levels of government. Still, while defence (article 55-7) and regulating the possession and bearing of arms is an exclusive mandate of the federal government, the mandate for policing is given to both levels of government, according to articles 51 and 52 of the Constitution.

Regional states are empowered to establish and administer *a state police force and maintain public order and peace within the state* (Arts. 51 and 52 (2g) of the constitution).⁶⁵ However, what constitutes a state police force and who ensures public order and peace within the regional state is far from clear. Whether the mandate for regional states, which are "empowered to maintain internal security" under article 52, can be extended to include the establishment of special police as a means to ensure internal security remains contested, although taken together with the concepts of self-government and autonomy, it could be interpreted to allow regional state mandate to establish special police.

A closer look at relevant regional state constitutions and laws shows they replicate the ambiguity at the federal level. Each regional state has its police force establishment proclamation; however, neither regional state constitutions nor regional state police establishments contain specific provisions for a special police force.⁶⁶ None of these laws provide details, mention the special police by name, or mention the special police as a separate regional security apparatus.⁶⁷

The federal constitution and relevant regional state laws provide only for a regional state police force. It is not clear whether such forces also include the special police, the constitutional status of which remains vague, if not contested. On the one hand, it bears the name police, albeit with the adjective *special police*, and wears police badges of rank and thus, on appearance, resembles the regular police of the regional states. Therefore, the special police could be treated as members of the regional state police force, which is expressly mentioned in the regional state constitutions and further elaborated in the regional state laws establishing the police commission.⁶⁸ Thus, the claim goes, the power emanates from the federal constitution itself.

On the other hand, the special police forces' training and size, the weapons it carries, and of late, its level of engagement call into question if it is the police force or a regional state army. If so, can regional states have such an army? Contrary to the federal police force and national defense force, which have country-wide jurisdiction and can intervene on grounds stipulated under articles 93 and 94 of Ethiopia's federal constitution, regional state police (and thus also special police) have limited jurisdiction. They can only operate *within the state* that has established them. This sounds simple and

⁶³ Interview by author, May 26, 2021

⁶⁴ Ethiopia may soon get an eleventh regional state following the referendum in Kaffa on 30 September 2021.

⁶⁵ Regional state constitutions Article 47, 2(f) of i.a. Oromia, the SNNPR, Sidama, and the revised constitution of the Amhara region replicate this mandate of regional states.

⁶⁶ Reference to all regional state constitution shows that the special police is not mentioned in any of the texts.

⁶⁷ See for example the 2001 revised ANRS constitution, ANRS Police Commission re-establishment Proclamation No. 216/2014 and The Revised ANRS Police Officers' Administration, Council of Regional State Regulation No. 175/2018.

⁶⁸ Interviews by author with independent experts and heads of police commissions in Amhara and Oromia regional states lead to this assertion.

clear in the federal constitution, but the reality is more complex. The deployment of the Amhara special police in large numbers, and other regional special police forces in lesser numbers, to Tigray, has set a new precedent for the role of the special police to be deployed on orders of the federal government outside of the particular regional state that established it. When there are legitimate grounds for intervention, the national defence force and the federal police can indeed be deployed throughout the country, but the engagement of regional state special police outside of the regional state that has established it is controversial, if not unconstitutional.

Having asserted the constitutional ambiguity on the issue, it remains unclear if the regional state mandate extends to cover the special police. With increasing tension and at times open confrontation between the federal government and some regional states on the one hand, as well as horizontal conflict between regional states, understanding the role of this force becomes critical to ensure the safety and security of citizens and its implications for the peace and security of the country – and to propose actionable policy reforms to address the risks.

3.2 Attempts at regulation

Several laws enacted by both levels of government have defined the relationship between the police at the federal and regional state levels. Since 1991, the Ethiopian police have, in principle, been subject to civilian control. The federal police were accountable to the Ministry of Justice during the 1990s; between 2002 and 2018, the federal police were made accountable to the Ministry of Federal Affairs. At present, the police at the federal level are accountable to the Ministry of Peace (MoP), established in 2018 and at the time of writing headed by Moferiat Kamil. The Ministers, in turn, are accountable to the House of Peoples' Representatives and the Prime Minister.

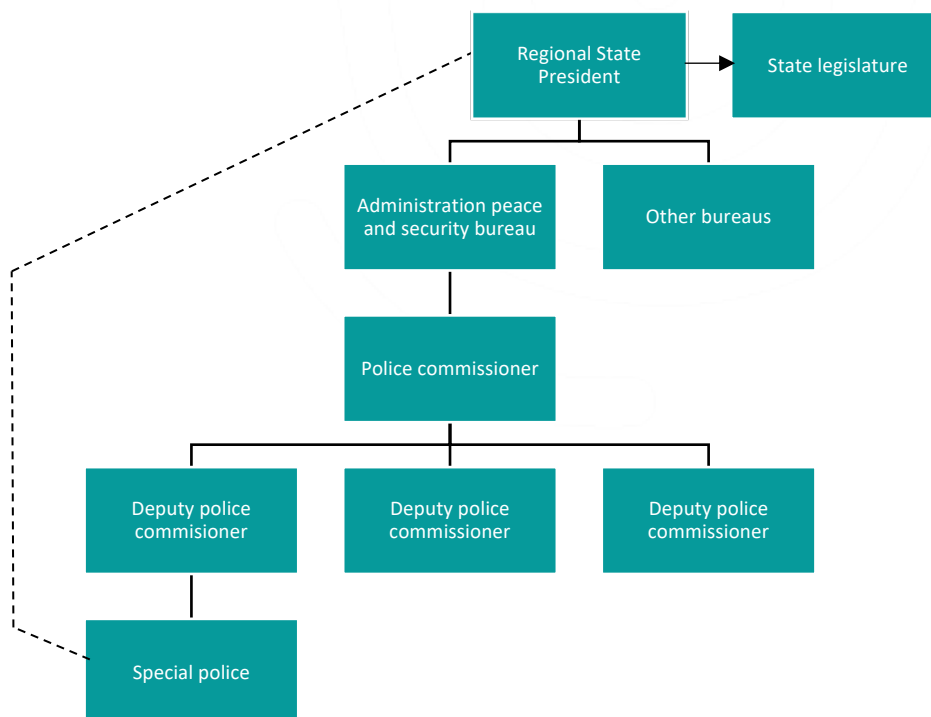


Figure: The formal chain of command for the regional special police forces

Source: author's notes

The organisational structure of the special police varies from state to state. In the Somali regional state, especially under the administration of Abdi Iley, the *Liyu* police were directly accountable to the regional president. In other regional states such as Amhara, Oromia, and the South, the *Liyu* police are organised under the police commissions but with special links established directly with the regional state president. The police commissioner has several deputies: one of them is directly in charge of the special police. In turn, the police commissioners are accountable to the “Administrative and security affairs bureau,” which is accountable to the regional state president. In theory, the regional state executive body is accountable to the regional state’s elected legislative councils. Nevertheless, as the above figure shows, the complicated formal structure is misleading. The special police remain in most cases directly accountable to the regional state president. The legislature has little knowledge and control over the special police.

The proclamations establishing the federal police (720/2011) define the relationship between the Federal Police Commission and the Regional Police Commissions. In principle, the relevant laws reinforce the dual structure of the police, in which the federal police administer and discharge federal mandates and regional states enforce regional state laws. The respective laws also allow the delegation of federal mandates to regional state police, such as investigating federal criminal cases. Otherwise, the regional special police operate autonomously when it discharges its regional state mandate.

Under the federal police proclamation of 2011, the federal police commission is responsible for giving training, professional assistance, and other support to regional police commissions. The latter sends reports and statistical data to the federal level for everyday use. The federal police can develop national policies and strategies for crime prevention (article 6 (21)). They can “issue national standards” on recruitment and employment, education and training, ranks, uniforms, and equipment, among others (article 6 (7)). Federal and regional police are obliged to hold four joint meetings a year;⁶⁹ they must establish a Joint Council to strengthen their relationship.⁷⁰ The federal police thus set the critical standards on police throughout the country; the regional police forces implement based on criteria established at the federal level.

The chain of command between the police, the civilian ministers, and the respective legislative bodies indicates a mechanism for ensuring transparency and accountability. Yet, several reports show there is no effective oversight by the respective legislative bodies, and reports of human rights abuses both at the federal and regional state level continue to be a significant concern.

In a focus group discussion held with stakeholders in Bahir Dar, in the Amhara regional state, participants thought the special police was not accountable: visible human rights violations went unaddressed, and the special police were said to operate with a high degree of legal impunity. Minorities face widespread terror from special police forces. It was not subject to the rule of law.⁷¹ The same observation was made in Oromia – and at the federal level. A few internal accountability systems within the police itself relate to self-discipline, ethics, and dress codes. Still, there is little systematic accountability concerning their essential duties in the process of law enforcement.⁷²

To address these issues, in 2020, the federal government issued two proclamations. Article 24 states that “the type and amount of firearm that the Federal and Regional law enforcement bodies can bear shall be determined based on their mission and other situations by regulation to be issued by the

⁶⁹ Article 19 of Proclamation 720/2011. See also Workneh Gebeyehu (2016) *An Analysis of the Influence of Politics on Policing in Ethiopia*, unpublished PhD thesis, University of South Africa, pp.78-82.

⁷⁰ Article 18 of Proclamation 720/2011.

⁷¹ Focus group discussion, organised on 26 May 2021, Addis Ababa.

⁷² Member of the federal police who works with regional state special police, interview by author. Interview results from Oromia also show the same observation.

Council of Ministers." This did not give much clarity, considering that the mission of special police, as mentioned above, remains contested. A second, much-anticipated, new proclamation on "firearm administration and control" (1177/2020) issued by the federal parliament amid a flurry of debate over special police forces also left much to speculation. The new laws stopped at the very point where they were expected to deliver.

A second policy document (the "Police Standard")⁷³ intends to make regional special police *accountable* to the federal police, even when it discharges its regional state mandate.⁷⁴ In the document, the federal government observed that special police forces are heavily militarized – in contravention of their status as a police force – and have become a threat to peace, security, and the country.⁷⁵ The document further states the special police is loyal to factional interests in regional states and evolving tools for extremist ethnic and religious groups.⁷⁶

The Police Standard proposes centralising the recruitment process of regional state police, thus subjecting it to federal control.⁷⁷ Regional state police would be made accountable⁷⁸ to the federal police while retaining its administrative accountability to the regional states.⁷⁹ To reverse previous trends, the Police Standard proposes subjecting the promotion and appointment of the police commissioner and deputy police commissioner of regional states to be made by the Ministry of Peace, a federal government ministry.⁸⁰ (This would possibly violate the regional state mandate.) The proposal would also limit the role of regional special police to routine law enforcement operations, such as crime prevention and control, within the regional state and strictly regulates the type of weapons to be carried by the same force.⁸¹

Attempting to regulate the relationship between federal and regional state police forces, the 2020 Police Standard introduces a very centralised system. Whether this will be successful remains uncertain; the document is yet to be discussed with regional states, and it is to be seen how the latter will react to this development. As will be shown in the following sections, the effort to regulate the special police may be a step in the right direction but should be done without violating the mandate of regional states. It should also follow after a consensus is created within regional states – a difficult task in the current political climate.

⁷³ Police Standard in the FDRE, December 2020, Addis Ababa.

⁷⁴ Police Standard in the FDRE, December 2020 p.66-67.

⁷⁵ Ministry of Peace expert involved with in the preparation of the document, interview by author, 15 May 2021 Addis Ababa. Police Standard in the FDRE, December 2020, pp.78-81.

⁷⁶ See Police Standard in the FDRE, December 2020, Addis Ababa, Policy Document p.58

⁷⁷ See Police Standard in the FDRE, December 2020, Addis Ababa, Policy Document P. 71

⁷⁸ The policy document states that while the federal police is headed by Federal Police Commissioner General, the regional state police will be headed by Commissioner whose status is one step lower than the federal Commissioner General. It introduces a new element of the regional state police accountability to the federal level that violates the federal principle. See Police Standard in the FDRE, December 2020, Addis Ababa, Policy Document.

⁷⁹ Police Standard in the FDRE, December 2020, Addis Ababa, Policy Document p.67.

⁸⁰ Police Standard in the FDRE, December 2020, Addis Ababa, Policy Document p.47.

⁸¹ The annex part of the document provides the details about the nature of weapons regional state police need to carry

4. The political debate over the special police

Federalism and devolution, key pillars of governance in Ethiopia, assume effective institutions for day-to-day political affairs, such as intergovernmental platforms for bargaining and negotiation. As the Ethiopian political system has become increasingly weakened and fragmented, however, different actors increasingly rely not on bargaining and negotiation but on the special police and informal forces as a means to safeguard their interests.⁸²

This section of the report situates the debate over the special police forces within the broader context of the political contestation between ethno-national elites and a centrist elite. The section argues that a political settlement is necessary to deal with the issue of the special police.

4.1 The centrist perspective

Ethiopia's centrist elite has for long either resisted federalism or, when it thought the unitary system would make it unpopular in the context of highly mobilized ethno-national groups, resorted under pressure and half-heartedly towards "geographic federalism."⁸³ Ethiopia's leader, Prime Minister Abiy Ahmed, has indicated this model as his preferred system and may look to amend the constitution along that line.⁸⁴

The centrist ruling elite – who champion a more centralised federal government, or perhaps a decentralised unitary state – are tempted to use central power to achieve their objectives.⁸⁵ This can include defence forces and the federal police. Their agenda directly opposes "ethnic federalism"⁸⁶ and argues that regional special police forces are "unconstitutional."⁸⁷ The special police are seen as a threat to Ethiopia's peace, stability, unity, and integrity and thus should be banned or dissolved.⁸⁸

⁸² Rene Lefort (2021) "Ethiopia's war in Tigray is 'but the tip of the iceberg when it comes to conflicts ravaging the country'", *The Africa report*, 30 April, <https://www.theafricareport.com/84350/ethiopias-war-in-tigray-is-but-the-tip-of-the-iceberg-when-it-comes-to-conflicts-ravaging-the-country/>

⁸³ This is the position of nearly all centrist parties such as the Coalition for Unity and Democracy in 2005, now rebranded as *Ezema*, Ethiopian Democratic Party, EDP, All Ethiopia Unity Party. Refer to Lidetu Ayalew (2010) *The Third Way*. Lidetu is a vocal opposition figure who subscribes to federalism but not on ethnic basis.

⁸⁴ Tom Gardner (2019) "Abiy Ahmed and the Struggle to Keep Ethiopia Together" *The Africa Report*, 11 October, <https://www.theafricareport.com/18565/abiy-ahmed-and-the-struggle-to-keep-ethiopia-together/?amp=1>

⁸⁵ There are some who propose "civic" as opposed to ethno-national based identity formation in Ethiopia. It is now very clear the civic proposal (*Zegenet Politica or Ethiopiawinet*) if unmasked from its pretensions is the Amhara elite's vision of Ethiopia—a deeply ethnic one manifested through the three-colour flag (green, yellow red), Amharic speaking, Orthodox and centralized Ethiopia. Civic nationalism is thus a *mask* for another form of ethno-nationalism in Ethiopia.

⁸⁶ Throughout the public and private media in Ethiopia, the dominant narrative for the last one year and half has been "the source of all evil in Ethiopia is ethnic federalism." One of the main opinion makers on this—former *Derg* official wrote "ethnic politics that has been institutionalized by the ruling party, for the last 28 years was the single cause..." Dawit Woldegiorgis, "Ethiopia: on the Brinks" (2019) *Borkena* <https://borkena.com/2019/04/10/ethiopia-a-country-on-the-brinks-by-dawit-woldegiorgis/> 10 April, 2019. There is little grasp of the political reality on the ground and there is little debate on the causes of ethno-national based mobilization and the deep cleavages; see also Messay Kebede (2018) "On Transitional Government and Ethnic Federalism", *Ethiopian Observer*, 3 August, <https://www.ethiopiaobserver.com/2018/08/03/on-transitional-government-and-ethnic-federalism/>

⁸⁷ The Minister of the Ministry of Peace of the FDRE, Muferiat Kamil, while presenting her Ministry's three months' performance report to the House of Peoples' Representatives (HPR) required the HPR to come up with a legal framework regulating regional special police forces, invoking that their establishment is "unconstitutional". See for further details Brook Abdu (2016) "Query response Ethiopia: The special police (Liyu Police) in the Somali Regional State", *The Reporter*, 3 June <https://www.thereporterethiopia.com/article/regional-special-forces-threats-or-safeties> accessed 3 May 2021.

⁸⁸ See Police Standard in the FDRE, December 2020, Addis Ababa, Policy Document p.67; Former chief of staff of the army, General Adem Mohamed and Minister Moferiat Kamil from the Ministry of Peace quoted in Brook Abdu (2016) "Query response Ethiopia: The special police (Liyu Police) in the Somali Regional State", *The Reporter*, 3 June <https://www.thereporterethiopia.com/article/regional-special-forces-threats-or-safeties>. The communication head of the federal police Jaylan Abdi, also told *The Reporter* that these forces are loyal to a particular ethnic group and is harmful to

The centrists argue that regional special police under a context of ethnic federalism reinforces ethno-nationalism and can lead to war against all, accelerating the country's fragmentation and ethnic conflicts. Furthermore, while regional states have the mandate to establish police to maintain peace and security, the argument goes, the mission of the special police as it operates now has taken over the mandate of the ENDF, in contravention of the federal constitution. Last but not least, this line of reasoning sees challenges to the mobility of labour and capital under the system of ethnic federalism and, in particular, in the extensive deployment of special police forces. Citizens and minority groups feel insecure when they live outside of "their" regional state as they risk being terrorised by local autocrats, whose special police forces have been accused of evicting and dispossessing victims' property.⁸⁹ These factors seem to be driving the recent release of the "Police Standard" that identified the special police as heavily militarised and proposed far-reaching reforms.

It is unlikely that regional states would approve or comply with this new federal policy document, which is part of a broader trend of resistance to efforts by the federal government to address the regional special police. At the height of the protests in 2017 and 2018, Oromia, Amhara, and the Somali region objected to reforms; Tigray regional state protested a further attempt made in 2019.⁹⁰ As confirmed by a source, the "Oromia, Amhara, and Somali regional states have continued recruiting and training a special police force in their respective regional states" since the federal government issued their new "Police Standard" policy proposal.⁹¹

At the moment, the federal government also lacks the capacity and stature to enforce the new policy. The Prosperity Party, created by PM Abiy in late 2019, is not as cohesive as its predecessor, the EPRDF, which enforced its decisions through democratic centralism using its top-down party machinery. There are indications that the federal government, too, is divided on the matter.⁹² Some sources indicate that the ENDF does not want the special police to be dissolved or disarmed. The army knows its limits and the risk associated with engagement in local conflicts. It thus is not necessarily against the deployment of special police for that purpose but what it wants is a "limited role of special police, both in terms of weapons and size."⁹³

The position of Amhara elites, who have traditionally made up the core of the "centrist elite", on the issue may also be shifting. Whereas they previously condemned the special police as a destabilising force, lately, some have welcomed the increased role of the regional special police and even openly promoted it.⁹⁴ Agegnehu Teshager, then President of the Amhara region, has openly called on all able men and women in the regional state to join the Amhara region special police to counter TDF's invasion of the region: he has also allowed those who participate in owning and carry weapons they

unity and has proved difficult to put these forces into check and standardize their training and arms (same source). Several interviews made by academics that share the same view question the constitutional basis of the special police. The main argument is that the federal constitution gives a mandate to regional states to establish regular police, not special police that has military nature in terms of training, the weapons and fire arms it carries and the kind of conflicts it engages. The regular police are engaged only within the territory of the state while special police go beyond that see Tiruneh Endeshaw, *Assessment of the Establishment of Liyu Police in the Ethiopian Federation: The Case of Selected Regional Police* (2020), Addis Ababa University, LL.M thesis, unpublished.

⁸⁹ Oromia-Somali regional state conflicts, Benishangul Gumuz, Amhara-Tigray regional state are a few examples.

⁹⁰ Member of the federal police, interview by author, who has attended both events, Addis Ababa, 26 May 2021.

⁹¹ Member of the federal police that has links with regional state police, interview by author, Addis Ababa, 5 June 2021.

⁹² Former security head, interview by author, Addis Ababa, 15 May 2021.

⁹³ Former member of the Federal Police, interview by author, 25 May 2021.

⁹⁴ Former Amhara region head of the regional state police Abere Adamu is quoted in *the Reporter* as saying "the mandate of special police has no contradictions with the federal constitution" in Brook Abdu (2016) "Query response Ethiopia: The special police (Liyu Police) in the Somali Regional State", *The Reporter*, 3 June <https://www.thereporterethiopia.com/article/regional-special-forces-threats-or-safeties> accessed 3 May 2021.

may capture from TDF.⁹⁵ Many within the centrist camp, alongside some opposition political parties such as *Ezema* and the federal police, remain interested in dissolving and disarming the special police. Still, without sufficient political support, the military displays by regional states at special police graduation ceremonies continue.

4.2 The ethno-nationalist perspective

Regional states – especially those that champion self-government and a more inclusive federal government – are tempted to use regional state and special police forces as a means to promote that interest. In deeply divided societies like Ethiopia, where there is little trust within the political elite and where the federation is composed of (minority) ethno-national groups without a clear demographic majority, self-government remains the means to ensure minorities become a majority at the constituent unit level. Accordingly, such groups feel they have a "right of self-protection" against central institutions that may be tempted to use force for factional interests.⁹⁶

The regional special police are presented as an integral part of the right to self-government that logically follows Ethiopia's federal constitution (Articles 8, 39, 46, and 47). Self-government in a federation requires a broad mandate that empowers regional states with political, economic, social, and security powers.⁹⁷ The Ethiopian constitution leaves reserve power to regional states (Article 52(1)). The argument goes that a constitution that has allowed self-government and the right to secede (Article 39) cannot prohibit regional states from establishing special police. All added up, proponents of ethno-federalism argue regional states have the mandate to establish regional special police as a means to ensure self-government, peace, and security within their territory.⁹⁸

In a federation, regional states can be considered "laboratories" for trying new initiatives and policies that fit local contexts.⁹⁹ Although later misused, the special police in the Somali region were such a new initiative, established to address a peculiar security concern in which the federal army faced difficulties understanding and managing local conflict dynamics. Lack of trust in federal security institutions that have a history of taking sides in local conflict instead of trying to mediate and association with human rights abuses are significant reasons for the demands for regional special police.

Accusations against federal forces or the special police forces of rival regional states are easily made. At the height of the political protests that led to the resignation of PM Hailemariam (2015-2018), federal army and federal police were accused by Amhara and Oromia regional state activists as *Agazi* – a commonly used term implying that it is predominantly a TPLF force.¹⁰⁰ In reaction, Oromia and

⁹⁵ "Ethiopia's Amhara state calls on 'all young people' to take up arms against Tigrayan forces" (2021) *South China Morning Post*, 21 July, <https://www.scmp.com/news/world/africa/article/3142484/ethiopias-amhara-state-calls-all-young-people-take-arms-against> accessed 5 October 2021.

⁹⁶ Alexis de Tocqueville (1990) *Democracy in America*, New York: Vintage Books.

⁹⁷ During the debate on the constitutionality of regional state elections in Tigray held in September 2020, Getachew Reda, TPLF senior leader said regional state mandate to self-government includes mandate to organize regional state elections, more so when the federal level Election Board is not willing to conduct the elections. Self-government and political autonomy includes right to elect once leaders and ensure security within its territory.

⁹⁸ Author interviews with trainers and heads of special police in regional states in May 2021 show "special police" should be treated as police for the sake of settling the legal controversy related to its mandate. Yet as will be indicated below, its mandate and the nature of the training demonstrate the difficulty of treating the special police as part of the regular regional state police.

⁹⁹ In a dissenting Supreme Court decision Justice Louis Brandeis of the United States in *New State Ice Co. v. Liebmann* argued "It is one of the happy accidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory, and try novel social and economic experiments without risk to the rest of the country." *New State Ice Co. v. Liebmann*, 285 U.S. 262, 311 (1932)

¹⁰⁰ See debate about the *Agazi* at <https://hornaffairs.com/2016/02/08/jawar-mohammed-ethiopian-military-agazi/>

Amhara regions began to increase the size of the special police. In the ongoing war between Tigray and the federal government, Tigrayan activists have accused the federal army of being "the *Derg*" in a new mask.¹⁰¹ In Tigray, the Amhara special police are equated by some Tigrayan activists with the notorious *Hutu militia* that triggered the Rwanda Genocide in 1994.¹⁰² It is a security dilemma that is difficult to break and reinforces a belief in the need for states to have their special forces.

A retired army general, formerly the head of special police in the Amhara region, said, "regional states have lost trust in federal institutions, including the army. The army has been extremely weakened as a result of the war in Tigray. Regional states can only *count* on their special police."¹⁰³

The shared-rule principle in a federation assumes that federal institutions include all states and citizens; otherwise, they are seen as aliens by states and citizens not represented in these institutions.¹⁰⁴ Similarly, institutions with a country-wide mandate must serve each state and the citizen on an equal basis and impartially. Instead, ethno-nationalist forces see the federal government as an instrument of factional interests, and thus they prefer to rely on their special police. In Tigray, in particular, the deployment of security forces and the army is seen as an "invading force" that has to be expelled by all means.¹⁰⁵ Evidence from the protests in Oromia and Amhara (2015-2018) or the devastating and ongoing war in Tigray (2020-2021) show that this is primarily the narrative from the local side.¹⁰⁶ Amhara and Tigray regional states have claims and counterclaims over disputed territory. Recently Prime Minister Abiy said that "Wolkayit and Tselemti [the disputed territories] have always been part of *Begemidir* (the old name of Gondar)." To many ethno-nationalists, this was an example of the federal government taking a side rather than mediating impartially in disputes between regional states.¹⁰⁷

The ethno-national nature of the Ethiopian federation and the presence of regional state and special police forces loyal to the regional elites pose a severe issue for the federal government in Addis Ababa. But the regional special police cannot be seen in isolation: it is part and parcel of the ongoing political debate and the federal system in the country. Unless that debate is resolved through some kind of dialogue and political settlement, the role of the special police will remain contested and depend in large part on which side dominates the political scene at one time or another.

¹⁰¹ The *Derg* refers to the military junta that led Ethiopia from 1974-1991 and was removed by EPRDF. The TPLF and Eritrean forces fought the military for long and a combined force ended its brutal rule in 1991 resulting in Eritrea's secession *de facto* in 1991 and *de jure* in 1993. There is a lot of similarity in the narrative between the current Ethiopian ruling elite in power and the *Derg* including the infamous "*Ethiopia Tikdem*" that has now come in new name "*Medemer*" Abiy's new jargon. Ethno national forces see the similarity in the narratives as means to fight it out by all means.

¹⁰² Tigray Media House (TMH), a media outlet that presents details about the on-going war in Tigray from a Tigrayan perspective issued several evidences equating the role of Hutu militia and the Amhara region special police western Tigray. See also Declan Walsh (2021) "Ethiopia's War Leads to Ethnic Cleansing in Tigray Region, U.S. Report Says", *The New York Times*, 26 February, <https://www.nytimes.com/2021/02/26/world/middleeast/ethiopia-tigray-ethnic-cleansing.html>, accessed 23 May 2021.

¹⁰³ Interview by author, 26 May 2021.

¹⁰⁴ See for details, Daniel Elazar (1987) *Exploring Federalism*, Tuscaloosa, AL: The University of Alabama Press.

¹⁰⁵ See Getachew Reda, a TPLF executive member and spokesperson, give an interview on TMH: <https://www.youtube.com/watch?v=Pufloemmgu0&t=234s> (accessed 27 May 2021)

¹⁰⁶ "Ethiopia out of Oromia" was Jawar Mohamed's remark in public demonstration in USA at the start of the Oromo protests see https://www.youtube.com/watch?v=uXah_qtW8sg "Eritrea-Ethiopia out of Tigray," "Amhara forces out of Tigray" and "Stop Genocide in Tigray" are the mottos of the Tigrayan activists at the moment.

¹⁰⁷ See his speech July 1, 2021 speech: <https://www.youtube.com/watch?v=sJPw2EwNhx4>

5. A political settlement

An investigation into the federal constitution and regional state laws shows that both governments are empowered to establish their respective police force. The states are empowered to establish and administer *a state police force* and maintain *public order and peace within the state*; however, what constitutes state police, and whether that includes special police, is contested. Each regional state has its police force establishment proclamation. Still, neither regional state constitutions nor regional state police establishment laws contain a specific provision dealing with a special police force. None of the documents reviewed for this study mentioned the special police by name.

Confronted with a special police force with a contested legal mandate, yet a very real institution in Ethiopia, it seems that dialogue and political settlement are the way out of the current stalemate. To address the proliferation of the special police in Ethiopia, three separate but inter-related processes may be required: a peace deal, a political settlement, and a constitutional dialogue.¹⁰⁸

A peace deal would end the violence – particularly in the Tigray conflict – at least until more fundamental issues are settled and should be pursued in the short term. A political settlement could then provide a political, not military, solution to outstanding political issues across Ethiopia. This is crucial for Ethiopia and would address primary issues such as political inclusion at the centre, self-government, whether the country is a nation (*demo*) or multination (*demos*), and the type of federation. It may also address highly symbolic issues such as the flag, history, heroes, anthem, and legacy of the past. The third phase – a revision of the constitution and relevant laws – could be made once a dialogue addresses the outstanding issues. Political agreements would be formalized through a pact that all actors agree to abide by.

The interests of both camps – centrists and ethno-nationalists – are not necessarily incompatible and can be subject to negotiation: the key issue is whether the process is *inclusive enough* to bring in all relevant actors. Equal or proportional representation of regional states in federal institutions, consensus-based decision-making on key political and economic issues, and genuine autonomy to regional states will go a long way in addressing such concerns. Once trust is built, the fate of the special police can be negotiated – whether it should be retained, integrated into the regular police or the army, or dissolved altogether.

There are several options available within the basic framework of a political settlement. The first option, proposed by Ethiopian centrists, is integrating the regional special police into either the national defence or federal police, along with the unitary security model in federations such as Nigeria and South Africa. This system relies on a single police system with little to no sub-unit police forces. It also involves dropping the idea of regional special forces and restricting the regions to having only regular police. High-threat security matters can then be dealt with by either the federal army or the federal police, based on each regional state. The recent "Police Standard" aims to do this by making the special police accountable to the federal police (while reserving the administrative accountability to the regional states) and centralizing the appointments.

This model, however, works well in countries that are not profoundly divided and where there is harmony between the two levels of government. Such harmony is non-existent in Ethiopia at the moment. Given the high degree of political mobilization of ethno-national groups and the polarization and fragmentation within the political elite, attempts to dissolve the regional state special police could add fuel to the fire.

¹⁰⁸ See Christine Bell and Kimana Zulleeta-Fulscher (2016) *Sequencing Peace Agreements and Constitutions in the Political Settlement Process*, IDEA.

The second option is to adopt the framework model, practiced in the executive federalism of Germany and (to some extent) India. Under this arrangement, the federal government has the constitutional powers to make framework security legislation. Still, the administration and enforcement of that legislation tend to fall under the purview of the constituent units. A federal framework law would set the guiding principles and standards for the special police forces, such as the nature of their training, mandate, level of engagement, and weapons it is allowed to carry. Still, it would leave the details for regional states to regulate. A forum of intergovernmental relations between the two levels of governments would coordinate, monitor, and supervise based on the framework law and sort out any disagreements based on the principles of intergovernmental relations.

This option remains ideal but would require building trust between the federal government and regional states currently missing in Ethiopia. It also requires good faith and commitment to the federal principle from both sides. Else the federal government may exhaust the entire security field in the name of framework legislation and leave nothing to states and turn the system to effectively a unitary state. Ethiopia's political elite that controls central power has shown that this is a very high possibility.

The third proposal would be to formalise a clear division of mandates between the federal and regional governments. As legislative, executive, and judicial powers are divided between the federal and state governments, police power too would be divided. It would limit regional special police engagement within the territory of the regional state and prevent its involvement in interregional conflicts and border security. However, the emergence of special police in Ethiopia, its resemblance to the ENDF, the heavy weapons it carries, and its involvement in interregional conflicts cast doubt on the feasibility of this model.

The biggest challenge in this respect is building trust between federal and regional state governments actors. We have indicated that dialogue and political settlement is critical in sorting out the political issues that triggered the rise of the special police. Once trust is improved through this process, the special police of regional states could be integrated into the ENDF and assume the country's broad mandate. It was noted that the army's size had been depleted due to the war in Tigray, and integrating the special police to ENDF could fill the gap and reduce any risk that may come with dissolving the special police. Regional states will then have regular police only, whose role is limited to ensuring peace and order and prevention and detection of crimes within each regional state.

Akin to the US and Switzerland, a final model refers to federations that allocate broad police power to states. Only limited powers are reserved for the federal government, which focuses mainly on ensuring the security of key federal institutions, interstate and international crime. Significant variations exist among states, and state police are in charge of enforcing state laws. Both the USA and Switzerland were formerly confederations, and the security design partly reflects that historical context. It works in federations that delegate substantial political autonomy to the states, while the federations are backed by strong institutions that coordinate country-wide security matters. In the absence of such institutions and the prevailing elite rivalry at the federal and regional state level, this option could lead to anarchy, as one could argue is presently occurring in Ethiopia.

Whichever model Ethiopia adopts, enhancing the system of political and judicial control and ensuring accountability remain critical. Special police are associated with widespread abuses; their rapid growth, increased militarization, and involvement in various conflicts in Ethiopia are highly concerning. The devastating impact of fighting between special police forces, currently on display in Amhara and Tigray, and Afar, the Somali region, Benishangul-Gumuz, and Oromia are wreaking havoc in the country. If left unchecked, regional special police forces could be an existential threat to Ethiopia.



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