

Treatments of the Rights of Minorities in Amhara National Regional State: Law and Practice

Sisay Mengistie Addisu

Advisor: Yared Legese (S. J. D Candidate)

**A Thesis Submitted to the School of Graduate
Studies, Addis Ababa University, Faculty of Law
in Partial Fulfilment for the Requirements of
Masters Degree (LL.M) in Human Rights Law.**

**January 2010
Addis Ababa**

Addis Ababa University, Faculty of Law
Approval Sheet by the Board of Examiners

Title:- Treatments of the Rights of National Minorities and Caste Social Groups in Amhara National Regional State: Law and Practice

I hereby certify that this is my original work. Works of others included in this paper are properly cited and acknowledged.

Candidate:- Sisay Mengistie Addisu

Signature-----

05/01/2010
[Handwritten Signature]

Advisor: Yared Legese (S.J.D Candidate) Signature-----

[Handwritten Signature]
Yared Legese

Name of Examiners

Signature

1. *[Handwritten Signature]*
2. *[Handwritten Signature]*

[Handwritten Signature]
8 March 2010
[Handwritten Signature]

Addis Ababa
January 2010

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Acknowledgements

First and for most I wish to express my profound gratitude to my advisor, Yared Legese, for his invaluable comments and suggestions he has given on the various drafts of the thesis .

I would like to honour my dear wife Dirb Gugsu, for all pains she pass through and I would also like to forward my humble acknowledgement to my mother Messelech Mengesha, who taught me unconditional love, and my daughters Samri and Elshaday.

I am also abidingly grateful to my brothers Wedajo Mengistie, Hailu Mengistie, Belay Mengistie and Abebe Mengistie. Particularly I wish to express my deep affection and appreciation to the dedication of Belay Mengistie.

I would also like to pay tribute to the many people who have given freely of their time, hearts, and resources to support me during my stay in the University. Among them Worku Tamrat, Eskindir Desta, Shegaw Lakew, Meresa Halefom, Begziabher Alebel and Yeshiwace Shibabaw must be mentioned here.

Finally, I would like to extend my thanks to Dr. Girmachew and Ato Abera Degafa the constructive comments and valuable suggestions they have made as examiner.

Sisay Mengistie Addisu
Addis Ababa, Ethiopia

Abbreviations and Acronyms

AAPO	All Amara People Organization
Admn.	Administration
Admr.	Administrator
Adv.	Advisor
ANDM	Amhara Nation Democratic Movement
ANRS	Amhara National Regional State
Art.	Article
CSA	Central Statistical Authority
Dep.	Department
Ed.	Editor
Eds.	Editors
Edn.	Edition
EPDM	Ethiopian Peoples Democratic Movement
EPRDF	Ethiopian Peoples Revolutionary Democratic Front
FDRE	Federal Democratic Republic of Ethiopia
G.A.Res.	General Assembly Resolution
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
NA	Nationality Administration
NC	Nationality Council
NRS	National Regional State
OSCE	Organization for Security of Europe
UDHR	Universal Declaration on Human Rights
UN	United Nations
UNDoc.	United Nations Document
UNGA	United Nations General Assembly
Procl.	Proclamation

Abstract

The prime motive of the writer to do a research on the rights of national minorities is the divergence of the Amhara National Regional State Constitution against the Federal Democratic Republic of Ethiopia (FDRE) Constitution on some rights of national minorities. Moreover, the researcher wants to see the status of the Amhara Region government activities against the guaranteed constitutional rights of national minorities. Besides, the researcher, being watchful of the prevalent problems in the area, is enticed to make a comparative survey of the constitution of the Amhara National Regional State (ANRS) in relation to the rights of national minorities with that of the three neighbouring national regional state constitutions (Benshangul-Gumuz, Oromia and Tigray).

The research tries to address three fundamental issues on the rights of national minorities. In the first place, the constitutional guarantees in the FDRE, ANRS and the three national regional states neighbouring to the Amhara National Regional State are assessed in the study. Secondly, the perception of the national minorities covered in the study and the three organs of the government (legislative, executive, and the judiciary) with regards to the respective constitution of the region and the application of the constitution on the rights of national minorities are scrutinized among others. And finally, the basic distinctions in crafting their constitutions to issues referring national minority rights and in implementing same among the regions covered in the study.

In addition to this the research gives some space to assess the history, legal and social status of Negede-Woyto and the Awura-Amba community in relation to the rights of equal treatment, non-discrimination, accommodation and participation in societal as well as political activities. A qualitative approach of data analysis is made use of in the research. Various laws (international, national and regional) and other related documents are utilized as data source in addition to the interview and focus group discussion, the respondents being selected on purposive basis. The researcher also uses his personal observation as additional source of information.

The major findings the research comprises are; identifying the contradiction between Art.39 (1) of FDRE Constitution and the common Art. 39(4) of national regional states and thus restricts the rights of national minorities in exercising self-rule, representing at regional executive and the judiciary as well as in issuing regulations and formulating policies which could help them to strengthen their socio-economic and political activities. Furthermore, the three neighbouring national regional states covered in the study deny the rights of those national minorities living in their respective regions and realizing the ignorance of the governments of regional states pertaining to the rights of national minorities and caste social groups.

Finally, the implication on the issue illustrates that the effort to build one economic and political society could be hindered if those problems mentioned above are not corrected in the near future. And this in turn calls for a revision of constitutions and a close monitoring on the practices of the rights of national minorities not only in those regional states covered in the study but also in the other national regional states of Ethiopia.

Introduction

A. Background of the Study

In 1995, Ethiopia has adopted a new federal constitution, which recognizes the rights of minorities in general and national minorities in particular. The Federal Democratic Republic of Ethiopia (FDRE) constitution also laid down federal political system that is a good foundation for establishing democratic institutions that are conducive to promote and protect human rights including the rights of minorities. The FDRE Constitution further guarantees the rights of self-determination to nations, nationalities and peoples of Ethiopia as it was a central issue before and after the down fall of the Dergue regime. Following this general framework, decision-making power has recently been devolved to National Regional States, Nationality Administrations and even to Woreda administrative units.

The Amhara National Regional State is one of the nine national regional states of Ethiopia and is the homeland of the Amhara, the Agews, the Oromo and the Argoba peoples. It is also the homeland of some caste social groups namely Negede-Woito and Awura-Amba communities. The region is situated in the northwestern part of Ethiopia bordered by the Sudan and Benshangul Gumuz National Regional State in the West, Tigray in the North, Afar in the East and Oromia in the South. Previously the Amhara region was divided into four provinces such as Gondar, Gojam, Wollo and part of north Shewa, most of which were ruled by native Rases or Niguses including the Wagshumes.

The region is also the second most populous and largest national regional state in the country next to Oromia region. Hence, it is home for roughly 25 per cent of total population of Ethiopia. According to the Amhara Region Finance and Economic Development Bureau, presently the region is also administratively divided into four Nationality Administrations, seven Administrative Zones, one hundred fifty Woredas including some twenty two city/town administrations and three thousand four hundred twenty nine kebele administrative units. The four Nationality Administrations are Agew-Awi, Oromo, Wag-Hemra and Argoba administrative units respectively. Ethiopia's

largest inland water body, Lake Tana and the Semien Mountains National Park, which includes the highest point in the country, Ras-Dashen are located in the north-western part of the Amhara National Regional State. Moreover, the region has its own unique feature, the rock-hewn churches of Lalibela built in the twelfth century and the castles of Gondar represents the wonders of ancient civilization of Ethiopia in general and the peoples of the Amhara region in particular. Based on the 2007 census conducted by the Central Statistical Agency of Ethiopia (CSA), the Amhara National Regional State has a population of 17,214,056 (though it is contested).

The majority of the population of the region is Amhara, which is estimated to be 91.48 per cent; other nationalities include the Agew-Awi (Gojam) 3.46 per cent, Oromo (Wollo) 2.62 per cent, Wag-Hemra (Agew-Wollo) 1.39 Per cent and Argoba (south Wollo and north Shewa) 0.41 per cent. The above mentioned nationalities have their own territories and political history in the region though it was not constitutionally guaranteed until 1995..

B. Statement of the Problem and Research Questions

Since 1980s the issue of minorities in general and the question of national minority rights in particular have become an important and the most sensitive political issues in the multinational societies. Many scholars suggest that the question of minority rights should get proper attention and thereby practical responses to the claim of national minorities in order to maintain national unity and by preserving their own identity. Hence, according to such scholars recognition and protection of the rights of national minorities not only avoid unnecessary conflicts that negatively affect the relationship between nations and nationalities but also contributes to strengthen the national unity by appreciating diverse interests of the people of a given country.

Because in diverse society, the issue of national minorities and interests of same could not easily be forgotten like any other simple political unrest rather it needs proper attention to bring last solution to such problem. In this regard, some multinational countries tried to properly manage this issue by giving constitutional guarantee though it

lasted for a long period of time. Among these countries Switzerland, Belgium, India, Nigeria and Ethiopia are the most important ones. In Ethiopia, there are more than 80 nations and nationalities having their own languages, cultures, way of life, psychological make up and identity recognized by the FDRE constitution of the 1995. In other words, the rights of nations, nationalities and peoples of Ethiopia have got guarantee by federal Constitution. Following this general framework, the Amhara National Regional State like any other states within the Federal set up, adopted its own regional constitution recognizing national minorities living in the region.

Thus, the focus of this thesis is to examine the Amhara National Regional State constitution in relation to the rights of national minorities and practical treatments of same including caste social groups who are part of the Amahra nation. In other words, how the rights of self-determination, equal representation and participation, preservation of one's identity and other related issues are recognized and respected in the region have been addressed in this research paper. Further more, attempts are made to compare and contrast the ANRS constitution with the fundamental principles of international human rights instruments and the FDRE constitution including the constitutions of some selected neighboring states. Hence, the study addresses the problems stated above by trying to answer the following basic questions.

1. What are the rights of national minorities and caste social groups as provided in regional, national and international legal instruments?
2. What kinds of rights of national minorities are properly addressed by the constitution of Amhara National Regional State? What are not?
3. How do the national minorities and caste social groups perceive the responses accorded by Amhara National Regional State Constitution and practical applications?
4. What is the difference between the Nationality Administrations and other Administrative Zones in exercising self-government rights? And what benefits can be secured from this kind of special administrative arrangement?
5. Is there any significant difference in Amhara region in addressing the rights (questions) of national minorities comparing with other selected regional state constitutions?

C. Objective of the Study

The main objective of this research is to examine the treatments of the rights of national minorities and caste social groups in Amhara National Regional State. Hence, the extents of treatments made by the regional state have been analyzed based on the general standards set by the international human rights regime and the FDRE Constitution of 1995. Because the national regional state constitutions are the extensions of the FDRE Constitution as they are expected to be consistent with federal constitution.

This study has also tried to investigate some practical treatments of the regional government in relation to the rights of those national minorities and caste social groups living in the region. Moreover, the study includes the following specific objectives:

- Provide a brief and clear picture about Amhara National Regional State constitution and practical treatments of the rights of national minorities and caste social groups.
- Identify and critically analyze the extent of such treatment accorded to national minorities in the Regional State.
- Make a comparative analysis between regional state constitution and related international human rights instruments including the FDRE constitution.
- Identify challenges and problems concerning the rights of national minorities and caste social groups in the Regional State.
- Provide recommendations and forward possible solutions for the problems and challenges identified by the study.

D. Significance of the Study

It is more or less a recent development in our country that giving relatively proper attention to the rights of national minorities considering as fundamental rights of the people. Hence giving constitutional guarantee as well as positive treatment to the rights of national minorities is the first and the most essential step to create confidence on these communities and to establish stable political system in the country. After assessing the constitution and practical treatments of the regional state government against the rights of national minorities, the paper is expected to have the following significant contributions.

- To obtain and consolidate empirical data about constitutional and practical treatments of the rights of national minorities and caste social groups in Amhara Region.
- To make the regional state officials be aware of the level of consideration of the rights of national minorities in the regional constitution and the extent to which national minorities and caste social groups are practically benefiting from it.
- To assess and identify the perception of regional state politicians including government officials and legal communities towards the rights of national minorities living in the National Regional State.
- To give some insight to researchers about the constitutional and practical treatments of the Amhara region and thereby to stimulate interested scholars for further investigation in the area.
- To make the thesis a useful reference material for students and researchers who are interested to further investigate related issues. .
- The thesis also provided some important findings and possible recommendations, which may have significant contributions to the regional states covered by the study.

E. Literature Review

To evaluate the capacity of Ethiopian Federal structure pertaining to the accommodation of ethnic diversity and to regulate ethnic conflicts, examining the national regional state constitutional mechanisms is an important step as they have their own role to realize unity in diversity.¹ Because, almost all national regional states have at least some national differences though the degree of their diversity differs from the region to the region. In this regard, Christophe Van der Beken argues that tensions and conflicts between different ethno-national groups can also occur within the borders of one particular region. Ethnic harmony in the Ethiopian state is therefore unthinkable without harmony inside the regions.²

He also stated that the right to self-determination of all Ethiopian ethnic groups can only be realized if the regional constitutional provisions also develop the necessary mechanisms.³ This reality brings us to evaluate the treatments accorded to the rights of national minorities within the regional states in the federal set up of Ethiopia by comparing with such accepted international standards. To Thomas W.Simon the ideology of Ethno-nationalism creates a new order; hence states and international organizations must find a way to deal with group conflicts to prevent ethno-nationalism from transmogrifying into ethnic cleansing and genocide.⁴

According to him national minorities need protection against harm as the problem of national minorities dominates not only political conflicts but also other social relations. In this regard Thio Li-ann states that international law has long grappled with the intractable problem of minorities; hence there is a need to protect minorities as social groups within multicultural state.⁵ He also argues that it was only in the 20th century that standards of minority protection and rights were subjected to systematic and innovative international

¹ Christophe Vander at 105.

² Ibid at 113

³ Id

⁴ Thomas W. Simon, *Minorities in International Law*, Canadian Journal of law and Justice, University of Western Ontario, Faculty of Law, July 1997.

⁵ Thio Li-ann, *Resurgent Nationalism and the Minorities Problem: the United Nations and Post Cold War Developments*, National University of Singapore, 2000 p.67

guarantees underwritten by UN permanent international organization.⁶ Even nowadays, one can often hear the opinion that minorities have to be given their own territory. However, much more than the necessity to try to keep them together, it is imperative to teach them to live together peacefully and to make concession.⁷ Erich Bapto further argues that as majorities can suppress minorities, it is necessary to grant fundamental human rights by constitutional means and efforts should be made to institutionalize and internationalize their basic rights as far as possible.⁸

By examining Switzerland's federal political system concerning minority representation and participation Lidija R. Basta states that; Given the fact that minorities participate in legitimation at political and not pre-political level, the Federal and Cantonal structure has never been perceived as a guaranty of equality of different ethnic segments of society through giving them "mother canton" i.e. by establishing new cantonal borders along prevailing ethnic lines. It instead did provide minorities with institutional venues on federal, cantonal and communal level to politically consume their ad hoc diversities.⁹

When we come to the definition of the term minority, we can get different approaches though they have some similar elements common to them. Thio Li-ann tries to explain using the international law perspective and states that minorities in international law may be described as groups or peoples exhibiting distinct ethnic, linguistic or cultural traits, which differentiate them from the dominant group (s) within a state.¹⁰ However, the commonly accepted definition of the term minority though it is not binding as such, is given by Francesco Capotorti in his work study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities. Hence according to Francesco Capotorti, who is known as a senior expert concerning the concepts of minorities, the term minority is "A group numerically inferior to the rest of the population of a state, in a non-dominant

⁶ Id

⁷ Erich Bapto, *Federalism and Multiethnic State: The case of Switzerland* Lidija R. Bapto and Thomas Fleiner (Ed.) at p. 182, 1981.

⁸ Ibid

⁹ Ibid, at p. 55

¹⁰ Supra note 5

position, whose members being nationals of the state possesses ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.”¹¹ From the above definition we can illustrate some important elements that qualify the concept minority.

The first element which is an important precondition is numerically inferior to other population and the second point is non-dominant position in the political affairs. Another important element is possessing one of the above mentioned characteristics differing from others and show a sense of solidarity to preserve their identity. Accordingly, the United Nations General Assembly passed a resolution on minority rights and imposed obligations on state parties. Article 1 of the same resolution clearly states that states shall protect the existence of the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.¹²

Although the United Nations Charter does not contain a provision on minorities, Article 27 of the International Covenant on Civil and Political Rights (ICCPR) of 1966 remains the sole conventional minorities’ obligation in major UN human rights treaty. Nevertheless, in 1992 the General Assembly adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Moreover, in 1993 some 170 states adopted by consensus the Vienna Declaration and Programme of Action, which referred to Minorities issues, albeit in individualist terms, and urged states to promote the Minorities Declaration.¹³ Hence Art. 27 of ICCPR rights, which relate to the enjoyment by members of minority groups of their own culture, to profess and practice their own religion, or to use their own languages are reiterated and augmented in article 2 (1) of Minorities Declaration.¹⁴

¹¹ Francesco Capotorti,, 1979

¹² United Nations General Assembly Resolution No 47/135 of 18 December 1992

¹³ Supra note 4

¹⁴ Ibid

The FDRE constitution of 1995 and the 2001 revised constitution of Amhara National Regional State have also adopted the rights of national minorities in accordance with the international human rights standards though it is not absolute in consisting of all important conditions incorporated in international human rights instruments. In other words, both federal and the Amhara region constitutions contain the fundamental rights and freedoms of peoples that many of them are consistent with international human rights documents.

Considering the current constitutional recognition of the rights of minorities in general and national minorities in particular, the researcher tries to reflect on the treatments of the regional state constitution and practices of the government towards the rights of national minorities living in the region. Therefore to analyze the extent of responses accorded to the rights of national minorities and caste social groups in the region, the above mentioned legal documents and other relevant international human rights instruments as well as theoretical and conceptual frameworks related to the rights of national minorities will serve as a guiding principle for this research.

F. Limitations of the Study

It is obvious that doing a successful research in relation to the rights of national minorities is not an easy task. For one reason, it demands the real interest and unconditional commitment of the researcher and for the other, willingness of respondents. Hence identifying some limitations and sought possible solutions for them may help to minimize their negative impact on the result of a research. Accordingly some of the limitations the researcher has encountered are the following.

1. Unwillingness of Respondents

Willingness of respondents is an important precondition to obtain genuine and relevant information in order to develop credible research paper. However, in the real world getting such kinds of willing informants is so difficult. Because of this, the researcher encountered unwilling respondents during the data collection process. Some were very tight and were not ready to share their time to the researcher and some others were

ignorant of such kinds of responsibility. For instance, some higher officials of the regional government refused my request to conduct interview with them. And some others who are members of regional and nationality councils including the members of such caste social groups become suspicious to give any information to the researcher considering such information release as confidential.

Because of this, it was necessary to make clear the objective of the study to the potential informants and sufficiently communicate with them in polite and professional manner before taking any data from such respondents. In addition to this, assuring the confidentiality of the information they provide is an essential step to get their inherent feelings and genuine responses to questions the researcher wants to be correctly answered. Hence, the researcher employed the above mentioned principles and achieved accordingly.

2. Lack of Adequate Budget Supply

Conducting empirical research normally requires sufficient amount of money. Because it needs physical presence in the area the research is conducted and employs assistants to collect proper and timely data. To make thorough investigation in order to understand the real situation of the study area, it also demands a relatively reasonable amount of budget supply. Though the main budget supply was expected from the University, actually the budgetary support provided to the researcher was less than the required amount of money. Because of this, the researcher uses the available resource economically.

3. Limited Accessibility of Data

Availability of necessary data helps to draw strong and credible conclusion as well as to recommend possible solutions for the problems and challenges identified by the study. Especially, securing sufficient and relevant data and accessible to real sources of information, make it easy to show the real problems and challenges of the study area. But as the main respondents were higher government officials and members of the regional and nationality councils, it was so difficult to get them easily within the time limit.

To make more relevant data easily available, efforts were made to collect the most important and credible information both from primary and secondary sources i.e., from members of the communities by staying with them for some reasonable time in order to correctly develop the research paper and finally reach at a necessary conclusion. Hence the researcher went through this situation and achieved his real demand. Generally, even though there were financial limitations, capacity problems as well as limited availability of data, the researcher tries his level best to produce and present relatively well-analyzed and properly organized research paper by adequately addressing the issues raised in the topic.

G. Delimitation of the Study

The extent of the rights accorded to national minorities under the Amhara National Regional State constitution is apparent and can be regarded as innovative action to address the question of national minorities in the region. However, the rights of national minorities and caste social groups include many things and addressing all related issues is impossible. Because of this the researcher mainly focuses on the right to fair representation and proper participation at all levels of government institutions, the right to autonomy (self-government) and self-determination including self-definition of national minorities as well as the actual status of some caste social groups living in the region.

Although there is no as such serious legal problem regarding the rights of caste social groups, in practice these segments of the population are suffering from different kinds of negative influences (stigma and discrimination) by the neighboring peoples including by their closed relatives. Therefore, the researcher wants to give some space to these socially out caste groups in order to recommend possible solutions for these kinds of practical and deep-rooted social problems.

H. Research Methodology

The writer of this research paper uses various methods in order to examine the issues raised in the study area. So in this research work both primary and secondary data sources have been used. The primary data were collected through interview and focus group discussion. Interviewees and participants of focus group discussions were selected by the researcher himself considering their political and social status in the organs of regional government and their respective community. In addition to this, personal observations by the researcher were employed in order to check the reliability of data come from respondents.

In the interview process, the researcher was able to communicate with the concerned and more willing individuals so as to make easy the process itself and thereby to obtain relevant information from potential informants. The individuals who were more appropriate that the researcher has interviewed and discussed were chief administrators and House Speakers of the regional and nationality councils, members of the nationality councils, chair persons of standing committees of both regional and nationality councils. Moreover, some prominent persons who have a good memory and knowledgeable to the area of the study were part of interview and focus group discussions. Lists and compositions of interviewees and participants of focus group discussions are attached as annex at the end of this thesis.

Furthermore, secondary data was collected from different sources, such as books, journals, laws; and formal reports i.e. both published and unpublished relevant documents. Hence a reasonable amount of possible literature has been reviewed to establish theoretical and conceptual framework of the research paper. And relevant regional and national legal documents as well as international human rights laws were taken as important instruments to compare and contrast the treatments accorded to concerned national minorities and caste social groups by the constitution of Amhara region and government of same. Because of this, the researcher basically employs qualitative research methods.

Hence it is important to note that the first basis for proper data analysis is ethical consideration i.e. objectivity and neutrality rather than influenced by personal experience and emotion. Therefore, the researcher analyzes and evaluates the collected data and relevant legal documents of international, regional, national and sub-national institutions against the stated objective and significances of the thesis as well as identified statement of the problem.

I. Organization of the Thesis

This thesis has explored the ways in which the constitution and practical treatments in addressing to the questions of the rights of national minorities and caste social groups living in the Amhara National Regional State. Therefore, the thesis is arranged in the following sequence and divided into five parts; each having its own sections and subsections. Accordingly, the first part covers the introductory concepts of the study which introduces background of the study, statement of the problem, objectives of the study, significance of the thesis; literature review, limitation and delimitation of the study as well as organization of the thesis.

Chapter one gives a brief explanation to the term minority and defines the concept caste social groups as well as other related theoretical and conceptual frame works, which are important to easily understand the main objective of the study. Hence this part tries to define the term minority in general and national minorities in particular including the concept of caste social groups. In addition to this, identifying substantive rights of national minorities and the principles laid down by international laws related to minorities are clearly stated.

The second chapter addresses the legal and practical treatments accorded to the rights of national minorities in Amhara region and an attempt has made to explore the mechanisms how the constitution of Amhara region addresses the question of rights of same as well as implications of such legal and practical treatments of the rights of national minorities in the region. The third chapter explains background history of Negede Woyto and Awura-Amba community as well as evaluates legal and practical treatments accorded by regional

government to these socially out caste communities. In other words, this part also assesses the constitutional recognition of these caste social groups and the attitudes of members of the neighboring people including officials of all levels of government institutions of the Amhara National Regional State.

The last part tries to make a comparative analysis between national and regional state constitutions and practical treatments related to the rights of national minorities. This part also evaluates some selected regional state constitutions in order to compare and contrast the constitution of Amhara region with those selected regional state constitutions. By way of conclusion and recommendations the researcher has tried his level best to show different approaches of treatments to the rights of national minorities in Ethiopian federal political system in general and in Amhara National Regional State in particular. Finally some possible recommendations are forwarded.

Chapter One

1. Theoretical and Conceptual Framework

1.1 Definition of the Term Minority

1.1.1 General Remarks

Even though until now there is no legally binding and universally accepted definition about the concept minority, many efforts have been made to propose alternative definitions by different scholars including the United Nations' experts who are well experienced in this conceptual analysis. Following these unreserved efforts, contradictory ideas came into picture concerning the definition of the term minority. Some scholar boldly argues that since the concept minority is self-evident, defining the term minority is unnecessary, if not useless as it is very complicated concept and time taking discourse.¹⁵

However, one reknown scholar strongly argues against the above conclusion but in favor of having an accepted as well as universally recognized definition of minority. According to this commentator "one cannot speak about protection of minorities leaving undefined the subject-matter of protection, since such an attempt would have no practical point of reference."¹⁶ That is why Akermak clearly states that defining the term minority has practical importance since which group qualifies as a minority depends upon the accepted definition that we have.¹⁷

Moreover, to Malcolm N.Shaw defining the term minority would help to minimize "controversy by drawing the bounds in a clear fashion, thus fitting the relevant rights to undeniable claimants."¹⁸ In this regard one writer strongly sates in his work minorities claims that in the absence of a clear definition that is binding on states, the system of minority protection would be exposed to unjustifiable manipulation thereby allowing

¹⁵ Grammatikas, Vassilios, *The Definition of Minorities in International Law: A Problem Still Looking for a Solution*, Hellenic Review of International Law, 52nd year, Ant.N.Skoulos publisher, 1999, p.323. As cited by Abera Degafa.

¹⁶ Ibid, p.324.

¹⁷ Akermak, Spiliopoulou, *Justifications of Minority Protection in International Law*, Kluurer Law International, The Hague, 1997, p87.

¹⁸ Shaw N.Malcolm, *The Definition of Minorities in International Law*, in: y.Destein(ed.), *the Protection of Minorities and Human Rights*, Martinus Nijhoff Publishers, 1992 ,p.2

unwilling states to abuse the system itself.¹⁹ Because of this gap States may not be as such more sensitive to protect and recognize the rights of minorities in their respective territories and even they could go to the extent of denying their existence in their own territory since there is no legally binding and universally accepted definition.²⁰ Thus States in the Third World are especially reluctant to accept legally binding definition because of the resulting legal as well as political consequences of such binding definition of the term minority.²¹

Therefore, we can safely conclude that one of the main reasons for not having universally accepted and legally binding definition of minority is the negative attitude of state officials towards the concept minority itself.²² Furthermore, the problem of the definition of minorities was not considered as the immediate concern of the United Nations considering that the issue of minorities was basically part of domestic matters of sovereign states.²³ And thus, within the United Nations minority protection was subsumed as a facet of the general United Nations human rights protection regime based on the tenets of liberal individualism as well as the fundamental principle of equality.²⁴

Due to this reason and other considerations not until around the last decade of the 20th century did minorities concerns reemerge as an important item within the United Nations system. Because the lukewarm-ness displayed towards minorities protection schemes in part flowed from the dominant post war assumption that minority rights were neither necessary nor desirable.²⁵ However, the Committee on Human Rights later formed an informal working group in 1978 to consider a draft Minorities Declaration within the Art.27 of ICCPR framework. And this reality eventuated in the adoption of the Capotorti's report in 1979, which remains the most comprehensive treatment of the minorities' problem within the framework of conventional obligation of states.²⁶

¹⁹ Welhengama, Gnapala, *Minorities Claims: From Autonomy to Secession*, Ashgate, Aldershot, 2000, p.50.

²⁰ Akermak, at p.87.

²¹ Shaw at p.30.

²² Akermak, at p.87

²³ Shaw at p.9

²⁴ *Supra* note 5

²⁵ *Id.*

²⁶ *Ibid.*

Besides, under the auspices of the United Nations, the first move was made to formulate a definition of minority that could serve as a guide for the purpose of identifying minorities who are entitled the recognition and protection²⁷ of same. Thus, there was a modest re-awakening of interest in minorities concerns within the United Nations after 1979 and in 1992, fourteen years after it was first proposed and the General Assembly adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which is called “Minorities Declaration.”²⁸

The Minorities’ Declaration also embodies the global minimum standards on the human rights of minorities and it is the first international instrument of universal reach adopted to minorities.²⁹ Having this general concern about the need to have binding and universally accepted definition to the term minority, let us define the term minority and its related concepts in the following subsections.

1.1.2 Minorities in General

Considering the above mentioned general arguments, let us define the concept of minority in general before we are going to define the terms national and ethnic minorities respectively. Generally the term minority is an intensely relative and contingent upon time, place, rights and interests asserted its relation with the majority others. Because of this and its complex nature, the concept minority cannot and would not have a single universally acceptable, refined and absolute definition though some scholars and United Nations experts tried to come up with certain alternative definitions of the term minorities.

Among these, Jules Deschenes is one of the most sited United Nations experts next to Francesco Capotorti who tried to define the term minority in the following statement. Hence according to Jules Deschanes the term minority is:

²⁷ Abera Dagafa, *The Scope of Rights of National Minorities under the Constitution of the Federal Democratic Republic of Ethiopia*, Series on Ethiopian Constitutional Law, Faculty of Law Addis Ababa University, Vol.1, 2008, p.22.

²⁸ Supra note 5.

²⁹ Id.

A group of citizens of a state, constituting a numerical minority and in a non-dominant position in that state, endowed with ethnic, religious or linguistic characteristics which differ from those of the majority of the population, having a sense of solidarity with one another, motivated, if only implicitly, by a collective will to survive and whose aim is to achieve equality with the majority in fact and law.³⁰

From Deschenes' definition of the concept minority we can identify some important indicators, which have their own contribution to develop the definition of the term minority. The first indicator i.e. an important element to qualify the term minority is numerically inferior (being small in size) which the writer has given more emphasis. Nevertheless, this element does not work always or it might not be true in some cases.

For instance, the Oromo and the Amhara peoples living in Harari National Regional State are numerically majorities in terms of population size, however, they are still regarded as political minorities since their numerical superiority does not allow even to equally participate and represent in the government institutions of the Harari National Regional State. This indicator leads us to another important element which constitutes the definition of the term minority is non-dominant position in that specific state. In other words, the people who are inferior in political and socio-economic conditions i.e. lack of control over political and economic power of a nation or sub-nation.

This element seems stronger than the first one as it encompasses both numerically inferior but politically dominant in their position like that of White South Africans at the time of Apartheid and the people of Harari,³¹ in the present day political system of Ethiopia. Besides there are some other elements which constitute the definition of the term minority, such as definitive markers (culture, language, ethnicity etc.), internal

³⁰ Jules Deschenes, Proposal Concerning a Definition of the term Minority;E/CN,4/sub 2/1985/31,14 May 1985 at p.30.

³¹ According to Central Statistical Agency of Ethiopia (CSA) census conducted in 2007, the number of Harari people living in the Harari National Regional State is only 15,858. However, the total population resides in the region is 183,344 which is not comparable to political set up of the region. In other words, though the Harari people do not have a numerical majority in their region, they have got a political dominance through control over the regional government institutions.

solidarity (cohesiveness in identity), collective will of members of such group to be remain as a distinct citizens in the state and aim to achieve equality with the majority others. Apart from the above definition, contemporary sociologists generally define a minority as a group of people-differentiated from others in the same society by race, nationality, religion or languages-which both think of themselves as a differentiated group and are thought of by the others as a differentiated group with negative connotations.³² According to such sociologists minorities are relatively lacking in power and hence subjected to certain exclusions, discriminations, and other differential treatment.³³

When we examine the definition of sociologists, it is totally different from the previous legal definition of Jules Deschenes which does not depend only on numerical expression of the term minority, if not does not consider the numerical status of minority group as a definitional element unlike the legal definition of Jules Deschanes. Because of this reason we can say that the above sociological definition of minority mainly focuses on the attitude of both minority group themselves and majority others as it states 'who both think of themselves as a differentiated group and are thought of by others as a differentiated group with negative connotations.'

In other words, the definition of sociologists mainly focuses on the attitude of members of both the majority and minority groups towards each other rather depending on numerical superiority or inferiority. Hence the most important elements for this sociological definition are race, nationality, religion and language, which are commonly used by others to define the term. As a result within the United Nations system prior to 1989, no general minorities' treaty or declaration was adopted, although discrete minorities' provisions did crop up in various international legal instruments. Therefore, minorities concerns were submerged within the United Nations' project of developing universal, individual-oriented human rights protection regime.³⁴ In addition to this, minority rights have been viewed as destabilizing threats in so far as they might inhibit

³² Arnold M. Rose, *Minorities*, International Encyclopedia of the Social Sciences Vol.10.1972, p.365.

³³ Id.

³⁴ Supra note 5.

national cohesiveness. At worst, they may encourage increasingly extensive claims for minority autonomy, which might escalate to secessionist or irredentist claims entailing the breakup of states. That is why neither Art. 27 of ICCPR nor the Minorities Declaration define the concept minority though the term minority is qualified by adjectives, typically by ethnic, religious and linguistic. Therefore, a fundamental definitional difficulty is that 'minorities' are not self-evident entities but groups constituted by international law.³⁵

However, despite the definitional problem, recognizing the existence of minorities and protecting their rights are in the present day political system, formally perceived not as a threat rather as 'a constructive alternative to the extreme dangerous drifts towards secessionism.' Moreover, the lack of binding definition has not hampered standard-setting process within the United Nations system,³⁶ though the seeking of a definition may be seen as a delaying tactic where there was little political will to press ahead with an elaborating substantive content of minority rights.³⁷

1.1.3 Ethnic Minorities

An ethnic group is a distinct category of the population in a larger society whose culture is usually different from the rest of the society in a given country. The members of such ethnic group regarded themselves as one community or thought to be bound together by common ties of race, nationality, or culture.³⁸ However, according to H.S.Morris the nature of an ethnic group's relationships with the society as a whole, with other groups in it, constitutes one of the main problems in describing and analyzing such societies.³⁹ On the other hand, in order to place the ethnic question in an adequate analytical framework, it is necessary to attempt some clarity in conceptual and terminological confusion which accompanies the concepts ethnic or ethnic group and similar, sometimes interchangeable

³⁵ Ibid

³⁶ Because nowadays the UN human rights instruments have become more acceptable and serve as an important references to many countries constitution adopted in recent times taking as a standard international legal documents.

³⁷ Id.

³⁸ H.S.Morris, *Ethnic Minorities*, International Encyclopedia of the Social Sciences, Vol.5, 1972, p.167.

³⁹ Id.

terms such as people, nation, nationality, community and tribe.⁴⁰ Because of its difficult nature and complexity, neither the social sciences nor legal sciences as well as popular usage have achieved a consensus regarding ethnic terminology. Furthermore, the terminology used by scholars frequently reflects regional or national intellectual traditions and dominant social and political ideologies.⁴¹ Nevertheless, earlier historians, including the writers of the Old Testament, had noted that ethnic groups might be found in a society as a result of the gradual migration of either whole population or of segments, such as religious refugees, traders, craftsmen, or manual laborers.⁴²

Moreover, the existence of distinct ethnic and cultural groups within societies is wide spread and ancient as well as occurs at most levels of culture, ranging from the Bushmen of the Kalahari, who live within the framework of Tswana society, to modern Europe and America.⁴³ Politically, ethnic groups can be and are defined (or define themselves) by their political aims. They are content to be called minorities if their aspirations do not extend beyond special linguistic or educational or religious facilities. Farther they proclaim their ethnicity if the goal is some form of autonomy.⁴⁴ According to Yash Ghai ethnicity should be considered as a broad concept, covering a variety of factors which distinguish one group of people from others.

Therefore, to him the most important contemporary distinctions are language, race, religion and color.⁴⁵ He further explains the characteristics of ethnicity as it is dependent on some situations. According to Ghai when the above mentioned markers cease to be mere means of social distinctions, and become the basis of political identity and claims to a specific role in the political process or power, ethnic distinctions are transferred into ethnicity.⁴⁶

⁴⁰Merera Gudina, *Ethiopia Competing Ethnic Nationalisms and the Quest for Democracy, 1960-2000*, p.30. citing Stavenhagen (1996.17).

⁴¹ Id.

⁴² *Supra note*, 37p. 167.

⁴³ Id.

⁴⁴ Yash Ghai, *Autonomy and Ethnicity, Negotiating Competing Claims in Multi-ethnic States*, University of Hong Kong, Cambridge University Press, 2000, p.7.

⁴⁵ *Ibid*, p.4.

⁴⁶ Id.

Hence ethnicity is a state of mind emanating from a feeling of separate identity, which in turn is based on shared cultural markers (culture, language, religion etc.),but more importantly on the myth of common descent.⁴⁷ However, the concept ethnicity differs from national society as it has its own feature that distinguishes it from national groups.

In this regard Asefa Fisha emphasizes that it is important to point out that the myth of common descent is an essential characteristics of an ethnic group but not of national groups that share a common language, religion custom, history and tradition but not necessarily a common descent.⁴⁸ That means common decent is the most important requirement to identify members of ethnic groups from others whether they belong to different languages and customs, whereas to national societies though it is not always, language is a crucial element to describe and consolidate national communities.

1.1.4 National Minorities

Before it becomes part of the European framework convention on National Minorities, the term 'national' was rejected by different experts and state officials as it was associated with the idea of 'national minorities,' which implicates negative result. However, later on the concept 'National Minorities' itself has become the normal term of reference within the context of OSCE activities and was used but not defined sufficiently.⁴⁹ Considering this reality, the Council of Europe has tried to define the term national minorities using some list of criteria when it has adopted Recommendation 1201 in 1993.⁵⁰ Hence in recommendation 1201 of 1993 the following points are considered as the most important elements to define national minorities. In other words the Council of Europe listed down some indicators of the definition of national minorities under Art. 1 of the same recommendation.

⁴⁷ Asefa Fisha, *Federalism and the Accommodation of Diversity in Ethiopia: A Comparative Study*, Nijmegen/Netherlands: Wolf Legal Publishers, 2006.p.84.

⁴⁸ Id.

⁴⁹ Report of the CSCE Meeting of Experts on National Minorities, Geneva 19 July 1991,12 HRLI332-334.

⁵⁰ Parliamentary Assembly, Council of Europe, Recommendation 1201(1993),on an Additional Protocol on the Rights of National Minorities to the European convention on Human Rights,1993.

According to this article, national minority is considered as a group of persons in a state who (a) reside on the territory of that state and are citizens thereof; (b) maintaining longstanding, firm and lasting ties with that state; (c) display distinctive ethnic, cultural, religious or linguistic characters; (d) are sufficiently representative although smaller in number than the rest of the population of that state; (e) are motivated by the concern to preserve together that which constitutes their common identity, including their culture, their traditions their religion and their language.⁵¹

This conventional definition tries to provide more specific and descriptive list of requirements in defining the term 'national minorities' unlike any other experts and legal scholars who tried to define the concept minority including Francesco Capotorti and Jules Deschenes. Nevertheless, the definition given by Recommendation 1201 did not take a non-dominant position as an important element to define national minorities though Art.27 of ICCPR consider it as an essential precondition to call some people minority and even by the definition of both Capotorti as well as Deschenes too.

Because of this, we can safely conclude that the origin of the term 'national minorities' can be traced back to Europe, where it is applied to various national groups who were identified with particular territories by virtue of long residence in them but who had lost their sovereignty over these territories to some more numerous people of a different nationality.⁵² Even though Recommendation 1201 has tried to define the term national minorities by using some criteria and it can be regarded as a pioneer in recognizing same, until now there is no distinction between the term 'national minorities' and ethnic, religious as well as linguistic minorities in terms of their specific political aims.

In other words, it was difficult to legally distinguish between 'ethnic' and 'national' groups, although ethnic was understood to bear wider connotations.⁵³ Hence in the absence of agreement on the 'national minorities' concept, Edie practically suggested that 'avoiding giving any special significance to that category 'while accepting the view that

⁵¹ Ibid, Article 1.

⁵² Supra note 32, p.365.

⁵³ Supra note 5.

'national minorities' identified themselves as a minority group with stronger rights to preserve national identity is an important conception.⁵⁴ Because of this in order to be recognized as well as to exercise their fundamental freedoms and human rights, national minorities are battling with the state-peacefully or violently over issues of political representation, language rights, self-government, control over resources and internal migration.⁵⁵

Generally the existence of minorities in a society, whether they are ethnic or national, offers a constant stimulus and a constant irritant that for several reasons provoke social change. In addition, apart from their cultural differences, minorities are sources of social dissatisfaction, and social unrest, which are conditions for social change.⁵⁶ Therefore, recognizing the existence of these minorities as well as protecting their fundamental rights in the present day political set up in general and in federal political system in particular, is a crucial precondition to install durable peace, stable political system, democratic governance and sustainable socio-economic development in a given nation.

1.2 Justifications for the Rights of Minorities

Minority groups are composed of individual human beings who need recognition to be treated humanely as a group as well as individually. One of the first and the most important justifications for recognition and protection of minorities is demanding protection from discrimination based on their distinctive markers and differential treatment which makes them more vulnerable. Especially ethnic and national minorities have become more assertive of their claim as well as states and dominant groups have also become more willing to accept these minority claims.⁵⁷ In this regard, Will Kymlicka identifies some three major factors for the assertiveness of minorities on their claims of rights. According to him the first factor why minorities become more assertive towards their claims of rights is their demographic status.

⁵⁴ Ibid.

⁵⁵ Will Kymlicka, *Emerging Western Models of Multi-nation Federalism: Are They Relevant for Africa?*, *Ethnic Feralism*, edited by David Toetun, 2006, p.32.

⁵⁶ *Supra* not 32, p.369.

⁵⁷ *Supra* note 52, p.36.

In the past, many governments hoped for or expected that ethnic minorities would simply disappear, through dying out, assimilation or intermarriage. However, it is now clear that this situation is not going to happen.⁵⁸ The second important point pertaining to minority status is the human rights revolution and the resulting development of a 'right consensus'. Since 1948, we have an international order that is premised on the idea of the inherent equality of human beings, both as individuals and as peoples.⁵⁹

The international order has decisively repudiated older ideas of a racial or ethnic hierarchy according to which some peoples were superior to others, and thereby had the right to rule over them. Nevertheless, members of historically subordinated groups today demanded equality, and demand it as a right. They further believe that they are entitled to equality and entitled it now, not in some indefinite or millenarian future.⁶⁰ The third key factor which is identified by Kymlicka is democracy. To him at simplest level, the consolidation of democracy limits the ability of elites to crush ethnic minority political movements. As a result members of minority groups are increasingly unafraid to speak out⁶¹ about their rights, interests and existence.

Another important condition is the incorporation of the fundamental rights and freedoms of minorities in international human rights instruments. Among these Art.27 of ICCPR of 1966 clearly states that 'Persons Belonging to a Minority shall not be denied the right in the community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.'⁶² Therefore, to the researcher this provision gives, not only the members of such minority groups the right to exercise their ethnic/national ,religious or linguistic rights in the whole community with other members of their group, but also it indirectly recognized their collective rights of same since they are guaranteed to enjoy their identity markers (their language, culture, religion etc.). Even in the contemporary world there are so many conflicts and civil

⁵⁸ Id.

⁵⁹ Ibid,p.37.

⁶⁰ Id.

⁶¹ Ibid,p.38.

⁶² International Covenant on Civil and Political Rights (ICCPR),UNGA Resolution 2200 A(XXI) of December 1966,Article 27.

unrests which are the manifestation of the mismanagements of minorities' interests. Of which many of the conflicts and problems negatively affect minority groups could be avoided or resolved if states are committed to properly understand the main question of such minorities and to consider the issues of same through applying human rights principle, particularly the principles of non-discrimination and equal treatment of minority groups. But it does not mean that this is the only claim rather it shows the critical problems of minorities in the present day political system.

In this regard Fernand de varennes in his article clearly states that, instead of being guarantors of ethnic peace, democratic political systems may run the risk of fanning conflicts. There must be recognition that the majority be subjected to the restraint of fundamental human rights or the desire to arrive at a political compromise that recognizes minority interests. In both cases, a balance must be attained between the interests of the state, normally representing those of majorities, and the rights, interests and duties of individuals who differ because of their language.⁶³

Therefore, the above mentioned factors and other important considerations justify that the rights of minorities are, from the very beginning, part and parcel of fundamental human rights which guarantee the basic rights of all human beings without any discrimination based on any distinguishing markers. That is why the Vienna Convention of 1993 unambiguously states that "all human rights are universal, indivisible and interdependent and interrelated". The international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis.⁶⁴

Because of this reality the questions of minorities normally arise in countries having ethnic, religious or linguistic diversities. Hence it is the result of past injustices where one powerful ethnic group voluntarily or involuntarily incorporated other ethnic, religious or linguistic groups when those dominated groups start resistance against the hegemony of the dominant group, and then minority problem emerges as a subject that cannot be

⁶³ Fernand de Varennes, *The Protection of Linguistic Minorities in Europe and Human Rights; Possible Solutions to Ethnic Conflicts*, Columbia Journal of European Law, Winter, 1996.

⁶⁴ The Vienna Declaration and Programme of Action on Human Rights, part I, Article 5, 1993.

disregarded.⁶⁵ In other words, minority groups, whether they are ethnic, religious or linguistic, are part and parcel of the entire community of a given country and they need recognition from the state as a group with their own distinctive markers. They also demand actual equitable representation at both national and sub-national level in order to be heard and so as to exercise their shared rule for their common purposes of the nation at large. Furthermore, they are in need of preserving and developing their identity as well as culture, profess and practice their own religion, exercise their rights to self-government, self-expression and use their own language not only in school but also for administrative (in public) as well as media purposes.

1.3 The Rights of Minorities and International Law

In the face of extensive human rights violations proceeding partially from the denial of minority rights, it was apparent within the United Nations by 1989 that general human rights protection did not guarantee for the rights of minorities and the focus of protecting individuals on the basis of their group affiliation intensified.⁶⁶ In terms of standard setting, minorities concerns did not achieve prominent position in the 'International Bill of Rights', which marked the first wave of human rights standard-setting within the United Nations.⁶⁷

Nevertheless, the day after the UDHR was unanimously adopted on 10 December 1948, the General Assembly adopted Resolution 217 c\111), expressing United Nation policy towards minorities a sort of consolation prize. This stand briefly addressed the fate of minorities' to which the United Nations could not 'remain indifferent'.⁶⁸ Following this positive trend and other pressures imposed by the concerned minority groups as well as their strong supporters from different directions of the world community, discrete minority provisions were incorporated into various specific conventions, such as article

⁶⁵ Supra note 27,p.43.

⁶⁶ Supra note 5.

⁶⁷ The UDHR: GARes217A (111); UNDoc A/810(1948); the ICCPR: 999 UNTS 171 and the International Covenant on Economic, Social and Cultural Rights:993 UNTS 3.see ch11,CHR Report,2nd Sess UN Doc E/600(1997).

⁶⁸ Supra note 5.

30 of the 1989 Convention on the Rights of the Child,⁶⁹ and non citizens like that of Migrant Workers and Members of their Families,⁷⁰ have limited right to cultural identity and to maintain links with their country of origin. Group oriented provisions are also contained in ILO convention No 169 of 1989, endorsing the use of special measures to protect indigenous peoples. Later with the adoption of Minorities Declaration in 1992, a sense of 'norm saturation' shifted efforts towards seeking practical solutions, informed by the Declaration's standard.⁷¹

Hence we can say that the 1992 Minorities Declaration has become the primary frame of reference for addressing minorities concerns within the United Nations system supplemented by Declaration on the Rights of Indigenous Peoples though it did not provide strong means of implementation mechanisms with a binding treaty. Therefore, within the United Nations human rights system, the chief relevant human rights instruments concerning minorities are article 27 of the International Convention on Civil and Political Rights of 1966 and the 1992 Minorities Declaration which builds on but is not confined to the former.

And the Art.27 of ICCPR rights, which relate to the enjoyment by members of minority groups, are reiterated and augmented in Art.2 (1) of Minorities Declaration.⁷² Moreover, Art.1 of the Declaration can be considered as an improvement over the negative formulation of Art.27 of ICCPR in providing that states 'shall protect' minorities' existence and identity. While it is not an exhaustive enumeration of minority standards, the Declaration is nevertheless the focus of minority rights within the United Nations programme to promote minority protection.⁷³ Given its adoption by consensus and efforts to build on existing international law, it might spur future efforts at codifying international minority standards and also encourage the development of Customary

⁶⁹ Article 30 reiterate art.27, ICCPR, adding 'persons of indigenous origin' GA res 44125.annex.44 UN GAOR Supp(No 49) at 167, UN Doc A/44/49(1989) entered into force September 2, 1990.

⁷⁰ GA Res 45/158,(1990).

⁷¹ Ibid.

⁷² Supra note 5.

⁷³ Id.

International Law.⁷⁴ Therefore, we can say that in the present day political system the acceptance of the claims of minority rights is increasing and attitudes of both the minorities themselves as well as the dominant group is becoming positive towards the rights of minorities not only at international level but also at national level. Particularly the increasing demand on federalism makes the people aware of their basic rights together with others right in recognizing such fundamental rights and freedoms.

1.4 Substances of the Rights of Minorities

There are many substances of the rights of minorities. However, in this section the researcher tries to focus on the most important aspects of minority rights which include the right to preserve and develop their identity, the right to equality, the right to self-determination, the right to self-government and the right to representation and participation. Hence let us discuss them one by one to have proper understanding about the basic rights of minorities.

1.4.1 The Right to Preserve and Develop one's Identity

Protection of minorities is not primarily a question of assuring the minority a living standard comparable to that of the majority population crucial for the preservation of a minority in the protection of its culture. The minority must get necessary means to maintain and transfer to new generations its own culture. It is not enough that the members of a minority as individuals are given a fair living standard from an economic point of view. If their unique culture is extinguished they will cease to exist as a people.⁷⁵

From the above comparative statement one can easily understand that fulfilling other types of socio-economic interests (though they are basic for their livelihood) and even protecting their civil and political rights are not sufficient to preserve ones identity. As mentioned in the previous sections identity markers are mainly the following: ethnicity, language, culture and religion. Therefore, cultural survival of certain minority groups is one of the most important preconditions in order to keep the existence of such group as

⁷⁴ Ibid.

⁷⁵ Tom G. Svenson, *Human Rights in Cross-cultural Perspectives: A Quest for Consensus*, edited by Abdulahi Ahmed, University of Pennsylvania Press, Philadelphia, 1995, p.336-7.

an independent distinct community within the larger population of a given state. Though, according to some writers, the rights of cultural preservation are auxiliary rights and other means for protecting the ability of the group as well as its members to shape their culture independently and live their lives within it,⁷⁶ it is crucial to maintain the existence of identity of those groups within the larger society or majority of the population. In this regard Abera Dagafa states that the right to existence is considered as a supreme right in the hierarchy of rights of human beings.⁷⁷

Hence the achievement of cultural survival, despite the tensions caused by rapidly changing external circumstances and conditions, helps to reinforce rights among individuals, which in turn reconfirms and strengthens collective rights as the legal foundation on which community survival is based.⁷⁸ The rights to be different, referring to the use both language and culture as a means of expressing distinct autonomous-identity, is invariably actualized in this ongoing process which aims at a reaffirmation of cultural survival.⁷⁹ Because of this, we can safely conclude that cultural survival for national and ethnic minorities cannot be deemed an end by itself rather it is more a question and sign of perpetual activity as well as demand having the most positive impact on cultural revitalization of their future condition of such minority groups.

According to Tom G.Svensson aiming toward cultural survival is a political action and a legal matter with certain definite cultural constituents. He also argues that cultural survival is closely connected to rights of self-determination, that is, political rights; and the crucial question is the quality of that right.⁸⁰ To him applying the right to self-determination helps to preserve and develop ones own culture and refers to autonomy when it comes to decision making. In other words, an ethnically and nationally defined group will have obtained self-determination when it is fully actualized to run its own affairs and determine its own destiny without interference from various authorities of the

⁷⁶ Chaim Gans, *The Limits of Nationalism*, Cambridge University Press, 2003, p.84.

⁷⁷ *Supra* note 27, p.54.

⁷⁸ *Supra* note 74, p.336.

⁷⁹ *Ibid*,p.336-7

⁸⁰ *Ibid*, p.337.

minority groups are entitled this right to enjoy individually as a human being as well as collectively as a group without any discrimination based on being members of minorities and distinct community with their own identity markers. Moreover, these minorities need protection to exercise their right guaranteed by both international and domestic laws. According to Kristine Henrad minority protection is inherently geared toward substantive equality whereas non discrimination is generally recognized to be a necessary but insufficient condition for an adequate system of minority protection.⁸⁴

The principle of equality involves many things that include equal participation of minorities with majority others, equal protection and proper representation in the government position among others. In this regard Kristine Henrad farther argues that several dimensions of the equality principle can be distinguished, including equality before the law and equal protection by the law, but the most well-known ones are the prohibition of unequal treatment and affirmative action (or positive discrimination).⁸⁵ Hence citizens belonging to minorities by their nature need to have the feeling that the cultural value of their minority is considered equal to other majority or minority values.⁸⁶

Moreover, recognizing the right to equality, particularly in the diverse society is an essential precondition to maintain such diverse groups within one and strong socio-economic community as well as political system. Excluded diversities disintegrate society and regard themselves as discriminated and permanent losers within the majoritarian democracy. Hence culture, tradition; language and religion are an integral part of the human personality. Because of this polities cannot ignore this reality and choose only these dimensions that they consider important.⁸⁷ Concerning this idea one writer strongly argues that as the political systems of various diverse societies, like Belgian and Indian, show that it is possible to have both equality and identity, and there is

⁸⁴ Kirstin Henrad, *Federalism, Subnational Constitutions, and Minority Rights*, edited by G. Allan Tarr, Robert F. Williams and Josef Morka, Greenwood Publishing Group, Inc. 2004, p.29.

⁸⁵ *Ibid*, p.25.

⁸⁶ *Unity in Diversity, Learnig from Each other, Vol.1, Building on and Accommodating Diversities*. Edited by Ronald Watts and Rupak Chatopadhyay, p.6.

⁸⁷ *Ibid*, p.5.

no reason to trade off one's identity for constitutional equality.⁸⁸ Therefore, the right of equality is one of the most important rights which are guaranteed by International Human Rights instruments and national substantive laws.

1.4.3 The Right to Self- determination

The origin of the principle of self-determination can be traced back to the American Declaration of Independence (1776) and French Revolution (1789), which marked the demise of the notion that individuals and peoples, as subjects of the King, were subjects to be transformed, alienated, ceded, or protected in accordance with the interests of the monarch. Hence the core of the principle lies in the American and French insistence that the government be responsible to the people.⁸⁹

According to Antonio Cassese self-determination can be divided into two: politically, it is a concept which is, at one and the same time, both boldly radical and deeply subversive. This captures some of the deep ambivalence of states towards the international legal order. Jurisprudentially, self-determination is a powerful expression of the underlying tensions and contradictions of international legal theory: it perfectly reflects the cyclical oscillation between positivism and natural law, between an emphasis on consent, that is, voluntarism, and an emphasis on building 'objective' legal principles, between a 'statist' and a communitarian vision of world order.⁹⁰

He also further classifies the term self-determination as external to become free from colonial domination and internal considering as a criterion for democratic legitimation of a state. In other words, it could be used and has been used as a vehicle for enfranchisement, for ever expanding circles of citizens against all manner of ancient regimes.⁹¹ Because of this concept, many national groups interpret their basic right to self-determination as a right independent statehood, which they in turn interpret as a right

⁸⁸ Ibid,p.4.

⁸⁹ Antonio Cassese, *Self-Determination of Peoples: A Legal Reappraisal*, Cambridge University press, 1996,p.11.

⁹⁰ Ibid,p.1.

⁹¹ Ibid,p.5.

to a state of their own, a state which 'belongs' to their people.⁹² However, the right of national groups to self-determination should be conceived of as a package of privileges to which each national group is entitled in its main geographic location normally within the state that coincides with its homeland. This package of rights should mainly contain powers and liberties to practice their culture independently and to administer sub national parts of their lives within this culture, and rights to guarantee their fair share in the government and the symbol of the state.⁹³ According to some scholar ethnic groups and small national societies that are not exclusive inhabitants in territories large enough to form states cannot realistically maintain themselves an independent state or sub state.

Therefore, the best way to these social groups to serve their interest in self-determination is by granting to them minority rights.⁹⁴ Generally having the underlying concept about self-determination within a state helps to establish common understanding and heritage among the same national or ethnic groups. In this regard Chaim Gans states that self-determination guarantees the memory of their ancestor's endeavors. To some extent, it contributes to their own sense of personal safety, particularly if they belong to national group with a history of persecution, and may provide a source of pride as well as honor because their identity is linked with it.⁹⁵

Furthermore, one of the principles developed by Lenin and other Soviet politicians is granting ethnic or national groups the right to decide their destiny freely. According to them all ethnic or national groups not only just those who are living under colonial rule have the right to choose whether to secede from the power to which they were attached or, alternatively, to demand autonomy while remaining part of the larger structure.⁹⁶ Following this ideological formula the 1918 Soviet constitution explicitly granted a right to self-determination and recognized the union republics' right to secede⁹⁷ though practically they were reluctant to allow this right and did not exercise it before and during

⁹² Supra note 77,p.67.

⁹³ Ibid,p.68.

⁹⁴ Ibid,p76.

⁹⁵ Ibid,p.86.

⁹⁶ Id.

⁹⁷ Supra note 88, p.16.

their balkanization. Hence the right of self-determination can be external or internal, and internal self-determination is best explained as a manifestation of the totality of rights embodied in the covenant (Art.1 of ICCPR) and includes the right to have a representative and democratic government which the writer of this paper focuses on. This principle also recognizes the rights of national and ethnic groups as well as linguistic minorities living in federated states.⁹⁸ Nevertheless, it is not an absolute right to be exercised without any limitation at any time rather it can be restricted and derogated from during state of emergencies by the virtue of Art.4 of the same covenant.

However, an examination limited to the texts of the covenants may well lead to the conclusion that minorities are entitled to more than the rights incorporated in Art.27 of ICCPR of 1966. In other words, minorities might be entitled to the right of political, economic and social self-determination provided for in Art.1 and the rights provided for in Art.27.⁹⁹ Concerning this principle common Article 1 of the two International Human Rights Covenants (both ICCPR and ICESCR) provides that “all people have the right of self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”¹⁰⁰

In addition to these international human rights instruments, the Declaration on Principles of International Law clearly stated that subjection of peoples to alien subjugation, domination and exploitation constitutes a violation of principles of equal rights and self-determination of peoples, as well as a denial of fundamental human rights, and is contrary to the charter of the United Nations.¹⁰¹ The above statement further clarified by the Declaration was also confirmed by the African Charter on Human and Peoples’ Rights, which considered the right of self-determination as the right to free [colonized or oppressed peoples] from the bonds of domination.¹⁰²

⁹⁸ Ibid, p102.

⁹⁹ Ibid, p.61.

¹⁰⁰ Article 1(1) of ICCPR and ICESCR, 1966.

¹⁰¹ The Declaration on Principles of International Law concerning friendly relations and cooperation among states in accordance with the charter of UN, annex to GA Res.2625(xxv), adopted without vote on 24 oct.1970.

¹⁰² Article 20(2) of the African Charter on Human and Peoples’ Right, 1990.

Moreover, the right of self-determination is a right which reflects the importance given to communities.¹⁰³ Hence the purpose of the protection of this right is to enable the communities as communities to prosper and transmit their culture as well as to participate fully in the political, economic and social process,” to have this character reflected in the institutions of government under which they lives.”¹⁰⁴

When we come to its application, the right of self-determination applies to all peoples whether they are under colonial domination or within the state but deprived of their fundamental rights though there is less consensus whether this right, the right to self-determination including and up to secession, can be fully applied to non colonial situations. However, in its General Comment on Art.1 of the ICCPR, the Human Rights Committee underlines that the obligations [under Article1] exist irrespective of whether a people entitled to self-determination depends on a state party to the covenant. It also follows that all state parties to the covenant should take positive action to facilitate realization of and respect for the right of peoples to self-determination.¹⁰⁵

1.4.4 The Right to Representation and Participation

The right to representation and participation in public affairs is one of the fundamental human rights principles and encompasses multidimensional aspects of human life. According to General comment No. 25 of 1996 the right to representation and participation relates to the exercise of political power, in particular the exercise of legislative, executive and administrative powers that all aspects of public administration and formulation as well as implementation of policy at international, national, regional and local levels.¹⁰⁶ Hence representation and participation of people in general and minority groups in particular would enable persons belonging to a minority to have their legitimate share in the enjoyment of political power i.e. legislative as well as administrative decisions and policy formulation activities.

¹⁰³ Robert McCorguodale, *Self-Determination: A Human Rights Approach*, International and Comparative Law Quarterly, Vol.43, Part 4, Oct. 1994, p.859.

¹⁰⁴ Id.

¹⁰⁵ General Comment 12(2), Paragraph 6, A/39/40(1984), p.143.

¹⁰⁶ UN Committee on Human Rights, General Comment No.25, 1996.

In this regard Article 25 of ICCPR states that every citizen has the right and the opportunity (a) to make part in the conduct of public affairs, directly or through freely chosen representatives, (b) to vote and to be elected at genuine periodic elections which shall be by secret ballot, guaranteeing the free expression of the will of the electors, and (c) to have access on general terms of equality, to public service in his country, without any of the distinctions mentioned in article 2 and without unreasonable restrictions.¹⁰⁷ Because of the above stated principles, state parties are duty bound not only to respect the rights of representation and participation in public life but also to level down the field in order for minorities to exercise their interest through using these basic rights.

Moreover, a government is expected to refrain from imposing unnecessary restriction on the rights of representation and participation in the name of public interest as well as other unacceptable reasons. The various obstacles which prevent the effective representation and participation of minorities groups in public affairs include: exclusion of minorities from the political process through denial of citizenship, obstacles to the exercise of the right to vote, under-representation of minorities in political and public life, and the exclusion of citizens who are members of minorities from holding public office.¹⁰⁸

Therefore, minorities need to have effective and genuine representation and participation in order to exercise their full rights in public affairs and protect their interest from unreasonable restriction and negative influence of a majority as well as a government which is susceptible to be ignorant of the existence of minorities within its territory. That is why Duchacek clearly underlines that a mere constitutional guarantee of human rights alone cannot be sufficient to national minorities unless they have “effective share in the political fate and the government of the country”.¹⁰⁹ Hence in order to guarantee this effective representation and participation of minorities in public life different mechanisms other than the normal procedure should be developed and implemented.

¹⁰⁷ Supra note 61, Article 25.

¹⁰⁸ De Varnnes, Towards Effective Political Participation and Representation of Minorities, E/CN.4/sub.2/AC5/1998/WP4, p.3.

¹⁰⁹ Ivo Duchacek, Comparative Federalism: The Territorial Dimensions of Politics, Holt, Rinehart and Winston Inc., New York, 1970, p 101.

In other words, there must be a system that allows encouraging the participation of members of minority groups and facilitating the full representation of minorities. Concerning this concept Yash Ghai states that " it is necessary that especial procedures, institutions and arrangements be established through which members of minorities are able to make decisions, exercise legislative and administrative powers and develop their culture".¹¹⁰

That means the existing system not only found in individual nations including Ethiopia but also under international human rights regime is not sufficient enough to fully entertain the rights of minorities and to make them part of the present day overall political system. Therefore, there should be a special and appropriate mechanism which can properly accommodate the real interests and rights of minorities through their direct representation and participation. In other words, minorities should be represented in the organs of government equally and guaranteed their participation at all levels of government institutions by constitutional and other legal means.

1.5 Federalism and the Rights of Minorities

The term 'federalism' comes from the Latin word 'foedus' which means 'treaty', and implies the existence of more than one set of autonomy.¹¹¹ In other words, it is a political system that allows at least two sets of governments exercising their responsibility within the sovereign political power they have already acquired from the federal constitution adopted by agreement of representatives of nations, nationalities and peoples of a nation or through referendum. In this political system, unlike unitary type of government, such two sets of governments operating under a constitution, which among other things, distributes state power between the central and regional governments where none of the contracting parties has the power to alter unilaterally.¹¹²

¹¹⁰Yash Ghai, *Public Participation and Minorities*, Minority Rights Group International Report, London, 2001.

¹¹¹ G. Welhengama, *Minorities Claims: From Autonomy to Secession: International Law and State Practice*, 2000, p.112.

¹¹² Fasil Nahum, p.36.

That means in federal system neither the federal government nor the regional states have the power to take any political action contrary to the constitution which is adopted by mutual agreements of both levels of governments through their legislatures or other special body assigned for the purpose of making the constitution or by popular referendum. Hence in federal political system the continuity of diversity can be asserted through the entrenchment of self-rule that would encourage those diverse societies to live together under the umbrella of federal government applying the principle of shared-rule which helps to strengthen the unity of the nation recognizing diverse societal interests.

For instance when we see the federal system of Switzerland, the federal structure of the state, the decentralization of administration and local autonomy are generally considered to be indispensable instruments for the effective protection of ethnic/linguistic population groups.¹¹³ To put this concept in other way, it is the responsibility of every canton-within the framework of its autonomy to care for the proper protection of the different linguistic/ethnic groups including minorities, if necessary by providing for schooling in the native language and other supportive measures.¹¹⁴ That is why G.Welhengama strongly states that federalism could effectively address issues related to minority groups and promote their rights by granting a certain degree of legislative, judicial and financial autonomy.¹¹⁵

In other words, federal political system accommodates the diverse interests of different nation-nationalities and peoples in a given country, if it genuinely applies principles of federalism, by protecting the rights of national minorities. Though federalism is not always the best alternative to all countries, it is suited to democracies with very large population or territories or high diverse societies that are regionally concentrated.¹¹⁶ This is because federal political system by its nature recognizes group rights as it is basically established through constitutional means securing the agreement of constituent units and also applying the principles of democratic governance.

¹¹³ Kay Hailbronner, *The Legal Status of Population Groups in a Multinational State under Public International Law*, in y.Denstein (ed.), *The Protection of Minorities and Human Rights* (1992), p.131.

¹¹⁴ *Ibid.*

¹¹⁵ G. Welhengama, at p.114.

¹¹⁶ George Anderson, *Federalism: An Introduction*, Oxford University Press, 2008, p.12.

Of course, federal democracies, like unitary democracies, require certain cultural and other characteristics, including respect for the rule of law and minority rights and an element of shared identity.¹¹⁷ In other words, respecting rule of law and minority rights is from the very beginning an essential precondition for genuine federal political system as well as democratic governance. In federal system political power is divided between the central government and constituent units of same.

Concerning this issue George Anderson states that all federations have provisions in their constitution dealing with the allocation of powers between the central and constituent unit governments¹¹⁸ though there is a clear difference among constitutions which devote to establish federal political system. That means the principles of shared-rule on common interests and self-rule on specific matters of constituent units of federal government can be fully applicable in such kinds of federal system. In this regard, one writer stipulates that,

Federalism may be said to be the best kind of government for peoples among whom there is a considerable amount of diversity in respect of language, religion and culture...and varying geographical and economic characteristics. In such situations no other form of government can strive so well and produce such result as federalism does.¹¹⁹

As federalism is all inclusive by its nature, the rights of minorities can be respected and their proper participation as well as fair representation at all levels of government institutions is encouraged unless such particular federal system is superficial. In other words in genuine federal political system the rights of minorities can be guaranteed by constitutional means as well as practical application of governments which are established through such federal constitution. Concerning this, George Anderson also strongly states that,

¹¹⁷ Ibid, p.13.

¹¹⁸ Ibid, p.23.

¹¹⁹ Olunwu Indowu Odumosu, *The Nigerian Constitution; History and Development* (1963), p.232.

Whatever their party systems, federations differ in their approaches to accommodation of regional and ethnic minorities within central decision-making institutions. Inclusion can reflect the power of minorities in a coalition building, it can be a matter of political culture or established practice, or it can be prescribed in the constitution. Giving minorities a real voice in central institutions can be important in promoting social harmony and political stability.¹²⁰

Generally, federalism is one type of political system which tries to accommodate the rights of not only nations, nationalities and peoples living in a country that adopted it but also diverse interests of the same. In other words, this system can have an opportunity to avoid unnecessary ethnic, religious or cultural domination or imposition of a group based on its egoistic nature and selfish interest of same. Because of this accommodative feature it also helps to strengthen smooth relationship between different nations, nationalities and peoples who agree to install federal political system in the country they are residing in order to live together under federalism by establishing one socio-economic community.

¹²⁰ George Anderson, p.52.

Chapter Two

2. Treatments of the Rights of National Minorities in ANRS

2.1 General Remarks

Adopting the general principles of democratic governance, rule of law, self-determination, fair representation and participation as well as preserving ones own identity and history have been the most important issues and strong driving forces in the new federal political system of Ethiopia.¹²¹ These basic issues have also served to restructure the country's administrative set up and redefine of the nation's overall socio-economic policies as well as ideological view of the politicians. That is why the above mentioned principles have been incorporated in the Transitional Charter of 1991 and later they become the salient features of the Federal Democratic Republic of Ethiopian constitution of 1995.

Accordingly, Art.39 (1) of FDRE constitution clearly states that every nation, nationality and people in Ethiopia has unconditional right to self-determination, including and up to secession. It also further strengthens the right to self government of nations and nationalities of Ethiopia by stating that "every nation, nationality and people in Ethiopia has the right to a full measure of self government which includes the right to establish institutions of government in the territory that it inhabits and to equitable representation in a state and federal governments respectively."¹²²

Considering this general trend of constitutional recognition, state constitutions too are expected to acknowledge the above mentioned principles with the same fashion which are important to the protection of minority ethnic and national groups living in the regional states though some state constitutions have not properly recognized even the mere existence of such nations, nationalities and peoples living in their respective regional states from the very beginning.

¹²¹ Supra note 1.

¹²² Article 39 (3) of FDRE constitution.

The Amhara National Regional State constitution is the one among regional state constitutions that are devoted to recognize and protect the rights of national minorities in their respective territories. Although the Amhara people are by far the largest nation in the country next to Oromo nation and a dominant ethnic group in the Amhara national regional state, its regional constitution recognizes other peoples who are regarded as part and parcel of the regional state socio-economic and political life.

Though the first constitution of the Amhara national regional state was adopted by the first meeting of the then regional council on 22 June 1995 following the approval of federal constitution, the researcher is more interested to examine the amended constitution of 2001 in order to see the recent development of the regional state's legal and political system in accommodating diverse societies within the national regional state political set up.

Hence, the preamble of the revised constitution of the Amhara National Regional State of 2001 starts with the following inclusive phrases 'we the people of the Amhara National Regional State' that includes all nations, nationalities and peoples living within its territory, unlike its nomenclature and some other national regional state constitutions. This political commitment is further strengthened by the following statement.

Having firmly believed that, we, the peoples, settling in the Amhara National Regional State, would be able to attain rapid economic growth, durable peace and full-fledged democracy, only when we do manage to possess our own constitution founded on the spirit of the constitution of Federal Democratic Republic of Ethiopia, taking into account the concrete circumstances of our regional state and thereby enabling us to exercise our constitutional rights fully and unrestrictedly.¹²³

Moreover, Art. 8 of the revised constitution of the Amhara region confirms that the proper recognition of nations, nationalities and peoples living in the region by giving

¹²³ Paragraph four of the preamble of the revised constitution of Amhara National Regional State, 2001.

equal opportunity in regional polity. It also clearly refers that ‘the supreme power of the national regional state resides in and belongs to the peoples of the Amhara region.’ The revised constitution of the Amhara region also creates a special territorial political entity, locally known as Nationality Administrations.¹²⁴ Hierarchically, the nationality administrations are next to the regional government but above the Woreda administrative units. It is because in the Amhara National Regional State basically there are more than five nations and nationalities which constitute their own territories and demanded administering themselves as they are also regarded as an indigenous nation-nationalities and peoples to the region.

Based on the 2007 census conducted by Central Statistical Authority (CSA), the selected ethnic composition of the region is presented in the following table¹²⁵ and thereby provides us some important hint to analyze how the constitution of the region is formulated and the regional government is established in accommodating the diverse interests of these ethnic groups living in the region.

Table 1. Ethnic Composition of Amhara Region (Indigenous nationalities)

No.	Nation/Nationality	No. of Population	Coverage by Per cent
1	Amhara	15,747,800	91.48
2	Agew-Awi (Gojam)	595,721	3.46
3	Oromo	451,221	2.62
4	Agew-Hemra (Wollo)	238,540	1.39
5	Argoba	69,978	0.41

Therefore, one can easily understand that the Amhara region has diverse ethnic groups ranging from tens of thousands to tens of millions. Having this general remark, in this part attempt will be made analyze the details how these ethnic groups, particularly national minorities, are recognized and protected by the revised constitution of the Amhara National Regional State as well as practical application of the regional

¹²⁴ Article 73 (1) of the revised constitution of Amhara region (2001).

¹²⁵ The 2007 Population and Housing Census Report, 2008.

government. In other words, let us evaluate the regional constitution together with the regional government's practice concerning the recognition of the very existence of such national minorities, their right to self-determination including self-government, their right to preserve their identity, their right to representation and participation among others.

However, before entering into the detail discussion of the rights of national minorities so as to evaluate the national regional state constitution and practical application of regional government let us see political and legal history of the Amhara people in order to compare and contrast the present day Amhara with that of the Pre EPRDF era of Amhara people related to its perception towards its history of politico-legal tradition and the legal and political history of modern Ethiopia.

2.2 Legal and Political History of the Amhara People

It is known that in earlier times i.e. in the pre EPRDF era, the term "Amhara" was not used as a common name denoting explicitly a given nation and nationality but rather as a term reflecting religious, cultural and political phenomena. For example, being Amhara was used to be equated with being Christian. Thus, when a person says "I am Amhara" the statement was used to show that the speaker is Christian, and to be specific, orthodox Christian. Thus, when a quarrel happened among individuals of the Amhara people, those individuals used to go to the extent of cutting their neck band which is a sign of being a Christian and may say "we are Muslim and Amhara as of today."

The fact that this attitude is still manifested in the rural area of the Amhara region can be confirmed beyond any doubt. The other attitude which is a moderate one and that used to be reflected and still being reflected among intellectuals and urban dwellers of the Amhara people is directly associating the word Amhara with "Ethiopian ness" or highlander ness. In this regard Donald N. Levine states that "in short, both through the ultimately national sources of legitimacy which affected their local routines and through the national symbolism provided by king and religion, the Amhara belonged to a national community and always kept some sense, however dim at times, of being a part of that

more inclusive collectivity.¹²⁶ Moreover, it is said that Amhara was associated with geographical entity during the five years of Italian administration and hence such geographical territory as its main component included Gojjam, Gondar, Wollo provinces and northern part of the then Shewa province. This being as it is, the northern Part of Gondar and large portion of Wollo provinces were incorporated in Tigray province.¹²⁷ However, on the morrow of the dissolution of the Italian administration this approach was cancelled and the previous demarcation that was based on geographical location was put in place.

Thus, it was not possible to the Amhara nation to recognize itself like other nationalities as a collection of people in its own right identity, What differs it from other nations, nationalities and peoples as well as from Orthodox Christianity as such and to reach to a level of consciousness where there was no affiliation of the term with the name of a country. To explain the past Amharas' attitude Donald N. Levine further stipulates that in their home territory Amhara rarely express a strong sense of belonging to the community of all Amhara. They identify themselves either on a regional basis-Gojjam versus Gondare-or else by means of the supraethnic term Habesha.¹²⁸

This incident had an influence on the psychological make up of not only the nation but also on those peoples living in the Amhara geographical territory. And this left the community without having a positive or negative impact on its identity. The Italian administration as well faced opposition from the people as its effort was to divide people and give a new identity in order to weaken the strong feeling of being an Ethiopian.¹²⁹ In other words, the Italian classification was not with the intent to recognize and protect the rights of nation-nationalities and peoples but to use it as a means to manipulate the country's political system.

¹²⁶ Donald N. Levine, *Greater Ethiopia the Evolution of a Multiethnic Society*, University of Chicago University Press, p.119.

¹²⁷ Professor Messay Kebede, *Radicalism and Cultural Dislocation in Ethiopia: 1960-1974*, University of Rochester Press, 2008.

¹²⁸ *Supra* note 126. p.118.

¹²⁹ *Supra* note 127.

In other words, the Italian administration tried to apply the policy of divide and rule to weaken the unity of the people of Ethiopia and thereby the country at large. The reason for this is the fact that even though the people that are known as Amhara at present day are speakers of the Amharic language, it was a collection of people who were in the past under the umbrella of different emperors and dukes whose nationality was not from the Amhara nation only. That means during the first Millennium A.D. the inhabitants of Amhara were Agew peoples who developed a distinct South-Ethio-semitic tongue, Amarigna or Amharic language, quite possibly through a process of pidginization and creolization.¹³⁰

Thus, the community was not ready to take the new identity mark "Amhara". On the other hand attempts were made to forward different logical arguments to refute the view which states that speaking Amharic is tantamount to being an Amhara.¹³¹ The core point to show this argument emanates from the fact that Amhara has emerged from Oromo speaking community, the Agew peoples and other nationalities such as Kimant and Gafat. Thus, the people were not as such ready to accept the imposed name like other segments of Ethiopian society. In fact the denotation of Amhara may stretch only to the extent of same language speakers and affiliation to religion with its own content and depth but there was no time where the people recognized themselves as a single nation and manifested a synchronized movement.¹³²

Thus, the word Amhara in the earlier traditional approach was used when found convenient to denote the speakers of the Amharic language and at other times as a marker of religious affiliation with Orthodox Christianity. This target group whose geographical territory stretches from Lasta up to Damot and from Metema up to Minjar used this index interchangeably but didn't take the name as a common name with the identification of socio-political or nationality affiliation. As attempted to show above the Amharic speaking portion of the society did not develop the psychological readiness to organize itself in a single political frame work so as to activate and uphold itself and influence

¹³⁰ Supra note 126.

¹³¹ Supra note 127.

¹³² Ibid.

others in an independent way from other fellow Ethiopian Christians. Not only that, Amhara elites did not have the common psychological consciousness to initiate this kind of approach and organize the Amhara people in a unified manner and establish a legal and political framework using the name of Amhara nation. However, as of the demise of the Dergue regime all nations, nationalities and peoples of the country started organizing themselves in accordance with their identity as the corner stone.

Thus, the Amhara intellectuals with the view to be a direct actor took the notion of Amhara as a name and started performing socio-political activities which was appropriate for the issue at hand. As a result, this situation forced the Amhara people to think critically about themselves in depth and raise related issues.¹³³ The initiating reason being the fact that at around 1992 was absence of representation in the Council of Representatives of political parties of transitional period.

To bridge this gap, the All Amhara People Organization (AAPO) was established by Professor Asrat Woldeyes and his followers with the disclosed aim for the first time to “struggle for the realization of the right and benefit of the Amhara people.” And this organization dared to come to the political forum and started its activity. However, as this political party was led by subjective attitude and emotions, it immediately collapsed as it let down its stand to fight for the unity of the country rather than sharing first the pain of the Amhara people suffering from the then political situation of the country.

AAPO’s aim was also simply to defend the current political imposition took place by some ethnic entrepreneurs and was not based on real commitment nor was it organized to protect the ultimate socio-economic interests of the Amhara people by accepting the genuine identity of being Amhara nation. On the other hand, the then Ethiopian Peoples Democratic Movement (EPDM) which was a founding member of Ethiopian Peoples Revolutionary Democratic Front (EPRDF) in 1993 changed its name to Amhara Nation Democratic Movement (ANDM) having as its main component Amhara and Agew combatants and supporters of same.

¹³³ Ibid.

Because of this ANDM has taken initiative to lead the region considering that the Amhara nation as the majority people of Amhara National Regional State. Thus, the political history of Amhara nation prior to May 27, 1991, was not seen apart from the politics of Ethiopia. But in the post EPRDF Ethiopia, especially since 1992, the Amhara region was established independently and relatively conducive political situations have been in place for peoples self administration based on their own ethnic interests.

Following this, at the end of 1994, the Amhara nation and other nationalities found in the Amhara region become the owner of their own national regional state legal and political system as well as they started actively participating in the federal government institutions. Particularly, when we see its history related to legal systems, as already mentioned before, it did not have any feature different from the Orthodox Christian religious doctrine or from Ethiopian legal history. However, when we evaluate the attempt to incorporate certain customary laws into the history of Amhara people, we could get the following traditional legal system. To see the Amhara's traditional legal tradition examining the past Ethiopian legal system in brief is inevitable.

As we have stated above the Amhara legal and political history is highly associated with the legal and political history of Ethiopian peoples. Hence, when we examine the legal history of Ethiopian political system, customary laws of ethnic groups found in the Ethiopian territory are so important elements even to the consolidation and development of the modern laws of the country. In this regard Abera Jembere states that the customary laws of different ethnic groups were the major bodies of laws in Ethiopia for centuries. Even after the introduction of the Fetha Negest in the fifth century, as its content was not widely known to general public, customary norms were applied for criminal matters along with the Fetha Negest, until the promulgation of the Penal Code in 1930, and for civil cases until the enactment of the Civil Code in 1960.¹³⁴

¹³⁴ Abera Jembere, *Legal History of Ethiopia 1434-1974: Some Aspects of Substantive and Procedural Laws*, Rotterdam: Erasmus University, 1998. p.39.

Therefore, customary law is applied even now in matters not provided for in the Civil Code and in matters where the application of custom is permitted under Art.3347 (1) of the Civil Code.¹³⁵ Hence, we can conclude that customary laws are important components of Ethiopian legal tradition though their form, substance and application differ from place to place and from ethnic group to ethnic group. Thus, the Amhara nation is one of these ethnic groups living in Ethiopia and has its own legal tradition. However, its customary law applied among the Amhara people was not as such written and it was simply transmitted from generation to generation by word of mouth.

Even the Amhara people legal tradition was dominant in some parts of Ethiopia and some of its norms have been embodied in the codified laws of Ethiopia. For example, the principle of usucaption, the institution of family arbitration and equal sharing of property in inheritance by female descendants¹³⁶ are among others. By and large, the Amhara people are consists of Oromos, Agew-Awi, the Agew of Lasta and Wag-Hemra, Gafat and Kimant communities. Basically, the Amhara nation was under the influence of Christianity and as such was not able to be owner of its own legal and political affairs due to the above mentioned reasons.

Later on, when Menilik made the effort to unify Ethiopia by taking the banner of his predecessor emperor Theodros II, the Amhara ruling class was given clear role and the community was seriously preached to think as Ethiopian and take Ethiopia as its own mirror reflection. Hence, being Amhara was taken beyond showing one's being a Christian and was accepted to reflect one's being an Ethiopian and the people were persuaded to accept this identity to be "true". In the mean time, the ruling class members, intellectuals, the then regime, and those who came from this nation organized themselves and, dared to go to the extent of saying Amhara is just a highlander and not an independent nation and people.

¹³⁵ Ibid.

¹³⁶ Ibid, p.47.

Thus, when the identity of Amhara was recognized and its political participation known along with its own regional territory in the federal Ethiopia, the new scenario was taken to be unbelievable to those people who strongly believe in the non existence of independent Amhara nation. Even today, the Amhara people have not developed strong sense of its nationhood to reflect its own identity in an organized manner. Many of the investors and intellectuals who are members of this nation (both at home and abroad) just simply say Amhara is Ethiopia and the sole representative for the strong unity of Ethiopia is Amhara instead of helping the development of their region to change the life condition (living standard) of the Amhara people.

They also propagate this connotation in different media to create confusion among the Amhara people and even have taken it as their achievable mission. Because of this, we can say that they have put their share of contribution in the effort they perform by hindering the Amhara people to think as a nation, by hindering it from developing its own laws and political participation, by discouraging it from protecting its culture and identity, by hindering it from being united, by corroding its social confidence and developing illusive sense of itself.

For example, when it was announced recently that a bank is going to be opened in the name of the Amhara nation by the organizing body, those Amharas who got the information, including those who are living abroad, strongly oppose it and said it could not be named as Amhara Bank, rather they influenced the organizers to propose another name. As a result, the proposed name was changed and renamed as “Abay Bank”.

This recent phenomenon, which I think reflects correctly the truth that is already explained above. That is why Donald N. Levine concludes that “the Amhara script defines the illusive community as multiethnic entity. It does this through references to a supratribal people, the Habesha, or Ethiopians; by upholding the transcendent authority of a monarch of Ethiopia, under which all Ethiopians are subjects; and by supporting a church which in outlook and organization operates on a multiethnic and national basis”.¹³⁷

¹³⁷ Supra note 126,p.147.

2.3 The Rights of National Minorities under ANRS Constitution

As stated above, the Amhara National Regional State constitution recognizes and gives relatively proper space to the rights of minorities in general and to national minorities in particular. This assertion is clearly stated in the preamble of the same constitution which says “being dully convinced of the fact that we had for long been victims of an unbearable harm caused to us directly or indirectly to an atrocious national oppression which had to be committed in the past on and against the majority’s nation, nationalities and peoples, and henceforth needs to be corrected and rectified hereafter.”¹³⁸

Having this general concept about the constitutional guarantee accorded to the rights of national minorities in the region, some aspects of the rights of these national minorities are discussed in brief under the following sub-sections respectively in order to analyze and identify the gaps which need to be bridged and strengthened, that can be taken as a good lesson to other regional states lacking such kinds of features concerning treatment of national minorities in their respective regions.

2.3.1 The Right to Exercise Self-determination

The right to self-determination including self-government was recognized by the Transitional Period Charter for the first time in Ethiopian legal and political history. Following this, the FDRE constitution of 1995 makes it a permanent part of the fundamental rights and freedoms under chapter three of same. The right to self-determination includes the right to speak and develop ones own language, to express and promote ones own culture and history, the right to self-administration within ones own particular territory, the right to fair representation and participation at all levels of government institutions.

However, the right to self-determination of nations, nationalities and peoples in federal political system can be realized if and only if the regional constitutions recognize this right and develop the necessary mechanisms in their fundamental legal provisions. Considering the above mentioned principles, the right to self-determination is also permanently incorporated in the revised constitution of the Amhara National Regional State of 2001. Art. 39 of the same constitution devote to protect the rights of minorities in

¹³⁸ Paragraph two of the 2001 Revised Constitution of Amhara National Regional State.

general and the rights of self-determination of same in particular. Hence, the first paragraph of Art.39 of the Amhara region constitution strongly asserts that the unconditional right of the peoples of the Amhara National Regional State to self-determination including and up to secession as has been enshrined in the constitution of the Federal Democratic Republic of Ethiopia is, in any way, guaranteed and protected without any form of restriction.

The above statement stipulated in the same constitution seems more open and lenient to allow self-determination including and up to secession avoiding any precondition in order to exercise this constitutionally guaranteed right. However, it is not as such free from restrictions as stated above. Because Art.39 (4) of the same constitution paradoxically put some restrictive conditions to enjoy the right to self-determination including and up to secession in the region unlike the principles laid down under Art.39 (1) of FDRE constitution and the opening paragraph of the regional state constitution. In other words, to exercise the rights of self-determination including and up to secession, there must be some conditions to be fulfilled.

Accordingly Art.39 (4) of the revised constitution of Amhara National Regional State clearly states that “where it is of the opinion that the rights mentioned under sub-arts.1-3 of this Article hereof have been suspended, abrogated or abridged and hence could no longer be rectified under the circumstances, while in unity, it shall exercise its right of self-determination up to secession in accordance with the provisions of Art.39 of the constitution of Federal Democratic Republic of Ethiopia.”

This provision contains two contradictory ideas i.e., if we take the phrase in accordance with the provisions of Art. 39 of the federal constitution, it seems consistent with the principle laid down under the FDRE constitution of 1995. However, when we examine the introductory words which underline that where it is of the opinion that the rights mentioned under sub-arts.1-3 of this Article hereof have been suspended etc. and hence could no longer be rectified shows that nations, nationalities and peoples settling in Amhara region could not and cannot exercise the right to self-determination including

and up to secession before asserting the above mentioned preconditions which is not the main concern of the FDRE constitution. Therefore, we can say that the Amhara Region constitution incorporates additional requirements which restrict the right to self-determination including and up to secession unlike the spirit of Article 39 of the federal constitution. The conditions listed down under sub-articles 1-3 of Art.39 of the Amhara National Regional State constitution are basically the following; preservation of national identity, utilization and enhancement of their own language, determine on their own affairs and exercise self-government including establishment of governmental institutions within their own geographical areas.

Nevertheless, these restrictive preconditions listed down in the constitution of the regional state are not consistent with the spirit of FDRE constitution in general and Art.39 (1) of same in particular and contradict with the principle of the rights of self-determination incorporated under the federal constitution which is the supreme law of the land¹³⁹. Because Art.39 (1) of FDRE constitution states that 'every nation, nationality and people in Ethiopia has an unconditional right to self-determination, including the right to secession'. So if we interpret and implement Art.39 (4) of the Amhara region constitution as it is, without considering the above clearly stated principle, it restricts the rights of national minorities in the name of avoiding unnecessary potential claims may be come from political entrepreneurs of nations and nationalities settling in the same region.

That means, the nations, nationalities and peoples living in the Amhara region may be allowed to exercise their right to self-determination including and up to secession if and only if they fulfill such conditions stated under Art.39 (1-3) which are unappealable conditions that lead, in some cases, to depend on subjective judgment of some political leaders, which may negatively affect the rights and interests of nations, nationalities and peoples of the region. Because, in some cases such prominent political leaders might not be comfortable with this kind of claim raised by national groups. The Siltie case can be taken as a good example for this argument. The nationality of Siltie raised the issue of separate identity from Guragie nationality ones upon a time in the recent past. However,

¹³⁹ Article 9 (1) of FDRE constitution.

the leadership of the Southern Nation, Nationalities and Peoples Regional State was not ready even to properly entertain the questions of Siltie community; it was rather discouraging to the representatives of same though later it was decided by House of the Federation to be arranged for referendum. Considering this issue, we can safely conclude that the rights of national minorities related to self-determination including and up to secession is not applicable without any condition as stated under Art.39 (1) of FDRE constitution and the opening paragraph of Art.39 of the Amhara National Regional State constitution.

Regarding the incorporation of these restrictive conditions in the regional state constitution, the researcher asked the then chief Administrator of the regional government and the legal advisor to him in order to check their perception towards these conditions listed down in the regional constitution. According to the former president of the Amhara National Regional State together with some of his assistants and others who were active participants in constitutional revision process, they were aware of the implications of those restrictive conditions.¹⁴⁰

Hence, the former president justifies that the incorporation of these restrictive conditions would help to minimize unnecessary claims of the rights of self-determination including and up to secession by some secessionist political groups though they were not as such conscious of its contradiction with the general principle stated under FDRE constitution and even the opening paragraph of Art. 39 of the regional state constitution. However, the legal advisor of the chief administrator of the regional government considers these additional preconditions as a 'constructive inclusion' to maintain the strong unity of the nation in general and the unity of the regional state in particular, rather interpreting them as restrictions which could affect the rights of national minorities and considering them as contrary to the principle of self-determination.¹⁴¹

¹⁴⁰ Ato Yosef Reta, former President and Chief Administrator of the Amhara Region.

¹⁴¹ Ato Merhatsidik Mekonen, Legal Advisor to Chief Administrator of the Region.

Unfortunately not only the concerned nations, nationalities and peoples living in the region but also the active political leaders of same were and are not still aware of these restrictive conditions as well as their implications up on their right to exercise self-determination including and up to secession without any condition as stated under the FDRE constitution. In other words the peoples of those nationality administrations and the leadership of nationality administrations are not in a position to recognize such reality and do not raise any question related to this concept though they are exercising the right to self-government in a limited manner.

Though the above mentioned limitation is identified by the researcher and its political implication has its own negative influence, state officials as well as their legal advisor are not still capable enough to understand the impact of such restrictions or they are not ready to accept weaknesses they made during the drafting process of the regional constitution. Apart from this, national minorities settling in the region have been recognized by the regional state constitution and are exercising some of their rights to self-determination as we shall see the details in the following sub-sections though the above mentioned restrictions are not by no means constitutional and compatible with the general principle of self-determination incorporated in the federal constitution.

2.3.2 The Right to Self-government (Self-rule)

Self-government right is one of the fundamental rights of minorities in general and national minorities in particular. It also includes powers and liberties that allow members of national groups to control their culture and substantial parts of their lives within its framework.¹⁴² That is why paragraph two of the preamble of the establishment proclamation of Argoba Nationality Woreda of the Amhara National Regional State strongly states that it has become necessary to establish the nationality woreda having self-governance authority, in order to recognize the identity of members of the Argoba nationality and to preserve culture, tradition, language and history of same.¹⁴³

¹⁴² Supra note 77, p.83-84.

¹⁴³ Procl.No 130/2006, Argoba Nationality Woreda Establishment Proclamation

Nationality administrations are established during the transitional period in their specific geographical areas and re-established by the 2001 revised constitution of Amhara national regional state in order to administer themselves as well as exercise their self-rule rights in their respective territories. In other words, the constitution of the Amhara region stipulated that “there is hereby established, a nationality administration in those geographical areas of the national regional state inhabited by the Himra, Awi and Oromo peoples, pursuant to the provisions of Art.39 sub-Art.6 and Art.45 sub-Art.2 of the Amhara National Regional State constitution.”¹⁴⁴

Following these constitutional guarantee nationality administrations established their own nationality councils in their respective territories so as to exercise their legitimate political power and thereby to administer themselves within the regional political set up. Because according to the revised constitution of Amhara region, ‘they are the bearers of supreme political authority on behalf of their respective nationalities’. Hence the nationality councils have the following decisive political powers among others.¹⁴⁵

1. Determine the working language to be used by the Nationality Administration concerned,
2. Ensure the protection of the rights which the nationality has with respect to speak and write in its own tongue, develop, preserve, express, enhance and promote its own language as well as maintain and extend due care to its own history,
3. Designate the speaker, deputy speaker and the chief administrator of the nationality administration by election from among the members of nationality council,
4. Consider and approve the proposed appointment of the Deputy Chief Administrator and other members of the administrative council of the nationality administration submitted to it by the chief administrator,
5. Call for questioning the chief Administrator and other officials of the nationality administration as well as investigate into the workings of its executive body

¹⁴⁴ Article 73 (1) of the Amhara National Regional State revised constitution of 2001.

¹⁴⁵ Ibid, Article 74 sub.2 and 3.

thereof among others unlike other administrative zones that are branches of their respective bureaus established at regional level.

The above mentioned powers given to nationality administrations which have been constitutionally guaranteed are also strengthened by other laws that determine the organization, powers and duties of regional state executive bodies and the establishment proclamation of Argoba nationality woreda. Therefore, this proclamation states that the nationality administrations found in the region shall, pursuant to the powers vested in them by the revised constitution of the national region, have rights to establish executive body, departments or offices respectively that are necessary for multipurpose development and government services.¹⁴⁶

Furthermore, according to this proclamation the relevant executive bodies of the national regional government shall be responsible to provide appropriate support to nationality administrations, upon request they submit thereto, in their activity of organizing government establishments pursuant to sub-Art.2 hereof.¹⁴⁷ In addition to these three nationality administrations established by the 2001 revised constitution of the Amhara region, the Argoba nationality woreda is established by proclamation No.130/2006 in order to consider the question of self-administration raised by Argoba peoples settling in the Amhara region.

Accordingly, the Argoba Nationality Woreda (here in after referred to as “The Nationality Woreda”) is hereby established by this proclamation as autonomous self-governance having its own judicial personality.¹⁴⁸ Art. 4 of the same proclamation clearly state that the main objective of this proclamation is to enable self governance of the Argoba nationality by respecting the right to self determination of nation-nationalities which is granted by the revised constitution of the Amhara region. Therefore, the powers given to nationality administrations listed above are also regarded as the powers of the

¹⁴⁶ Article 30 (2) of Proclamation No.120/2006.

¹⁴⁷ Id, Article 30 sub.3.

¹⁴⁸ Supra note 119, article 3 (1)

Argoba Nationality Woreda by its establishment proclamation.¹⁴⁹ However, there are some legal as well as practical limitations which have their own negative influence up on the activities of these nationality administrations including the Argoba Nationality Woreda administration. In other words, these limitations mainly come from poor drafting of the 2001 revised constitution of the Amhara region and the attitudinal problem of both state and nationality administration officials towards the autonomy of nationality administration who were/are responsible to correct such types of irregularities.

As mentioned in the previous section there is an obvious contradiction between the opening paragraph of Art.39 of the Amhara National Regional State constitution and Art.39 (4) of same. This contradiction is also clearly seen between Art.39 (4) of the Amhara National Regional State constitution and Art.39 (1) of the federal constitution. Another important concern which the 2001 revised constitution of Amhara region limits the powers of nationality councils, is related to the appointment of judges for those Nationality Administrations in their respective jurisdiction without any justification.

In other words, though Art.73 (2) of the revised constitution of Amhara region considers the judiciary as one of the three principal organ of nationality administration, the same constitution restricts the power of Nationality Administrations upon the judicial body by Art. 74 (3) g, as it says that avail its prior opinion to the Regional Council as regards the proposed appointment of High and First Instance Courts' judges of the Nationality Administrations¹⁵⁰ including the Nationality Woreda administration contrary to the principle of self-government and Art.73 of the same constitution. Concerning this the writer also asked the legal advisor to the chief administrator of the region why the power of appointment of nationality administration judges is given to regional council. He replied that at that time there was a tendency to consolidate the judiciary by centralizing the appointment power of judges instead of allowing this power to the Nationality Administrations.¹⁵¹

¹⁴⁹ Ibid, Article 10 (2).

¹⁵⁰ Article 74 (3) g. of the Amhara Region Constitution

¹⁵¹ Merhatsidik Mekonen, Legal Advisor.

In other words, according to the then regional state officials these Nationality Administrations were not capable enough to take this responsibility as some of them were abusing this full power before the revised constitution came into effect. Even this nominal, but constitutional, power is actually violated by the regional judicial administration commission as it repeatedly proposes judges of nationality administrations to the regional council directly without consulting the Nationality Councils.¹⁵² The writer of this research paper too witnessed the above mentioned real problems of violation of that constitutionally guaranteed power of nationality administrations before starting his research and during data collection process.

Moreover, there is also practical problem in the mind of both state and nationality administration politicians which negatively affects the full enjoyment of the principle of self-rule in the nationality administrations. For instance, both state and nationality administration officials believe that these nationality administrations are politically equivalent to other administrative zones which do not have constitutionally guaranteed existence and political power. In addition to the above mentioned attitudinal problems there is also another practical violation of constitutional powers of nationality councils in relation to budget approval of their own.

Though the revised constitution of the Amhara region confers the power of budget approval to the nationality councils by saying that having recourse to the national regional plan and budget approved in advance by the regional council, issue, examine and approve the plan and budget of the area concerned¹⁵³, practically their annual plan and budget is approved by regional council without leaving any room to nationality councils.¹⁵⁴ There is also another problem pertaining to adoption of laws which are important to establish and strengthen their own administrative institutions and political powers within their territorial administrations by exercising their legislative power.

¹⁵² Mulugeta Debasu, Deputy Chief Administrator of Agew-Awi Nationality Administration.

¹⁵³ Article 74(3) d of Amhara Region Constitution.

¹⁵⁴ The writer of this paper observed this reality upon the budget approval of 2002 E.C. and the nationality administration officials feel in such a way, particularly woredas' budget approval is usually made by the regional council though the constitution makes it under their jurisdiction.

Because according to Art.74 (3) c, nationality councils have only a power to issue and implement their own specific guidelines to be applied within their own territorial administration. Whereas city/town administrations are fully empowered to issue policies and regulations¹⁵⁵ though their political status is below Nationality Administrations. In other words, towns which are under the supervision of those nationality administrations can have a power to issue and implement their own policies as well as regulations in the area of their specific town administrations. For instance Kemissie in Oromo, Sekota in Wag-Hemra and Kosober (Injibara) towns in Agew-Awi nationality administrations are among those empowered towns to issue policies and regulations respectively.

Nevertheless, the writer of this research paper believes that there is a good start in respecting and recognizing the rights of national minorities, particularly concerning self-government within the Amhara National Regional State even though the above mentioned legal and practical problems are observed. Generally, there is an opportunity to exercise the rights of self-administration by strengthening the political involvement of nationality administrations at regional as well as local levels. That is why, presently, nationality administration officials become aware of their autonomy and political status that differs from other administrative zones and started to challenge the regional government by claiming their real political weight unlike those administrative zones actually found in the region though state officials often fails to reply their demands.¹⁵⁶

In other words, the speakers of the nationality councils are raising the issue of their political status with its socio-economic benefits that should be accorded to nationality administrations institutionally as well as individually to nationality administrative officials including professional workers who are ready to serve their people accepting the difficulties they face due to their special decision comparing with civil servants who are working in other administrative zones.

¹⁵⁵ Proclamation No. 91/1996 that determine the establishment of city administrations in ANRS.

¹⁵⁶ Ljjalem Weldie and Nibret Fentahun, Speakers of Wag and Awi Nationality Councils respectively.

2.3.3 The Right to Representation and Participation

In the contemporary world representation and participation of minorities in general and national minorities in particular at central and regional legislative bodies is one way of the manifestation of democratic governance. For this reason the choice of electoral system or setting constitutional guarantee for representation of those national minorities is an important precondition to ensure parliamentary representation and participation at all levels of government institutions. The existing electoral systems are not inclusive to secure fair representation and proper participation of minorities in general and national minorities in particular though they are facilitating peoples to become active participant in the polity of their own.

In this regard the revised constitution of Amhara National Regional State stipulates that the peoples of the regional state have the right to the final determination of its own affairs, exercise self-government as well as enjoy an effective participation in the system of the federal government in a free, nondiscriminatory, appropriate, fair and equitable means of representation.¹⁵⁷ Even though the Ethiopian electoral system is criticized because of its production of least representative result,¹⁵⁸ it also introduces to some extent proportional representation electoral system in order to enable national minorities to participate in decision making process not only at the regional level but also in the organs of federal government.

Considering this reality, the Amhara National Regional State constitution also underlines that, "Members of the Council shall be elected in an electoral system, whereby a candidate with the majority votes wins, amongst candidates within one electoral district. The minority of nationalities and peoples that are believed to deserve special representation shall be represented in the council through an election."¹⁵⁹ In addition to the above mentioned statement the revised constitution of Amhara region guarantees the nations, nationalities and peoples representation in the constitutional interpretation commission of the regional state.

¹⁵⁷ Article 39 (2) of ANRS constitution.

¹⁵⁸ Fasil Nahum, *Constitution for A Nation of Nations: The Ethiopian Prospect*, 1997.p.68.

¹⁵⁹ Article 48 (2) of ANRS constitution.

Accordingly, Art.70 (1) of the Amhara National Regional State constitution also states that “there is hereby established and designated, by this constitution, a Constitutional Interpretation Commission, whose members are to be drawn by way of representation, from each and every nationality and woreda councils found throughout the regional state, to examine a case of constitutional dispute or an issue of its interpretation, whenever such a case arises in the region”, though it is not yet functional until now.

However, there is no such kind of provision in the revised constitution of regional state that talks about representation and participation of national minorities in the state executive including state civil service and state judiciary. Because of this, representation in the council of regional government and state judiciary including the civil service is at the discretionary power of the Chief Administrator of the region and the president of regional state supreme court respectively.

In other words, representation and participation of nationalities in the civil service, state executive and judiciary is not guaranteed by the regional constitution and other laws of the national regional state. Of course this is not the only problem of Amhara National Regional State constitution and the practice of regional government, Rather it is a serious problem in both federal government and all national regional states. Moreover, for the time being the Argoba people is not represented in the council of Amhara region though it is represented in the House of the Federation.¹⁶⁰

Considering the above arguments we can safely conclude that the Amhara National Regional State tries to guarantee and facilitate the representation and participation of national minorities living in the region though it is not absolute as we have seen the practical problems about representation of Argoba people in regional council and representation of all national minorities in the executive at regional level as well as in the judicial body at all level. In other words, there is a practical problem concerning representation and participation as national minorities living in the region do not have

¹⁶⁰ Dr. Misrak Mekonen, Speaker of Amhara Region Council.

constitutional guarantee to be represented in the executive including the civil service and the judiciary of the Amhara National Regional State.

2.3.4 The Right to Preserve and Develop one's Identity

Preserving ones own identity includes ethnic markers such as language, culture and religion among others. Hence the rights to preserve ones own identity is one of the basic rights that are guaranteed by both federal and state constitutions. As individual persons belonging to a minority should be allowed to uphold their ethnic, linguistic, cultural or religious characteristics.¹⁶¹ Concerning this concept some famous writers also states that:

Different communities need also to be able to foster their identities with regard to education, religion, communication, media, social networks, etc. However, they can only foster their identities through autonomy and self-rule. Multi-ethnic polities need to provide autonomy with regard to those vital issues that foster local identities and then to build on a common identity.¹⁶²

Considering the above mentioned principles, the Amhara National Regional State constitution guarantees self-government in order to develop as well as preserve ones own identity and stipulates that the people of the national regional state has the right to preserve its own national identity and strive towards its due respect, maintain, enrich and care for its legacy and history as well as utilize and enhance its own language, assert its own culture, develop and promote same.¹⁶³

In addition to this stated general principle the same constitution gives a power to nationality administrations under Art.74 (3) b, to ensure the protection of the rights which the nationality has with respect to speak and write in its own tongue, develop, preserve, express, enhance and promote its own language as well as maintain and extend due care to its own history. This constitutional guarantee enables national minorities not only to

¹⁶¹ Abera Degefa, p.54.

¹⁶² Ronald L. Watts and Rupak Chattopadhyay, *Unity in Diversity, Learning from each Other*, Vol. p.4.

¹⁶³ Article 39 (1) of Amhara Region constitution.

preserve their separate identity but also it helps to defend themselves from any types of forced assimilation or acts of elimination of their distinctive markers. Considering the above mentioned legal foundation the Amhara region government is taking some important measures towards preserving the identities of national minorities living in the region. For instance Oromo Nationality Administration uses its own language in all aspects of its political life. That means the working language of this Nationality Administration is Afaan Oromo and hence the people of same can express their feeling through their own language every where within its nationality administration when it needs.¹⁶⁴

Moreover, they go to the extent of using their language during regional council's assembly. However, there is some practical problem in singing the Regional Anthem of Amhara in Oromo Nationality Administration as it is not inclusive all nationalities living in the region. Because a phrase in Regional Anthem of Amhara says that 'honor to Amhara nation' and students of those Oromo Nationality Administration who are learning by their mother tongue keep silent during the performance of singing of the regional Anthem of Amhara when they reach at that specific phrase. Considering this practical problem such students are obliged to pass over the Regional Anthem and only perform the National Anthem of Ethiopia.

Furthermore, currently the government of Amhara region has established teachers' educational colleges in those nationality administration centers in order to develop and properly use the languages of these nationalities.¹⁶⁵ Even though both Agew-Awi and Wag-Hemra nationality administrations are not able to use their languages as working language, they are using it in school particularly at elementary schools for only educational purpose. And the Amhara Mass Media Agency has its own programs in transmitting news and other programs through regional radio and news papers using the languages of those nationality administrations which are an important step to develop the

¹⁶⁴ Shimelis Nigusie, Member of Amhara Region Council Representing CUD from Oromia Nationality Administration.

¹⁶⁵ Tefera Feyisa, former Chief Administrator, Oromia Nationality Administration and presently, Deputy Head, Amhara Region Education Bureau and Legese Tulu, former Chief Administrator, Oromia Nationality Administration and presently Public Relations Advisor to Chief Administrator of Amhara Region.

languages of same and encourage speakers of languages of the concerned nationalities.¹⁶⁶ Moreover, cultural centers are very important institutions to preserve, develop and maintain one's own identity. Considering this reality nationality administrations are preparing themselves to establish cultural centers in their respective administrative centers.¹⁶⁷ In other words, they are working some important preconditions to develop the idea of such constructing cultural centers by preparing symposiums and cultural shows of their own.

However, there are no as such strong activities towards development of all inclusive cultural centers due to lack of proper attention from the nationality administration officials and sufficient budgetary support from the regional government.¹⁶⁸ That means according to the representatives of those nationality administrations, there is no special financial support from the regional government considering their special political arrangement rather allocating normal annual budget for recurrent programs like that of any administrative zones which do not perform additional tasks in preserving the culture, language and other necessary markers of nation-nationalities and peoples of the region.

¹⁶⁶ Seidu Eshetie, Manager, Amhara Mass Media Agency.

¹⁶⁷ Lijalem Weldie, Mulugeta Debasu and Shimelis Nigussie.

¹⁶⁸ Ibid

Chapter Three

3. Legal and Social Status of Negede Woyto and Awuramba Community

3.1 General Remarks

Negede Woyto and the Awura-Amba community are living in the northwestern part of Amhara National Regional State and have their own characteristics that differs them from the rest of the peoples of the region. However, their unique features do not benefit them rather make them victim of marginalization though recently the latter becomes confident to challenge the existing backward traditional view of its neighboring people. In other words, these marginalized social groups were victims of the discriminatory socio-economic policy of the previous regime.

Even in the present day political system they are suffering from the extension of the past cultural, religious and political systems favoring the sole interest of the majority people of the region. Nevertheless, the dominant population does not prohibit those marginalized social groups to have means of production and from access to land though their access to land is restricted to lands which are not fertile and appropriate to crop production. In this regard Alula Pankurust states that “despite access to land the ideology of exclusion from land ownership was strong everywhere, and in practice serious restrictions were common on those marginalized groups until 1975.”¹⁶⁹ He further argues that when they did succeed in obtaining land; it was often of poor quality or in unfavorable locations.

In addition, though such marginalized groups gained access to some land, their holdings were generally smaller and inferior quality and whatever the access to land, clear political, social and economical segregation of the marginalized categories is undeniable.¹⁷⁰ Even though such marginalized minorities play important role in the societies they are living with, their social, economic and political status is very low and thereby their right to equality as well as equal opportunity to resources of a country or a region is adversely affected by the majority group unlike their contribution in socio-

¹⁶⁹ Alula Pankurust, *Marginalized Minorities of Southern Ethiopia*, A paper Presented to the Workshop held in Awassa from 18-19 April 1997,8.

¹⁷⁰ *Ibid*, p.14-15.

economic development of a given nation. In this regard, Seid Mohamed states that currently these marginalized groups remain at the bottom of the social and economic ladder, and often live in conditions of abject poverty in small houses, with little in the way of clothing and possessions, in poor sanitation and health conditions, with less access to education, and an irregular source of income from selling goods they produce at local markets, where prices are extremely low for their labor intensive products.¹⁷¹ In other words, they are more dependent on their artisan produces though these products do not have better prices in the local market.

Moreover, this marginalization can be legal or cultural and the social marginalization of minorities is characterized by segregation and non-reciprocal relations. This is also expressed in restrictions on socio-economic interaction, commensalities, joint labor and membership of associations, burial practices, and most profoundly in intermarriage relationship.¹⁷² Because of this such marginalized minorities always used to be buried separately. However, during the early times of the Dergue regime an attempt was made to avoid such discriminatory treatment and insist that they should participate at least in burial association and be buried in the same sites like that of members of the majority group.¹⁷³

In addition to this, individuals from the marginalized groups could not and cannot even try to marry members of the dominant people and if there is any hint of sexual involvement between members of the groups is considered polluting the majority society and dangerous to both individuals who are found performing such prohibited sexual relationship.¹⁷⁴ Especially cultural marginalization is expressed in negative stereotyping, polluting work, and a mythological justification for the low status of the minorities.¹⁷⁵ Having these general remarks, let us define the term caste social groups before we enter

¹⁷¹ Seid Mohammed, *The Working Traditions and their Contributions to Rural Development*, in Awura-Amba Community, Northern Amhara Region-Ethiopia, A Thesis for the Masters Degree of Cooperative Marketing, 2008, pp.38-39.

¹⁷² Freeman Dena and Alula Punkurst(eds.), *Living on the Edge; Marginalized Minorities of Craft Workers and Hunters in Southern Ethiopia*, Addis Ababa University, 2001,p.5.

¹⁷³ *Id.*

¹⁷⁴ *Id.*

¹⁷⁵ *Ibid*, p.6.

into the discussion of background history of both Ngede Woyto and the Awura-Amba community and other related issues.

3.2 Definition of Caste Social Groups

Caste social groups are part and parcel of the whole society of a given country. However, they have no equal status with other segments of peoples due to backward traditional outlook or religious beliefs. Because of this attitudinal problems imposed up on those caste social groups, not only the communities who are captured in such backward traditions or religious beliefs but also the government officials, who are expected to treat equally all segments of the societies, ignore the interests of such caste social groups when they pass some essential decisions which may have negative implication up on such socially out caste groups.

In other words, government officials who have policy and decision making powers are not sensitive to consider the rights as well as interests of caste social groups living under their territorial administration and thereby decide on some important matters that have a potential to affect negatively the rights and interests of same. Even in the present day political system political parties and their officials who are responsible to accommodate the interests of minorities do not have any mechanism to protect the rights of such marginalized as well as discriminated communities and make them important parts in their political program and the process of election campaign.

When we talk of caste system there are different types of caste social groups. Hence, Pariah status or 'untouchability' is one of those special varieties of caste organization. In other words, it refers to the intrinsically polluted, stigmatized, denigrated, and excluded caste status found in many societies of the world communities.¹⁷⁶ Hence, Oxford Advanced Dictionary defines the caste social group as a social class especially the one whose members do not allow others to join it and it is the system of dividing society into

¹⁷⁶ Gerard D.Brreman, International Encyclopedia of the Social Sciences Vol.2, 1972, p. 337.

classes based on differences in family origin, rank or wealth.¹⁷⁷ In a caste system, every one belongs to a caste and no one belongs to more than one caste groups.¹⁷⁸ According to Gerald D. Berreman caste systems are indeed rigid systems of social stratification, but they are also systems social-cultural pluralism, and both of these facts can best be understood in terms of distinctive patterns of social interaction.¹⁷⁹ He further explains the features of caste social groups to define same. Therefore, to Gerald D. Berreman,

Caste societies are the social groups, constituting a caste system are differentiated, interacting and interdependent parts of a large society. Often, and perhaps universally, they are economically interdependent and/or occupationally specialized. Their members view themselves and are viewed by others as relatively homogeneous elements in a system of differentially ranked component parts rather independent and mutually unranked self-contained systems.¹⁸⁰

Having this general concept about the characteristics of caste groups let us discuss their specific definition considering different approaches and descriptions of same. Thus, A. Kroeber defines caste as “an endogenous and hereditary subdivision of an ethnic unit occupying a position of superior or inferior rank or social esteem in a comparison with other such divisions.”

Whereas other scholar defines it based on their social interaction i.e. a system of birth ascribed groups each of which constitutes for its members the maximum limit of status-equal interaction and between all of which interaction is consistently hierarchical.¹⁸¹ On the other hand sociologists define a caste system in the following manner. According to this sociological definition caste system is a hierarchy of endogamous groups in which status is rigidly ascribed by birth and in which mobility from one group to another is not

¹⁷⁷ A S Hornby, *New Oxford Advanced Learner's Dictionary of current English*, 7th ed. 2005, Oxford University Press, p.230.

¹⁷⁸ *Ibid*, p.334.

¹⁷⁹ *Ibid*, p. 333.

¹⁸⁰ *Ibid*, p.334.

¹⁸¹ *Id*.

possible. To such sociologist's correct relations between groups are maintained and validated by religious rules, especially the rule that improper contact between castes produces a state of impunity that entails ritual, and/or legal and other types of penalties.¹⁸² The term "caste" has been widely used to describe ranked groups within rigid system of social stratification and especially those which constitute the society of Hindu India.¹⁸³ To some scholars who worked in India, there are two different views about caste system.

According to the first view of such scholars the caste system is to be defined in terms of its Hindu attributes and rationale and, therefore is unique to India or at least to south Asia, however, others argue that the caste system is to be defined in terms of structural features which are found not only in Hindu India but in a number of other societies as well including east African countries.¹⁸⁴ However, in our case, particularly caste social groups who are the main focus of this research have their own feature unlike the above stated definitions. Because one of those caste groups covered by the study i.e. Awura-Amba community is not ascribed by birth and, mobility from one group to another is allowed.

Its main concern is having the same outlook about believing in hard working condition of the community, strong belief in gender equality and communal life of same. Of course the Awura-Amba community, as caste social group, shares to some extent the basic definitional features of caste system mentioned above. That is why Tsehai Berhane-Selassie states that the lack of a clear 'religious sanctions' in Ethiopian context is a missing determining element for the applicability of the 'caste' concept.¹⁸⁵ Hence according to Tuden and Plotnicove, the concept of caste group is the only mandatory ideological factor required for defining caste systems in Africa.¹⁸⁶

¹⁸² Ibid, p. 333.

¹⁸³ Id.

¹⁸⁴ Id.

¹⁸⁵ Tsehai Beehane-Selassie, Gender and Occupational Potters in Wolyta: Imposed Femininity and Mysterious Survival in Ethiopia, Institute of Ethiopian Studies, Addis Ababa Unuversity, in Bahiru Zewdie et.al (eds.), 1991, p. 19.

¹⁸⁶ Tuden, Arthur and Leonard Plonticove (eds), Social Stratification in Africa, New York, London: The Free Press, Collier-Macmillan, 1970, p.16.

In fact notions of purity and pollution are common in southern Ethiopia even though their feature varies from place to place and from societies to societies.¹⁸⁷

3.3 Background History, Legal and Social Status of Negede Woyto and the Awura-Amba Community

3.3.1 Background History, Legal and Social Status of Negede Woyto

Even though there is no sufficient and reliable record about the origin of Negede Woyto, they have their own history, belief, and way of life. Hence in this research work, to highlight the background history, legal and social status of same, the researcher tries to infer and put probable assumptions based on the available oral traditions and some written materials. Accordingly, Negede Woyto lives mainly in north and south Gonder as well as west Gojam Administrative Zones on the banks of Lake Tana region and its tributaries.

The total number of the people of Negede Woyto is 3232, of which 1615 (49.97 %) male, 1617 (50.03%) female and 922 are household heads include both men and women.¹⁸⁸ Living in these areas is very difficult as it is characterized by the prevalence of malaria which has its own negative influence on the numerical and socio-economic development of Negede Woyto. Negede Woyto was identified for the first time by James Bruce during his stay at Gonder from 1770 to 1771 and describe that their way of life was established by hunting hippopotamus and they were speaking a language which was radically different from the languages spoken by other peoples living nearby.¹⁸⁹

Though nothing was said about their language and religion, Plowden also characterized the Woyto people as hunters of hippopotamus and makers of reed-boat.¹⁹⁰ Hence, the people of Negede Woyto unlike both the Amhara and the Agew-Awi nationality found in the region were used to eating indiscriminately various birds and most aquatic beasts

¹⁸⁷ Solomon Atnafu, *Negede Woyto: Marginalized Minorities Living on the Banks of the Lake*, 2006, p.10.

¹⁸⁸ *Ibid*, p.32

¹⁸⁹ James Bruce *Travels to Discover the Source of the Nile, in the years 1768, 1769, 1770, 1771, 1772, and 1773*, Vol.III.London: G.C.J. and Robinson, Patenoster-Row, 1790, p.403.

¹⁹⁰ Plowden, Wallter Chichile, *Travels in Abyssinia and the Galla Country*, London: Longmans Green, and Co., 1948, p196.

including hippopotamus available in the surrounding of Lake Tana. Piaggia, who is an Italian traveler, agreed with James Bruce that Negede Woyto had their own language and could at the same time understand Amharic language but they were reluctant to integrate with the Amhara people and finally suffered from the domination of the Amhara.¹⁹¹ That means they had their own language and this situation indicates that they were ethno-linguistic groups before they become part of the Amhara nation. Considering the above mentioned arguments about the language of Negede Woyto Solomon Atnafu who is a sociologist and social anthropologist conclude that tradition reveals that the Woyto lived in the same region long before the arrival of the Amhara.

Therefore, we can argue, on the other hand, that the people of Negede Woyto must have a language at earlier times, other than Amharic to communicate among themselves before they made contact with the Amhara people.¹⁹² By citing Frederick J. Simooms (1960:23) Solomon also further argues that until the out break of the Dergue revolution, like other occupational castes which reside among some other ethnic groups or tribal societies of Ethiopia, in which cases were as the Watta among the Oromo, the Manjo among the Keffa, the Midgan, Zumaal and Yibir among the Somali and the Fuga among the Guragie, the Woyto are categorized as a group of hunting and foraging outcastes who are assigned the lowest social status in the social stratification of their regions.¹⁹³

Thus, according to the members of the dominant group the polluting nature of minorities is often explained as being a result of the 'impure' meat that they are said to eat. This 'impure' meat can be either hunted wild animals or domestic animals that have died without being slaughtered. Hence, the people of Negede Woyto are alleged for practising hunting hippopotamus and eating unslaughtered animal, whether it is hunted or come from domestic animals, and are minority group stigmatized by the neighboring people. Even though the people of Negede Woyto were the owner of land with full rights over it and other natural resources found surrounding Lake Tana, their right to own and use their

¹⁹¹ Tecele Haimanot Gebre Selassie, *Woyto An Ethno-History: A Thesis Presented to the School of Graduate Studies, Addis Ababa University, in partial fulfillment of the requirements for the Degree of Masters of Arts in History, 1984, 6.*

¹⁹² Solomon Atnafu, p.26.

¹⁹³ *Ibid*, p.26.

land was taken away by Amhara people at the beginning of 17th century.¹⁹⁴ Concerning this reality Tecele Haimanot stipulates that during the reigns at Fasiledes (1632-1667) and Iyasu I (1682-1706) many gult lands assigned to retainers and soldiers in the Lake Tana region. Apparently no land was given to Negede-Woyto. Hence the descendants of these first gult owners affirm that gult was given to the ethnic groups of the Amhara and Oromo only. Thus, Negede Woyto had been deprived of their lands and some of them were scattered to pursue other economic activities.¹⁹⁵

However, after the Amhara subdued the different ethnic groups in the Lake Tana regions, they allowed the Negede Woyto to maintain hunting rights overall the costal regions including the agricultural fields of the costal area.¹⁹⁶ Some Amhara elders too confirmed that the “bahir shesh” (marsh land) area belonged to Negede Woyto and it was only in recent time that the Amhara land lords claimed it when the farm land became so important and there by scarce to get.¹⁹⁷ According to some informants from the Negede Woyto, they were being disposed of all lands including the bahir shesh (marsh lands) and they were never secure enough to abandon their traditional nomadic life.¹⁹⁸

Nevertheless, the Dergue’s Rural Land Proclamation of 1975 restored some plot of lands to the people of Woyto who engaged in farming activities in the rural areas of Lake Tana region. Because Art. 3 (1) of this proclamation asserts that as of the effective date of this proclamation, all rural lands shall be the collective property of the Ethiopian people. Moreover, by the land redistribution policy of the Amhara National Regional State taken in 1997, most of the house holds of Negede Woyto who are living in rural areas have got an average of 1600sqm.of land for the construction of their houses and an average of 1.5 to 2 hectares of farm lands like any other peasants of Amhara Region. However, members of Negede Woyto who live in urban areas have not yet secured enough plot of land even to construct their houses. As a result, they are still under pressure of City

¹⁹⁴ Dagnnet Addisu, Secretary of Development and Aid Association to Negede-Woyto.

¹⁹⁵ Tecele Haimanot, p.24.

¹⁹⁶ Id.

¹⁹⁷ Azmeraw Bekele, Historian and neighbor for more than 20 years to the people of Negede-Woyto in Bahir Dar city.

¹⁹⁸ Muhie Techan, Former Chair person of the community of Negede Woyto.

Administrations of Bahir Dar in the name of construction of better houses, Bureaus and other investment activities though it is not the only problem imposed up on them. For instance those who are living in Bahir Dar town suffer from such policy of marginalization of the municipality of same. As it was easy for the Amhara to take the land of people of Negede Woyto at any time during the previous regimes, the majority of the informants from the Negede Woyto told to the researcher that even nowadays it is also simple to the municipality to take the lands of members of the Negede Woyto community residing in Bahir Dar town when the city administration believes that it is necessary, without giving sufficient compensation though others secure enough amount of money for their houses and plot of land.¹⁹⁹

Concerning this, the researcher asked the Mayor and city manager of Bahir Dar town. The Mayor of Bahir Dar city replied that we see them as any other people whose living standard is very low rather than considering them as marginalized group and extend special treatment to resolve their special problem. After some discussion made with him the Mayor understands their special problem and confirms that as they are the earliest dwellers of Bahir Dar town they should be regarded as museum of Bahir Dar city though until now there is no proper attention given to them.²⁰⁰ According to the Mayor of Bahir Dar city, because of lack of focus of attention towards these marginalized segments of the society, there will be less provision of infrastructure and legalizing their land might not be properly treated.

Of course they are trying to resolve their problem by facilitating some situations in order to supply potable water and other infrastructures including basic education centers and housing through Non Governmental Organizations (NGOs). The city manager too admitted their marginalization, particularly by neighboring peoples, however, they themselves are also isolating (secluding) themselves from the rest of the society and they are not active participant in all economic sectors other than engaging in coble stone

¹⁹⁹ Siliman Awol, Member of Negede Woyto community.

²⁰⁰ Alemayehu Sewagegn, Mayor, Bahir Dar City Administration.

supplying to city administration.²⁰¹ According to the manager there is no sufficient focus of attention towards these socially discriminated community members rather treating them like that of any other poor segments of the society. However, he argues that though they suffer from lack of infrastructure because of their extreme poverty, there is provision of same to all areas of the town without any discrimination based on their social status. Of course according to him the municipality takes different measures for the purpose of developmental activities and that measure may affect the rights and interests of them like that of any other dwellers of Bahir Dar City.

Because of the above mentioned problems and other harsh measures taken and taking place by the municipality of Bahir Dar town, the members of Negede-Woyto are pushed out of their original land without securing better places which would help to change their socio-economic status by improving their productivity and way of life. Hence we can say that the Negede Woyto of Bahir Dar town are still found in bands having very poor shanty villages living in a very much congested poor housing conditions and the majority of them do not secure even their legal land holding rights.²⁰² This situation, according to the researcher's view, is highly associated with the negative perception of the people of Negede Woyto as out caste groups who are once considered a lower social status by other peoples including the officials of the municipality.

When we examine the marriage conditions of the people of Negede Woyto, mostly they are endogamous though they have an interest to make marriage relationship with the Amhara people if they have got positive acceptance from the partner's side. However, this kind of intermarriage tie is not welcome by Amhara people due to fear of pollution that learnt from religious and traditional beliefs. Generally, the Negede Woyto previous occupations, their food habits and, a recent phenomenon, their ignorance of the Quran after they embraced Islam religion, make them inferior to others as well as marriage relationship with any one of their immediate neighbors was not possible.²⁰³

²⁰¹ Abebe Baye, city manager of Bahir Dar.

²⁰² Sliman Awol, member of Negede Woyto.

²⁰³ Solomon Atnafu, p.81.

Even in the past the people of Negede Woyto were often not welcome at farmers' social event except those members of Negede Woyto who give some artisan services and those who are allowed members of those marginalized people might eat food in such social events but the reverse is unthinkable.²⁰⁴ According to respondents of members of same in the previous time, the domestic animals of Negede Woyto were not allowed even to graze or walk over the Amhara plot of lands after such lands have been sown.²⁰⁵ Because, according to Solomon, the polluting nature of the 'Negede Woyto' is often explained by their neighbors as being a result of the impure meat they are said to eat and occupations they are engaging in.

3.3.2 Background History, Legal and Social Status of Awura-Amba Community

Awura-Amba community is found in the north-western part of the Amhara National Regional State, south Goder Administrative Zone nearby eastern part of Lake Tana regions. Awura-Amba is the name of a village found in Wojina Awura-Amba Kebele of Fogera Woreda, located about 68kms.far from the capital city of Amhara region, Bahar Dar, via Wereta town along side the main road from Wereta to Woldia town of north Wollo Administrative Zone. The total population number of Awura-Amba community is 403, of which 196 male, 207 female and 119 are house hold heads include both men and women.²⁰⁶

However, according to the survey conducted by Organization for Rehabilitation and Development for Amhara Region (ORDA) planning team, the Awura-Amba community's total land area of the village owned by the Awura-Ambas is only 43 hectares, which is insufficient to the population size of same. In other words, the Awura-Ambas do not have sufficient land to use for agricultural activities including rearing of domestic animals. Therefore, marginalization of such segments of the society starts from this negative reaction, and extends to condemning members of the community by leveling different names that are degrading the social status of individuals who want to be part and parcel of Awura-Amba community.

²⁰⁴ Dagnnet, Secretary of Negede-Woyto.

²⁰⁵ Ibid, p.83.

²⁰⁶ Taken from the community's registration book, October 2009.

Though farm land was redistributed in the name of some individual members of Awura-Amba community in 2004, land and domestic animals are commonly owned as well as managed by all community members as they are considered once as common properties of the whole community.²⁰⁷ When we examine the origin and history of Awura-Amba community, it is highly associated with a person whose name is Zumra Nuru, a founder and community leader of same. He was born in 1946 from his mother Trusew Kassaye and his father Nuru Mohammed who were peasant dwellers of Simada Woreda, in the former province of Gonder, currently known as south Gonder Administrative Zone of Amhara Region.

The first incident that Zumra confronted the long established existing religious tradition in his younger age, when his mother accused him of eating piece of meat from their Christian neighbor's. As he remembered such event, he immediately asked his mother why he was not allowed to eat such meat while the meat come from similar animal that they had at home, and Zumra was not satisfied at his mother's answer and continued raising related questions why the existing social structure that divided members of the community based on sex, occupation and other related philosophical issues though his relatives and neighbors considered him as a mad person.

Moreover, around 1950 when he was a four year old boy, he started evaluating the existing relationship of his father and mother pertaining to their social status as well as classification of work based on sex in the peasant community of Amhara region.²⁰⁸ According to him he tried to help his mother involving in homestead works, however, he did not satisfy at his short term solution and started thinking about the whole social interaction and he realized that patriarchal authority of male is the major source of such misery life of women and children including his mother. Other activities which are considered as evil things such as stealing, telling lies, robbery, violation of human rights including the rights of children attracted his attention and started fighting them and

²⁰⁷ Nuru Belay, Public Relations officer, Awura-Amba community.

²⁰⁸ Zumra Nuru, Initiator and founder of the Awura-Amba community

thinking about sustainable solution of these societal problems. To the researcher the view of Zumra on the present imbalance societal interaction and his perception on the rights of women as well as children makes him a traditional human rights activist. However, until he became seventeen, he was moving from place to place including Gojam, Wollo and Gonder provinces and finally he stationed at Wojina Awura-Amba Kebele of Fogera Woreda, after getting some people who were at least voluntary to listen his thoughts.²⁰⁹

In other words, it was at the age of eighteen that Zumra firmly convinced himself to fight these harmful traditional practices and revitalize the old socio-economic and traditional system by creating the ideal community for the betterment of the whole society of the country.²¹⁰ And Zumra's vision for creating such ideal society was started its function in 1972 after many sacrifices of the founder of this community. Hence, his life has been primarily associated with fundamental principles of his thoughts i.e. helping the poor, believing in hard work and cooperation; abolish patriarchal authority of the male and subjugation of women in relation to his opposition to the traditional Amhara marriage system.

Though the founding members of the community of Awura-Amba had no the same descendants, in their own eyes as well as in the eyes of the outside observer, the Awura-Ambas constitute a family, psychologically speaking, bound by ties of common residence, common experience, a common past and a common fate, and mutual aid-all the ties which bind a family-as well as a common ideology.²¹¹ And the majorities of the founders of the community including the leader of the community were originally Muslim in religion though they changed immediately their belief into the spirit of strong working culture, respect all human beings and believe in equality, making love and peace for common life as well as avoiding harmful traditional practices including the religious ones among others.²¹² That means according to personal observation of the researcher,

²⁰⁹ Zumra Nuru.

²¹⁰ Seid Mohammed, *The Working Traditions and their Contribution to Rural Development, in Awura-Amba Community, Northern Amhara Region-Ethiopia, A Thesis Submitted in Partial Fulfillment of the Requirements for The Master of Science Degree in Cooperative Marketing ,Mekele University, 2008,p.67.*

²¹¹ Solomon Atnafu, p.59.

²¹² Zumra Nuru. Founder of Awura-Amba Community.

currently they are neither Muslim nor Christian, rather their emphasis is respecting the shared values and principles of their own belief i.e. One Devine Power. Awura-Ambas, then, is a community which is founded for the most part, by men and women, fired with strong conviction and purpose, which banded together and deliberately chose to be strong workers. By so choosing, they reversed both the traditional prestigious hierarchy and patriarchy. In stead of aspiring to “rise” in the social ladder, they are aspiring to ‘social equality’ through social cooperation and gender equality.²¹³ According to Zumra Nuru, who is the founder of the community, neighboring people were and are not happy by the Awura-Amba’s new belief, culture and way of life; especially by the conditions of their strong belief on working hard and equality between men and women which contradicts with the existing working tradition and religious doctrines of such neighboring people.

Because of their different beliefs and indiscriminate working and treatment tradition they developed, neighboring people continued blaming and alleging that Zumra together with his followers is not only anti existing religious beliefs but also he became anti Degue regime rather he is inclined to support Ethiopian Peoples Revolutionary Democratic Front (EPRDF) though he had no any relationship with such political organization until it became the governing party of the country.²¹⁴ To the neighboring people, Awura-Ambas are suspicious, secretive, cruel pagan and deviant caste societies though some other neighborly individuals oppose this hasty generalization and characterized them as hard working, disciplined and trustworthy community.

To the latter ones, although the Awura-Ambas are pagans, they are trustworthy and they do not steal as well as do not tell a lie.²¹⁵ The researcher observed that peoples that are condemning the Awura-Amba community as deviant and pagan are mostly followers of the Muslim religion and some Christian believers who are very reluctant to accept such new culture and way of life that is developing by Awura-Amba community. Of course members of Awura-Amba community has become suspicious of their neighboring people as they develop negative perception against their new culture, belief and way of life. In

²¹³ Solomon Atnafu, p.49.

²¹⁴ Zumra Nuru, founder and community leader.

²¹⁵ Mohammed Kasim and Ahimed Seid, neighbors of Awura-Amba community.

this regard some respondents living nearby the village of Awura-Amba stipulate that members of Awura-Amba community are always in fear of neighboring people and guard themselves day and night.²¹⁶ To Mohamed and other neighboring people who believe same, even Zumra, who is the founder and community leader of Awura-Amba, has his own body guard. When they come to market they do not drink and eat any thing even in the tearooms of such market area and their children always flock together making a line when they go to school and back home.²¹⁷

According to these neighborly people, Awura-Amba community is isolating themselves and being ashamed of their deviant behavior as well as afraid of what they might suspect of their potential 'opponents' and they always segregate themselves from their neighboring people. Though nowadays the degree of marginalization and segregation by neighboring people is lowering, we can understand the negative perception of neighbors from the above mentioned statement that describes the behavior of the community and this problem still exists as well as continuing for some time too. For instance the neighboring people are not ready to enter into marriage relationship with members of Awura-Amba community due to such wrong perception of same.

And even the experts of different government offices of Fogera Woreda, particularly the experts of cooperative expansion office are still reluctant to professionally assist this community though they are duty bound to equally treat them like that of their neighboring people. For instance the experts of Fogera Woreda Cooperative Office were and are resistant to recognize the organization of Awura-Amba community and to audit same. The researcher witnessed this situation when he was in his office as well as during the data collection process. Moreover, the community leader told the researcher the experts are not ready to support the Awura-Ambas value.

²¹⁶ Mohamed Kasim, neighbor and strong opposer of Awura-Ambas' belief.

²¹⁷ Mohamed Kasim and Moizer Ali, neighbors of Awura-Ambas community

Chapter Four

4. Concluding Remarks and Recommendation

4.1 General Remarks

In this chapter the researcher is intending to compare and contrast the constitutions of some selected National Regional States and put his concluding remarks with some important recommendations thereby tries to reflect his personal observation in addition to stated constitutional provisions which are important to show the different approaches they have chosen. Hence, the difference between the Amhara National Regional State Constitution and that of the Constitutions of Benshangul Gumuz, Oromia and Tigray National Regional States starts from the statements of their preambles. Though the preamble of the Amhara National Regional State constitution, for example, makes a reference to nation-nationalities and peoples living in the region, there is, however, no sufficient accommodative approach in the stated national regional state constitutions.

Particularly, the Oromia National Regional State constitution does not have any reference about other nations, nationalities and peoples settling in the region other than the Oromo nation. The constitutional provisions focusing on the sovereign power of the people(s) reinforce the position that clearly shows their different political attitudes towards recognition of the existence and accommodation of diverse ethnic and national groups living in their respective regional states. Because according to Amhara region constitution sovereign power belongs to nations, nationalities and peoples of the regional state. However, in Oromia and Tigray national regional states, it is controlled only by Oromo and Tigray nations respectively.²¹⁸

The same attitude is reflected in the provisions talking about representations of peoples in their respective regional councils. In this regard the Amhara National Regional State constitution of 2001 pays proper attention to the rights of existence, self-government, preserving their identity and participation of national minorities by providing mechanisms for their fair representations in the legislative body of the regional state.

²¹⁸ Article 8 of Amhara, Oromia and Tigray National Regional State constitutions (2001) respectively.

In other words, the Amhara region council which adopts the revised constitution of 2001 recognizes the negative implication of first past the post electoral system on the representations of national minorities in the regional council. Concerning this reality Art.45 (3) of the Amhara National Regional State constitution clearly states that without prejudice to the provisions lay down under sub-article 2 of this Article which says ‘the peoples of Himra, Awi and Oromo inhabiting the regional state shall have their own councils, the representation of other nation-nationalities and peoples settling in regional state shall be taken care of with special considerations.

This accommodative approach is also more strengthened by Art.48 (2) of same. According to this provision ‘the minority of nationalities and peoples that are believed to deserve special representation shall be represented in the council through an election.’ Whereas the constitution of Oromia National Regional State, for example, does not recognize not only to the representation of national minorities living in the same region but also it denies the mere existence of those national minorities including the people of Zay who are indigenous community to Oromia region. That means the constitution of Oromia associates its legitimacy only with the people of Oromo nation without considering the positive contribution of other peoples settling in the region as well as the basic rights accorded to these nations, nationalities and peoples by the FDRE constitution.

Moreover, such difference goes to the extent of the representation and participation of national minorities in the institution that is responsible to give a final decision on constitutional matters raised by every citizen when necessary. That means in the Constitutional Interpretation Commission, representation and participation of nation-nationalities and peoples is indispensable. Hence, in the Amhara National Regional State representation and participation of national minorities in Constitutional Interpretation Commission has got constitutional guarantee as it states that members of nationality councils like that of woreda councils are represented in the Constitutional Interpretation Commission of the region.²¹⁹

²¹⁹ Art.70 (1) of the Amhara National Regional State revised constitution of 2001.

However, we can not find such kinds of recognition and constitutional guarantee in the constitutions of those national regional states mentioned above. That means even though the Benshangul Gumuz and Tigray National Regional State constitutions try to recognize the mere existence of those national minorities in their respective preambles as well as in some specific provisions of same, their recognition and treatment are not sufficient to protect the rights of national minorities living in their respective regional states.

Because of this half-hearted recognition and weak constitutional protection accorded to these national minorities settling in their respective national regional states, the governments of same do not pay proper attention to the rights of these national minorities with regards to their special interest including their right to preserve their identity and to use their language in the schools, adjudication process and other administrative activities.

Even some government officials of the above mentioned regional states, other than Amhara region, are not as such ready to appreciate not only the questions and claims raised by those national minorities living in these regional states but also their rights of mere existence in their respective regions.²²⁰ For example, the officials of Oromia National Regional State are reluctant to recognize the existence of other national minorities and thereby to allow their active participation and representation in the polity of Oromia National Regional State.²²¹

The writer of this thesis witnessed their hard line approach during the interview process he was conducting with those higher national regional state officials including their subordinates of local government officials and political leaders. The same is true in Tigray National Regional State. Even though Tigray National Regional State is believed to be home of many nation-nationalities and peoples, its constitution and government officials only recognize the existence of the Tigray nation, Irob and Kunama nationalities and thereby guarantee their rights to self-government, to preserve their culture, history

²²⁰ Arega in Benshangul-Gumuz, Nigus in Tigray Demssie in Oromia who are equipped with this issue.

²²¹ Gabissa Tolosa, government official in Addis Ababa City Administration representing Oromia region.

and to use as well as to develop their language in public, government offices, in schools, administration and adjudication process by denying others right to same though they consider themselves as part and parcel of this national regional state.²²² However, when we examine the Amhara National Regional State political attitude, the above mentioned rights of national minorities are not only recognized by the regional constitution but also they are relatively respected by government officials of same.

For example children of those national minorities living in Amhara region are learning by their own language (mother tongue), the regional radio transmits news and some important programs by the language of these national minorities and trying to preserve their identity by establishing cultural centers in their respective nationality administration centers. Hence, unlike unitary political system federalism tries to accommodate differences that inevitably exist in countries which have diverse socio-cultural and national communities.

Particularly in countries like Ethiopia and Nigeria where their heterogeneous (ethnic, linguistic, cultural, social and religious) composition is clearly seen, applying the principle of self-government under federal political system would help to encourage those diverse societies to establish strong socio-economic community. In other words, federalism at least entertains the question of self-rule on the one hand and maintains strong unity of a given nation by applying shared rule on the other. That means the principle of unity in diversity and diversity within unity can be applicable in federal political system.

This is also important to protect the rights of national minorities living in the respective regional states within the federal political set up. In other words, the rights of national minorities would be more respected and protected in federalism than any other types of government systems, as it allows regional autonomy within such federation. For instance the Ethiopian constitution guarantees self-determination including and up to secession including self-rule for nations, nationalities and peoples of Ethiopia through applying

²²² Article 39 (1-3) of Tigray National Regional State revised constitution of 2001.

federal political system. This radical shift and political commitment further strengthened by adopting decentralized administrative structure and decision making process which is an important precondition to exercise the rights of self-rule and to preserve their identity using such regional and local autonomy. However, these important principles as well as preconditions, which are the very features of federalism, are not fully applicable in regional states mentioned above though they are recognized by the federal constitution and essential instruments of same for effective protection of national minorities in general and proper recognition of their right to existence in particular.

In other words, though there are some positive achievements in implementing the federal principles recognizing the rights of national minorities at federal level and in some national regional states, there are also serious problems in some regional states in applying the principles of self-government, representation and participation as stated under federal constitution which the researcher has already tried to identify and forward recommendations in the subsequent sections.

4.2 Concluding Remarks

The constitution and practical application of those national regional state governments mentioned above are different not only in approach but also in attention towards treatment of national minorities. Because some give relatively proper space to the rights of same but some others ignore these nations, nationalities and peoples living in their respective regions. We have also some moderate national regional states in recognizing the rights of national minorities though they are not properly respected and allow the right to exercising even their constitutionally guaranteed rights of existence and representation in the regional states.

Considering the above stated arguments one can safely conclude that the Amhara National Regional State constitution and practical application of the regional government can be taken relatively as a good example though still there are some restrictive conditions imposed up on those national minorities exercising their right to self-government, the right to representation and participation among others as stated in the

previous chapter that exclusively discusses about Amhara region constitutional and practical treatment to the rights of national minorities living in the region. Because of the above mentioned policies of marginalization applicable in national regional states other than Amhara region, though the degree of marginalization differs from region to region, the protection accorded to nations, nationalities and peoples by both the international human rights instruments and FDRE constitution can be easily violated through simple decision of the executive body of the regional governments or by legislations promulgated or decisions passed by councils of regional states like that of the decision made by the council of Benshangul Gumuz National Regional State to lift the political status of Pawe Special Woreda.²²³

Nevertheless, these marginalized nationalities living in those national regional states can invoke the international human rights instruments which Ethiopia has adopted together with the federal constitution in order to be recognized and thereby to exercise their individual rights guaranteed by FDRE constitution. In this regard Francesco Capotorti put a strong statement supporting the above stated concluding remarks. To him “if there are sufficient elements to indicate a minority existence, the recognition or non recognition of officials do not hinder the applicability of pertinent international law”.²²⁴

In the past, the members of Negede Woyto were hunters of hippopotamus on the shores of Lake Tana and they were an autonomous as well as egalitarian people with strong rules of sharing hunted meats. Because of this the neighboring people maintain a great social distance from this community and consider them as ‘impure’ as well as different kinds of people. Hence they become marginalized and landless though they were/are one of the earliest inhabitants having full rights over the lands and other natural resources of Lake Tana regions. Moreover, most of them have also implicitly accepted their inferior position in the social hierarchies of traditional belief of the Amhara people. Though traditional hierarchies and beliefs were break down by the Durgue’s revolutionary measures and the existing laws as well as policies disregard such discriminatory

²²³ The Regional Council of Benshangul Gumuz lifted special status of Pawe Woreda in January 2008 by simple decision without consulting peoples who were/are exercising the rights of self-administration.

²²⁴ Quoted from P. Tho rbery’s book, *International Law and the Rights of Minorities* (1991) , p.157.

practices, Negede Woyto and the Awura-Amba community are still marginalized by the neighboring societies including their local government officials including their experts and suffering from such societal as well as local leaders' discriminatory treatments. Because of this they have no better housing condition with other necessary infrastructure and sufficient plot of lands to construct their houses and for the use of other economic activities.

The Awura-Amba community's new belief in gender equality, hard work, respect all human beings and avoid harmful traditional and religious practices contradicts with the existing Amhara's culture and religion. Because of this Cultural Revolution took place by the people of Awura-Amba society, the community has confronted with many problems when it strictly applies its new way of life and spirit deviating (though their deviation is positive) the existing Amhara strong belief and tradition.

In other words, the neighboring people prohibit marriage relationship with members of Awura-Amba community and sanction certain expressions of their new culture by avoiding social interaction with them. However, the Awura-Ambas' strong values and ideal principles have helped them not only to maintain their strong new social life but also attract other peoples including the government officials of Amhara National Regional State, non government organizations and some prominent individuals. Therefore, the Awura-Amba community is improving and changing the traditional belief of not only the Amhara nation but also the Ethiopian people by replacing its fundamental values and principles though its scope is not yet expanded throughout the country.

4.3 Recommendations

Considering the above mentioned realities, national regional states in Ethiopia in general and those regional states mentioned above in particular are expected to be responsible for the protection of the rights of national minorities living in their respective regions. This protection should include recognition of their existence, their fair representation and participation at all levels of government institutions and guaranteeing self-rule within their own territory. However, as federalism is not meant to and cannot avoid the

dominant nature of majority nation-nationality found in regional states, it minimizes such inevitably existing problems in the country by allowing or facilitating equal opportunity to same. To put this statement in other way, federalism is a system which helps to maintain unity in diversity and recognizes diversity within unity or it may be preferred for the protection and recognition of the rights of national minorities through applying the basic principles of federal political system. Having this general recommendation, the researcher wants to forward some specific issues in order to attract the attentions of the concerned national regional state officials who do not recognize and properly respect even the mere existence of such nation-nationalities and peoples in their respective region.

In addition to this, the researcher is intending to provoke those nations, nationalities and peoples living in such national regional states, which have been denied the basic rights of same, to claim their fundamental rights and freedoms guaranteed by federal constitution but not properly recognized, respected and protected by national regional state constitutions and thereby the officials of regional governments of such regional states. Therefore, the specific points which are important to draw attentions of those regional government officials are the following:

1. The Amhara National Regional State should take necessary measures to revise its constitution in order to fully accommodate nations, nationalities and peoples living in the regional state as well as to make its constitution consistent with the FDRE constitution and thereby with the international human rights instruments which Ethiopia is a party. Particularly, in the area of self-determination and representation of national minorities living in the region including the appointments of judges of Nationality Administrations.

2. As we have seen in chapter two, section one and two of chapter four some regional state try to recognize the existence of peoples other than nation-nationalities who are categorized as indigenous peoples by their respective constitutions except state of Oromia. However, in practice they are reluctant to make them active political participants in the polity of the regional states they are living. So the concerned regional state officials

should take effective measures in order to avoid the existing practical problems that are negatively affecting the rights of national minorities at least by respecting the existing constitutional principles laid down in federal and even their respective constitutions, if possible protecting the rights of national minorities settling in national regional states.

3. Nations, nationalities and peoples living in those regional states, be they indigenous or non-indigenous should be properly represented at all levels of government institutions since they are citizen of the same country. In other words, at least their constitutionally recognized right to be represented must be respected as well as their participation should be encouraged and guaranteed by constitutional and other legal means. That means the rights of those national minorities should be protected from any kinds of violation including forced assimilation, marginalization and discriminatory treatments of government officials of regional states in different socio-economic and political activities of same.

4. Nationality Administrations that are established by the revised constitution of Amhara region and subsequent legislation of 2006 should establish a forum in order to share experiences from each other and strengthen their negotiation power to be heard at regional level and increase their political acceptance from the regional government officials. In other words, Nationality Administrations are responsible to fully exercise their self-government rights guaranteed by both federal and Amhara region constitutions by straggling to avoid such unjustifiable constitutional and legal restrictions and practical problems imposed upon them.

5. Though there is no as such legal problem which is discriminating and marginalizing such caste social groups found in Amhara National Regional State, in practice marginalizing and discriminating the people of Negede-Woyto and the Awura-Amba community is common not only by the neighboring peoples of those caste social groups but also by officials of middle level and lower level government institutions. Therefore, there should be a special attention towards these caste social groups and arrangement to make them legally protected, socially integrated with their neighboring peoples of the

region as well as economically productive and thereby beneficiary of socio-economic programs as well as policies of the regional government. In other words, according to art. 9(2) all residents of the regional state, organs of state, political organizations, other associations as well as their officials thereof shall have the responsibility to comply with and ensure observance of this constitution and to obey to it.

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List of Interviewees and Participants of Focus Group Discussion

No	List of Interviewees / participants of Focus Group Discussion	Sex	Nation/ Nationality	Responsibility of interviewee/participant of focus group discussion in his/her respective community Region/ Nationality Administration/Woreda Administration
1	Nuru Belay	M	Amhara	Public relations Officer to Awura-Amba community
2	Enaney Kebede	F	Amhara	Protocol and Complaint hearing to Awura-Ambas
3	Tirusew Fentie	F	Amhara	Elders' Treatment, to Awura-Amba
4	Ahimed Mohamed	M	Amhara	Security Officer to Awura-Amba Community
5	Zumra Nuru	M	Amhara	Founder and Community Leader, Awura-Ambas
6	Teje Mohammed	F	Amhara	Member, Awura-Amba Community
7	Fikre Ahimed	M	Amhara	Collector of Lost Property, Awura-Amba community
8	Adabre Abdela	M	Amhara	Member, Awura-Amba Community
9	Fenta Mekonen	M	Amhara	Secretary, Education committee of Awura-Ambas
10	Mehamed Ayenew	M	Amhara	Head, Working Group, Awura-Ambas
11	Ager Yimam	F	Amhara	Member, Awura-Amba Community
12	Mersha Gebeyehu	M	Amhara	Secretary, Development Comm. to Awura-Ambas
13	Melkamsew Seid	M	Amhara	Member, Awura-Amba Community
14	Aleme Mohamed	M	Amhara	Member, Awura-Amba Community
15	Ketemaye Mohamed	F	Amhara	Member, Awura-Amba Community
16	Ageritu Zeinu	F	Amhara	Member, regional council representing Awura-Amba
17	Mehamed Kasim	M	Amhara	Neighbor, strong opposition, Awura-Ambas' belief
18	Ahimed Seid	M	Amhara	Neighbor, strong opposition, Awura-Ambas' belief
19	Moizer Ali	F	Amhara	Neighbor, strong opposition, Awura-Ambas' belief
20	Assefa Muhiye	M	Amhara	Neighbor, strong opposition, Awura-Ambas' belief
21	Abdela Mohamed	M	Amhara	Neighbor, strong opposition, Awura-Ambas' belief
22	Shemsu Seid	M	Amhara	Neighbor, strong opposition, Awura-Ambas' belief
23	Gedu Andargachew	M	Amhara	Deputy Chief Administrator, Amhara Region
24	Ayalew Gobeze	M	Amhara	Chief Administrator, Amhara Region
25	Dr. Misrak Mekonen	F	Amhara	House Speaker, Amhara Region Council

26	Yosef Reta	M	Amhara	Former President, Amhara Region
27	Merhatsidk Mkonen	M	Amhara	Legal Adv.to Chief Admr.of Amhara Region
28	Tefera Feyisa	M	Oromo	Deputy Head, Amhara Education Bureau
29	Seidu Eshetie	M	Amhara	Manager, Amhara Mass Media Agency
30	Merka Mirtineh	M	Agew	Member of Wag Nationality Council
31	Kiros Haftu	F	Agew	Member, Wag Nationality Council
32	Lijalem Weldie	M	Agew	House Speaker, Wag Nationality Council
33	Wendimu Gelagay	M	Agew	Public Relations Adv.to Chief Admr.of Wag NA
34	Hawa Mohamed	F	Oromo	Member, Oromo Nationality Council
35	Shimelis Nigussie	M	Oromo	Member, Oromo Nationality Council
36	Legese Tulu	M	Oromo	Public Relations Adv.to chief Admr.of Amhara R.
37	Belay Muhe	M	Oromo	Member, Oromo Nationality Council
38	Ahimed Ali	M	Oromo	Member, Oromo Nationality Council
39	Muluneh Dessie	M	Agew	Deputy Chief Admr. Awi Nationality Administration
40	Atalelech Engida	M	Agew	Member, Agew-Awi Nationality Council
41	Ibrahim Mohamed	M	Agew	Member, Agew-Awi Nationality Council
42	Abraham Minaye	M	Agew	Member, Agew-Awi Nationality Council
43	Huluagerish Tazez	M	Agew	Member, Agew-Awi Nationality Council
44	Nibret Fentahun	M	Agew	House Speaker, Agew-Awi Nationality Council
45	Alemayehu S/agegn	M	Amhara	Mayor, Bahir Dar City Administration
46	Abebe Baye	M	Amhara	City Manager, Bahir Dar Town
47	Kurabachew Atnafu	M	Agew	Urban Planning Expert, Bahir Dar City
48	Desale Abebe	M	Amhara	Expert, Bahir Dar City Administration
49	Siliman Awol	M	Amhara	Member, Negede Woyto Community
50	Muhie Techan	M	Amhara	Member, Negede Woyto Community
51	Yalew Ajire (Police)	M	Amhara	Community Leader, Negede Woyto
52	Setu Yeniehun	F	Amhara	Member, Negede Woyto Community
53	Ansha Yaregal	F	Amhara	Member, Negede Woyto Community
54	Gabisa Tolosa	M	Oromo	Public Relations Adv.to the Mayor of A/Ababa
55	Sofian Abubeker	M	Oromo	Master's Student, Federalism, E C S C