



ADDIS ABABA UNIVERSITY

COLLEGE OF LAW AND GOVERNANCE

CENTER FOR FEDERAL STUDIES

**MINORITY RIGHT IN FEDERAL ETHIOPIA: CASE STUDY OF FUGA
MINORITY IN OROMIA REGIONAL STATE OF DIRE ENCHINI WOREDA**

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Approval Sheet by the Board of Examiners

**Minority Right in Federal Ethiopia: Case Study of Fuga in Oromia Regional
State of Dire Enchini Woreda**

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List of Tables

Table 1	81
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List of Figures

Figure 1 while Fuga's women produced pots.....	59
Figure 2 pottery's product.....	59
Figure 3Fuga's men producinga chairs	60
Figure 4 Focused Group Discussions with Fugas at Buyama Dalfo	82

Acronyms

CERD----- Convention on the Elimination of Racial Discrimination

CESCR--- Committee on Economic, Social and Cultural Rights

CHR----- Commission on Human Rights

FDRE---- Federal Democratic Republic of Ethiopia

HoF-----House of Federation

HPR---- House of Peoples Representatives

ICCPR---- International Covenant on Civil and Political Rights

ILO----- International Labor Organization

MoE---Ministry Of Education

ODA---- Oromia Development Association

OLF ----- Oromo Liberation Front

OPDO---- Oromo People Democratic Organization

PCIJ----- Permanent Court of International Justice

Proc.No--- Proclamation Number

SNNP----- Southern Nations, Nationalities and Peoples

SPDPM----- Sub-Commission on the Prevention of Discrimination and Protection of Minorities

UDHR----- Universal Declaration of Human Rights

UNESCO----- United Nations Economic, Scientific and Cultural Organization

WHO----- World Health Organization

Table of Contents

Acknowledgement	I
List of Tables& Figure.....	II
Acronyms.....	III
Table of Contents.....	IV
Abstract.....	VII
CHAPTER ONE.....	1
1. Introduction.....	1
1.1 Background.....	1
1.2 Statement of the problem	3
1.3 Research Questions.....	5
1.4 Objective of the study	5
1.4.1 General objective	5
1.4.2 Specific Objective.....	5
1.5 Scope of the study.....	6
1.6 Significance of the Study	6
1.7 The study area	6
1.8 Research Methodology	7
1.9 Sampling Technique	8
1.10 Methods of data analysis	9
1.11 Limitations of the study	9
1.12 Organization of the Thesis	9
CHAPTER TWO.....	11
2. The Concept Minority under International Law	11
2.1 Definition and Types of Minorities at International Level	11
2.1.1 Who are minorities?.....	11
2.1.2 Types of Minority	14
2.2. Protection of Minorities by the United Nations.....	17
2.2.1. Protection by the UN Organs	17
2.2.2 Protection of Minority by Treaty Bodies	18
2.3 Federalism andaccommodation of minorities within the federal system	20
2.3.1 Federalism and Accommodation of Ethnic Diversity.....	21
2.3.2 Minority Rights and Self-Determination	22

CHAPTER THREE	24
3. Conceptualizing minorities in Ethiopia	24
3.1 Who is minority in Ethiopia?	24
3.1.1 Pre-1991 Ethiopia and Minority issue	26
3.1.2 Post-1991 Ethiopia.....	27
3.1.2.1 The Transitional Charter and minority in Ethiopia.....	27
3.1.2.2 The FDRE Constitution of 1995	28
3.2 Concepts of minority in Ethiopia after ethnic Federalism	29
3.2.1 The legal protection of indigenous minorities	34
3.2.2 The Legal Protection of Non-Indigenous Minorities.....	35
3.3. Federalism and accommodation of minorities within the federal institutions	35
3.3.1 Representation of minority in the House of Peoples Representatives (HPR).....	36
3.3.2Representation of minority in the House of Federation (HoF)	37
CHAPTER FOUR.....	40
4. Conceptualizing minorities in Oromia region and Accommodation of Diversity in Oromia	40
4.1 Oromia State	40
4.2 Who are Minorities in Oromia?	43
4.3 The Regional Constitution and Accommodation of Diversity	45
4.3.1 Recognition of Regional minorities	46
4.3.2 Self-rule and Regional minorities	47
4.4. Representation of minorities in the regional institutions and their privileges	48
4.4.1. Representation in the Regional State Council	49
4.4.2 Representation in the Regional executive.....	50
4.4.3 Representation in the regional judiciary	51
4.5 <i>The Fuga</i> Minority	51
4.5.1 Who are the Fuga?	51
4.5.2 The Fuga people and their Demography in West Shewa Zone	53
4.5.3 The social status of the Fuga	55
4.5.4 The Fuga Culture and Religion.....	57
4.5.5 Fuga occupation /livelihood.....	57
4.7. Results and Discussion	61

4.7.1. On issue of representation of the Fuga marginalized minorities in Dire Enchini	
Woreda Council and Administrative Council.....	61
4.7.1.1.Representation in the Woreda Council	61
4.7.2. Representation in the Woreda Administrative or executive	63
4.7. Basis for Failure of Recognition minority Fuga	70
4.7.1. Inadequacy of the Law	71
4.7.2. Practical Problems for recognition.....	72
4.7.2.1.Lack of Political Willingness for recognition.....	72
4.7.2.2.Lack of social acceptance of the minority Fuga by majority.....	73
4.8. Autonomy or self-rule for the Fuga	75
5. The Right to Develop and Promote Own Culture.....	77
6. The Right of Access to services; education and Educating in Mother Tongue	80
CHAPTER FIVE	88
CONCLUSION AND RECOMMENDATIONS	88
A) Conclusion.....	88
B) Recommendations.....	91
References.....	93
Appendix 1	102
Appendix 2.....	104

Abstract

After the fall of the military regime in 1991, the FDRE government came up with promises and a sight of hope for the respect and promotion of human rights, ethnic minority recognition as well as representation in the political process of the country. The FDRE Constitution made Ethiopia into an ethnic based federal state with an aim to end oppressive centralized control. By constitution all Nations, Nationalities and Peoples have also the right to have equitable representation in the Federal and State governments (The 1995 FDRE Constitution, Article 39:3). There is extensive constitutional devolution of power to ethnic groups in Ethiopia including minority to recognize, self-govern and represent themselves at any level of governments. Sovereign power resides in each 'nation, nationality and people' (see Preamble and article 8 of the FDRE Constitution). However the FDRE Constitution has established only nine regional states and two city administrations ruled by the Federal governments for more than 80 ethnic groups of the country. In some regional states of Ethiopia the right to self-determination is most likely to be solved practically by giving groups their own zone or special Woreda administration at the local level within the member states of the federation. This means that most ethnically based struggles are scaled down to zone and Woreda level. Oromia Regional State is not a homogenous state. There are indigenous and non-indigenous ethnic minorities in Oromia region. The Constitution of Oromia does not recognize the existence and the distinct identity of ethnic minority groups in this region though the 2007 population census indicates that there are almost all dispersed ethnic groups in this region. The findings revealed that not all minorities in Oromia Regional State are treated equally though the constitution of the region hardly recognizes any minority. For instance, Amhara minorities in Oromia region are more benefited than marginalized Fuga minorities. Primary education is delivered in Amharic depending on the preference of the students. There are also Amharic broadcasting programs on Oromia TV and Radio. Proc. No.116/2006, which encourages the existence and representation of non-Oromo-ethnic groups, recognized only minorities living in 1st and 2nd grade cities of Oromia. However, the Fuga marginalized minority lives in the rural areas not benefited from this proclamation. To study this research I used qualitative methods of data analysis such as FGD, Interview and Observation. The study concluded that the Fuga marginalized minorities of Dire Enchini Woreda, accounting the largest minority in the Woreda, have no any representation in the Woreda Council and Administrative Council, not recognized as distinct ethnic group, are not able to exercise the right to develop and promote their culture, no access to education. They are grouped under low social status. They are socially, economically and politically highly excluded from any spheres of participation. They have unique cultures, eat what is despised (not eaten by Oromo farmers like dead animals) prevent them in full participation of the group in the wider society. They are craft workers and do not have excess lands to cultivate.

Key words: Dire Enchiniworeda; Minorities; Fugas; Federalism; marginalized

CHAPTER ONE

1. Introduction

1.1 Background

Ethiopia is an ancient country that remained independent by defeating the colonial power of Italy at Adwa. For a long time, it was ruled by successive absolute monarchs until 1974 and military rule came to power for about a decade and half. However, both systems of government were not better than colonial rule for the enjoyment of fundamental rights by its citizens in general and minority ethnic groups protection in particular. The long years of independence does not mean that Ethiopia's territory and provincial arrangements remained stable for centuries (Assefa Fiseh, 2012:438).

There has been the question of ethnic identity because no equal recognition and representation were given to all ethnic groups except the domination of some ethnic groups before 1991. After the fall of the military regime in 1991, the FDRE government came up with promises and sight of hope for the respect and promotion of human rights ethnic minority recognition as well as representation in the political process of the country. In addition to this, the EPRDF made Ethiopia state into an ethnic based federal state with an aim to end oppressive centralized control, redress grievances of different peoples and transform conflicts in the country. By constitution all Nations, Nationalities and Peoples have also the right to have equitable representation in the Federal and State governments (The 1995 FDRE Constitution, Article 39:3). The ethno-linguistic federal arrangement adopted by FDRE Constitution has established nine states however, there are about more than 80 ethnic groups in the country. Though federation is one of the mechanisms whereby differences are tolerated and minority rights are protected, there is fear that, in the present Ethiopian federal context, minorities in each state may fall under the category of the majority ethnic group (Belay Shibeshi, 2010:1).

As a member of the federation, each regional state has its own constitution in which minority ethnic groups may be recognized and represented. Oromia Regional State is the largest in population and area among the nine members of the Federal Democratic Republic of Ethiopia. Though there are indigenous and non-indigenous ethnic minority in Oromia region, Oromia's constitutional provisions pay no regard to the ethnic diversity of the Oromia region (Van Der

Beken, 2007: 118). Ethnic Minorities within the Oromia region cannot claim group-specific rights. In the Oromia region there are no intra-regional ethnically organized territorial entities. The Zonal administrative level is not an ethnic-based territorial entity, but an executive organ of the regional administration. This thesis investigated the situations of the most marginalized Fuga minority group in Oromia regional state of Dire Enchini Woredain central Oromia. There is significant number of the Fuga people in many Woredas of Western shewa Zone. Among these, Dire Enchini is one. The Constitution of the Oromia Regional State and other legislations do not recognize the situation of the Fuga living in these areas.

In Ethiopia the situation of marginalized minorities is complex. Groups that can be categorized under this label are many and the degree of segregation varies. Among them, the Fuga marginalized minorities are craft workers such as potters, tanners, smiths, wood working and formerly hunters. The ancestors of the Fuga outcaste occupational groups are believed to have initially come from north western Ethiopia some times in the early medieval period (Tecel Haimant Gebreselassie, 2000:28). They migrated to south central Ethiopia like Hadiya, Kambata and Gurage. There are strong beliefs that they are branch of Wayto of Lake Tana Region. In south central Ethiopia the Fuga intermarried with primitive hunters who also practiced occupations such as pottery and tannery. The Fuga migrated to some parts of Oromia region as they were subjected to economic poverty, harsh social oppression and labor exploitation (ibid, 2000:29).

The thesis explored the history of Fuga under three regimes the imperial, Derg and the present government. Prior to the 1974 revolution, the Fuga were landless and used to settle on the lands of the dominant groups. According to many authors this period was hard time for the marginalized Fuga minority because they were stigmatized and had been taken as slaves. The coming of the Italians to Ethiopia temporarily decreased the influence of the landlords. They described as looking for possible groups to ally with them and provided some new connections with them due to this, the Fuga population got favor from Italy (Tecel Haimant Gebreselassie, 2000: 243). The Fugas were encouraged by Italian and excess to job opportunities like vocational works. The time of the Dergis described as good and bad at the same time (ibid). It was a time when old structures which seriously affect the Fugas were challenged and the old leaders dismissed. The Fugas were able to get land of their own and at least verbal declaration that they were equal with others. The demand for equality increased with very well for those who refused to welcome the Fuga during this time. They got political support from government and were

treated as equal with other society and encouraged to participate in peasant associations. Their condition under the Derg was however, with some, limited improvement. However, Derg was criticized for sending so many Fugas to war. In many places the Fuga were filling the quota for others too(ibid, 2000:34).

The present government since 1991 is appreciated for its policy that declares that all discrimination be eliminated. The FDRE constitution on article 25 and 39:2 Constitution recognizes the right of Nations, Nationalities and peoples to speak, write and develop their own language; to express, develop and promote their culture; and to preserve their history and sets out the procedures for the exercise of this rights. The Fuga have distinctive ways of life although they lived close to the Oromo population. They have own language, culture, religion and even unique food habit. The Fuga people of the country had been stigmatized and denied of their right of using and developing their culture, language, religion and history(Ephrem Tadesse, 2015:9).

In general, this research mainly aimed at discovering factors that exposed the marginalized Fuga minority groups who are economically disadvantaged, politically disempowered, and socially excluded in one of the Woredas of West Shewa (Dire Enchini). Further the study saw factors that obstacle to the Fuga recognition, representation and practically benefited from constitution which allowed all nations, nationalities and people to have the right to internal self-determination up to succession.

1.2 Statement of the problems

In Ethiopia more than 80 ethnic groups live in different parts of the country. Among them, the majorities are Oromo, Amhara, Tigire, Somali, Sidama, Afar and other groups in Southern Nation and Nationality(Vav Dar Beken, 2009:298). The FDRE Constitution claims that the key source of political crisis in Ethiopia was ethnic domination a ruling elite, from one nationality, controlling power, resources and narrowly defining the values and institutions of the state as a main cause (Assefa Fiseha, 2012:440). As a result, the key features of the federal constitution are heavily influenced by the idea of ‘nations, nationalities and peoples’ right. Art.33 of the Oromia Constitution guarantees that ‘every Ethiopian resident in the region can be appointed and recruited in any political and civil service respectively so long as he/she knows the working language of the Region.’ The Fuga people though they have their own identity markers such as

language, culture, religion and other issue that express them, they also speak Afan Oromofluently but they are stigmatized people from the community in Dire Enchini woreda. Their history, culture, costume, tradition and also their identity were undermined by the Oromo Farmers in the area. They do not have any recognition, autonomy and Politicalrepresentation at any level of governments. They are not encouraged to participate in public meetings at Kebele and Woredalevel. This could hinder the Fuga people of Dire Enchini Woreda from meaningfully exercising their right to effective participation in the affairs of the government as guaranteed under the constitution of the FDRE (Article, 39:3). Even if the theoretical framework of the constitution encourage minority, the Fuga minority ethnic groups have not been benefitedfrom the practical constitutional provisions. There is social segregation of Fuga minority group in Dire Enchini Woreda in many ways by majority Oromo living community nearby. The socially segregation which Fuga faces are prohibition to enter houses of the non-Fuga or the instruction how to behave when they enter. Usually, they are not given a chair or anything to sit on, although it is a cultural obligation to give a chair if someone enters a house; whereas the Fuga sit on the floor just behind the door. The Fuga have never invited to any feasts since they have no right to participate in social events.

According to common opinion they are human beings of an inferior category. Even they regarded themselves as worthless, non-native and loss self-respect in the area. No marriage is entered between Fuga and Oromo because the non-Fuga consider them as low social status and marriage with them lead polluting own races. Their cultures are not treated and developed as dominant cultures to well express their identities. They do not have adequate land for agricultural production rather the Fuga male based on works as hunters, tanners and carpenters and the female rely on pottery works. Education is fundamental to the preservation of any culture, minority or majority. The number of Fuga minority children who enjoy school in Dire Enchini Woreda is very small and are not taught in their mother tongue. The Fuga are not only deprived ofpolitical and economic advantages but also of social and psychological opportunities like respect from and equal treatment with others. The society's customary law and thestate law were never in their favor. They became economically weak and politically defenseless. As minorities, no one gave them attention and special treatment to enable them solves their fundamental economic, social and political problems. The Fugas are unable to exerciseConstitutional right given to minority in Ethiopia and International human rights in instruments like the

International Convention on Civil and Political Rights (CCPR). They still lack the potential to complete and to improve their life conditions like their neighboring societies.

Generally, the Fuga people do not use their language, culture and religion so that their total identity are at the very verge of extinction; they are not given due attention by the Federal and the Regional state governments. Therefore, the very intention of this research is to uncover the reality about Fuga people found in west Shewa Zone of Dire Enchini in all aspect.

1.3 Research Questions

- ♣ What is the status of Fuga minorities in Dire Enchini woreda of Oromia Regional State?
- ♣ What rights are accorded to intra unit minorities in Ethiopia?
- ♣ What is the practice of intra unit minority in Oromia Regional State?

1.4 Objective of the study

1.4.1 General objective

The main object of this study is to investigate factors which have hindered the Fuga marginalized peoples from being recognized as minority and not to achieve the right to self-rue or self-determination allowed to minorities by the FDRE Constitution, at Dire Enchini Woreda.

1.4.2 Specific Objective

- Assess as what the representation of the Fuga in Dire Enchini Woreda Council and Administrative Council looks like.
- Explain about from where Fuga peoples originate in Dire Enchini Woreda administration.
- To explore whether the Fuga marginalized minorities of Dire Enchini Woreda are exercising the right to express, develop and promote their culture properly.

1.5 Scope of the study

This study discusses issues about only Fuga Minority Found in Oromia region of West Shewa Zone in Dire Enchini Woreda. Although the Fuga people are available in different Woreda of West Shewa Zone like Ambo, Toke Kutaye, and Djebat Woreda, the study is exclusively concerned about Fuga minority of Dire Enchini Woreda. My study only based on Fuga minority in Dire Enchin Woreda due to the Fuga in this Woreda have been highly marginalized and not tolerated for their differences in relative to the rest Woreda of West Shewa. The main points of discussion is the

matter of marginalization or social and political exclusion to accept the Fuga people, recognition, self-administration, political representation at any level of governments and about language, religion and culture of Fuga people. It does not mean that other issue did not be dealt with but, it was discussed as found necessary to elaborate the above mentioned minority issue.

1.6 Significance of the Study

The fuga peoples have been marginalized and occupied the lowest social level from the rest of the people without recognition, representation, right and protection (Wolde Selassie Abbute, 2001:103). No more Ethiopian has tried to write about the history, culture and language of the Fuga people. Though federal system introduced in 1991 and open the ways for all nations, nationalities and peoples of Ethiopia to be parts of it, Fugamarginalized minorities rarely have political representation in decision making in their respective constituencies or at higher level of governments. This study is primarily believed that it is beneficial for Fuga peoples who are politically, culturally and economically deprived by identifying their challenges and assess the existed support system through this study. The study, therefore, tries to come up with the reasons for failure of recognition of the Fuga as distinct people and to use the rights guaranteed in the Federal constitution, particularly article 39 of the Federal Constitution. It also suggest solutions and expose the problems to concerned regional and federal bodies to take appropriate measures before violation of minority rights gets worse and leads to instability. Finally, it may inspire other researchers and NGO's who are interested to undertake further study and work in the area.

1.7 The study area

The major geographical area central to this study is Dire Enchini Woreda, which is found in the West Shewa region of oromia. It is situated at a distance of about 155 kilometers away from Addis Ababa and 40 kilometers from Ambo town. Dire Enchini Woreda is surrounded by Toke Kutaye, Amaya, and Djibat woredas to the east, west and southern parts, respectively. To the north, the study area is also bounded by West Toke Kutaye Woreda. The woreda covers 538.06 km² /38687 hector and is inhabited by 73696 populations as counted in population and housing census of 2007. The climatic situation of the woreda is also said to have a combination sub-tropical and temperate climates. Both livestock rearing and crop cultivation (mixed farming) are practiced. It is characterized by highland climate that are mostly known crop productions such as

Teff, Wheat, Barely, Maize, Beans, and Enset. The rainfall distribution is from May to September (Strategic Planning and Management document of Dire Enchiniworeda, 1999:10).

The highest concentration of the rain falls during the months of June to August. The woreda administrations have different ethnic groups which settled sparsely in the rural and town of the woreda. Among these minority ethnic groups the well-known are Fuga (the largest minority group in the woreda), Amhara and Gurage a few in numbers. The Fuga are relatively the large minority in the woreda when compared with other minority groups. Three chief religions have been noticeable in the woreda: namely Christianity (Protestant and Orthodox), Islam and Indigenous (i.e. people's adherence to Waqefaana-believe in one supreme God). It is in to this and other woredas in West Shewa Zone that migration and settlement by Fuga people have taken place for a long period. The Fuga ethnic minorities with the dominant Oromo ethnic group co-exist in the Woreda. Dire Enchini is predominantly inhabited by Oromo people except for a few localities, mainly the rural area in the kebele of Roge Daga, Dabele, Bola Roge, Bilo Abayi, Buyama Dalfo and Arfjo Dega where Fuga settlers from other are sparsely found. Other ethnic groups like Amhara and Gurage have been settled in the town of the woreda administration.

1.8 Research Methodology

The study used qualitative methods of data analysis. Considering the research objectives, the researcher used different qualitative data collection tools which enable to obtain rich data in this regard. These tools include: interview, observation and Focus Group Discussion. The writer has conducted four focus group discussions with the Fuga elders of, Buyama Dalfo, Bola Roge, Bilo Abayi and Dabele Kebele. In Bilo Abayi, focus group discussions were conducted with two categories of informants: *Parent Teacher Association (PAT)* and Fuga minority. PAT is an association which works on the improvements of education at kebele level consisting of seven people: namely three teachers, three parent representatives, and one school director. As a result, the writer has got sufficient information regarding what seems the ethnic representation, recognition, using own language of the Fuga of Dire Enchini Woreda, cultural practices and how and when they celebrated and what problems they encounter while celebrating these cultural activities. The discussion was guided by prepared open questions (see on Appendix 1 and 2). The representatives from the minority group appeared to be particularly with high sentiment and emotional when speaking about their situation in the area. Both genders were included in order

to get their independent thoughts and perceptions. The sessions took up to one and half hours. All piece of information were noted in a notebook.

I conducted Interviews with various concerned peoples of the Woreda Administration, such as the head of the Woreda Administration Office of Dire Inchini Woreda concerning the representation of the Fuga in the Woreda Administrative Council and the speaker of the Woreda Council as to the representation of the Fuga in this Council existed. Moreover, I interviewed with the head and expert of the Woreda Culture and Tourism Office regarding the right to develop and promote culture of the Fuga minorities. I have also interviewed with Fuga elders, the head of the Zonal and Woreda Education Office and educational expert about the issues related to why Fuga children is not more educated. I have interviewed dropout Fuga students, teachers and directors of schools on the same issue as there are more educated Fuga people.

Apart from the above primary sources the writer also used secondary sources such as the Internal Working Procedure of the Dire Enchini Woreda Administration as an input to the study. The Constitutions of the FDRE and the Revised Constitution of 2001 Oromia Regional State, Proclamations, international human rights instruments and other books, articles and internet resources have been also analyzed to accomplish the research. As a whole, 36(thirty six) individual persons took part in the focus group discussions from four kebeles and 18 (eighteen) contacted for interviews(see Table 1).

1.9 Sampling Technique

The sampling procedures have been undertaken for the study by taking respondents from both Fuga and Oromo ethnic groups which have involved in the area of Dire Enchini Woreda. Though the Oromo in Dire Enchini even do not enter the Fuga minority houses or do not mix in any ways, I have met them by eating together with them and promoting them as they can benefit from constitutional rights for their representation at any level of government, recognition, and free from any isolation. By doing this I have got information from the respondent through Focused Group discussion and conducting to gather with personal observation and interview. In addition to the above, I took four students of Fuga who drop out in this year from Buyama Dalfo, Elementary school of grade five and six to analyze how they perceive education and the situation they have been faced in school. From that list, a random sample of four children, two boys and two girls from each group, was taken.

1.10 Methods of data analysis

Immediately after finishing the data collection, the data was analyzed by using qualitative data analysis techniques. It was analyzed manually through careful interpretation of meanings and contents, organizing, recording and summarizing in accordance with the issue under investigation.

1.11 Limitations of the study

Lack of adequate relevant data on time because of the reluctance of the concerned interviewees and absence of documented data that the researcher wants to analyze.

1.12 Organization of the Thesis

The thesis is categorized into five chapters. The first chapter provides, background of the study, statement of the problem, Research Questions, objective of the study, scope of the study, significance of the study, research methodology and limitation of the study.

The second chapter of the thesis is exclusively concerned with reviewing literatures concerning the Concept Minority under International Laws. As a result, the concept minority under international law, types of Minority according to article 27 of ICCP, Protection of Minorities by the United Nations, Protection of Minority by Treaty Bodies, Federalism and accommodation of minorities within the federal system, Federalism and Accommodation of Ethnic Diversity, Minority Rights and Self-Determination are discussed.

Under the third chapter Conceptualizing minorities in Ethiopia are explain in brief way. Hence, Pre-1991 Ethiopia and Minority issue, Post-1991 Ethiopia and minority, The FDRE Constitution of 1995 and minority, Concepts of minority in Ethiopia after ethnic Federalism, the legal protection of indigenous minorities, the Legal Protection of Non-Indigenous Minorities, Federalism and accommodation of minorities within the federal institutions, representation of minority in the House of Peoples Representatives (HPR), representation of minority in the House of Federation (HoF) are dealt.

The fourth chapter of the thesis is concerned with conceptualizing minorities in Oromia region and Accommodation of Diversity in Oromia, Who are Minorities in Oromia? The Regional Constitution and Accommodation of Diversity, Recognition of Regional minorities, Self-rule and

Regional minorities, Representation of minorities in the regional institutions and their privileges, Representation in the Regional State Council, Representation in the Regional executive , Representation in the regional judiciary.

This Chapter introduced the *Fuga* minority, their location, history, origin, their Demography in West Shewa Zone, language, religion and their current situations with a brief description. Discussion and results are investigated here. Accordingly, data and information gathered from the respondents of the Focused Group Discussion, the interviewees and other documents regarding the Fuga minorities of Dire Enchini Woreda are analyzed.

The last and the fifth chapter of the thesis are the conclusion and recommendation. In this chapter, the writer provides what the Marginalized Fuga minorities of Dire Enchini Woreda looks like in light of the Constitutions of the FDRE and the Oromia regional State and international human rights instruments ratified by Ethiopia. In this chapter, the writer has also suggested possible solutions and measures that should be taken to ensure the effective recognition of the Fuga minorities of Dire Enchini Woreda.

CHAPTER TWO

2. The Concept Minority under International Law

2.1 Definition and Types of Minorities at International Level

2.1.1 Who are minorities?

Like many other legal concepts and terms, the term ‘minority’ is not subject to agreed definition. Many scholars and authorities tried to give a working and tentative definition to it. Minority system during the League Nation was poorly treated at international level though there were positive attitudes in few states owing to bilateral treaties (Wippman, 1997:19).

The UN Charter is devoted to the universal respect for human rights and non-discrimination as a result of which the discussion of General Assembly on minority rights failed to get acceptance in UDHR. As one author correctly puts for most of the member states “individualistic human rights without any special allowance to particular groups in society seemed sensible, modern, and democratic program altogether worth of support (Patrick Thornberry, 1991:137). It also accepted at international level after disintegration of former Yugoslavia, Soviet Union and the irritating ethnic conflict at the end of 20th century (Heinrich, 1995:9).

Internationally, Minority is believed that keeping and accommodating diversity by promoting distinct identity of minorities decisively contributes to the “political and social stability of states in which they live (Heinrich Klebes, 1995).” On top of this, maintaining the separate identity of minorities minimizes the potential inter-ethnic crisis that endangers the peace in the world (Aberra Degafa, 2000:51).

Besides, it has been maintained that adequate political spaces need to be guaranteed to minorities so that they will effectively exercise their right and retain their distinctness (Pentassugila, 2002:46-47).

As one author has argued since the principle of “one man one vote” may not help minorities, it is the principle of “proportional representation” or reserved seat that guarantees their rights to participate in public affairs (Wippman, : 1997:25).

Nowadays the positive sides of recognition of minorities are compensating its negative sides in which some fear it may lead endangers national unity via secessionist movements. For some authors human rights cannot fully operate unless some of the important group specific rights are guaranteed. For instance, Kymilicka argues that “individual human freedoms is in fact dependent on the presence of a societal culture providing a meaningful context of choice” in the sense that “access to one’s language and culture is central to the effective enjoyment of freedom (Kymilicka, 1995:45-46).”International and internal peace may not concretize when decision makers neglect accommodation of diversity (ibid).

Unfortunately, there is no universally accepted definition on the group of people who belong to minorities in spite of so many attempts by scholars to put a precise definition for long. The lack of a definition of the term “minority” has been troubling the international community for a very long time. In spite of all the efforts made, there is today still no accepted general, universal or regional, definition of the term(Akermark, 1997: 87).

Various authors provide their own explanations for such failures to reach at a common agreed upon definition. For example Alfredsson associated the failures with the lack of will of states and their little real desire to find a definition since they intend to delay the adoption of international documents, or they wish to narrow the scope of any definition and so exclude groups “making trouble” in their own territory(Alfredsson,1990:12).Javaid Rehman contends that the failure has been due to a feeling that the concept is inherently vague and imprecise and that no proposed definition would ever be able to provide for the innumerable minority groups that could possibly exist(Javaid Rehman,2000:14).

The definition given by the Permanent Court of International Justice (PCIJ), includes references to certain objective, external characteristics (race, religion, language and tradition), to the subjective feeling of solidarity and the desire to preserve those characteristics, and to a specific country or territory (Akermark, 1996:13).

The first international binding instrument regarding minorities is the 1966 International Covenant on Civil and Political Rights. Despite the continuous uncertainty in defining the term ‘minority’ within international law, the issue was given urgency by the inclusion of an article relating to ‘persons belong to ethnic, religious or linguistic minorities in the 1966 International Covenant on Civil and Political Rights (ICCPR).’ Subsequently, Special Rapporteur Francisco

Capotorti, who was assigned to the task of preparing a study pursuant to Article 27 of the ICCPR, formulated a definition specific to this article.

Article 27 of the ICCPR gives protection to individuals belonging to ethnic, linguistic and religious minorities, not to minority groups. The International Covenant on Civil and Political Rights (ICCPR) provides protection for minorities without defining who minorities are. It clearly states that “In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of the group, to enjoy their own cultures, to profess and practice their own religion or to use their own language (Art 27 of ICCPR).”

Though this article is the only provision about minority right protection and open the ways for minority, it still fails to provide a definition and doesn't answer the question: which ethnic, linguistic, and religious groups within the state is minority? However, this does not mean that there is no an attempt to define it. Different lawyers and academicians tried to define minority in different ways. The most known working definition is the one given by the Francesco Capotorti, which reads as:

A group numerically inferior to the rest of the population of a states, in a non-dominant positions, whose members being nationals of the state- possess 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 cultures, traditions, religions or language(Capotorti, 1997:670).

According to his definition, there are five criteria to be met by a group to be a minority. First, they should be group of persons whose distinctions are based on *ethnic, linguistic or religious* backgrounds in a state in which they constitute a minority. Secondly, the group should be in a position of *non-dominance*. Thirdly, their number should be *less than* the rest of the population of a state. Fourthly, they should be *nationals of a state*, as opposed to non-nationals, say immigrants and refugees. Lastly, there should be *solidarity* among the group in preserving their distinction.

In separation, framing universally accepted and binding definition was left to domestic affairs of each member state. The Universal Declaration of Human Rights (UDHR) is entire lacking of a

provision dealing with definition of minority issues due to the fact that member states failed to reach consensus.

2.1.2 Types of Minority

According to article 27 of ICCP minorities are listed based on ethnic, linguistic, religious, culture and indigenous form.

1). Ethnic Minorities

Ethnic minority is a general term encompassing various types of vulnerable groups. An ethnic minority may wish to preserve its odd characteristics which may be cultural, historical and common decent or biological origin. Language can be one of such distinction. Ethnicity is sometimes confused with 'race' and interchangeably used. For a group of people to qualify ethnic minority it should exhibits both the objective and subjective markers. However, under article 27 of the ICCPR, it is ethnic minority rather than race that is protected.

Ethnic groups are entitled to claimed as minority only when they have cultural, historical and linguistic characteristics that distinguish them from the rest of the population(Aberra, 2000: 34). The group has to be self-conscious(F.Emarco, 1993:295) to retain its distinctness though it is difficult to proof as it is a mental state. As a result a state may deny protection alleging that the group is not self-conscious.

Due to the modern and contemporary fast growing interaction because of economic, cultural and political reason, and due to the civil wars and international conflicts, people cross their country of origin and come to another country of destination and form a minority group(Belay Shibeshi,2010:25). They do not have historic attachment to the country of destination.

2). Linguistic Minorities

Linguistic minority does not have an agreed definition. However, it has ever been one of the groups which required special treatments from the state or international community. Language is a vital attribute of human race not only because it is "a medium of communication but also it is "a source of self-importance, self-esteem and identity" in the sense that it is a defining characteristic of human society(Tasaku Tsunoda,2005:141). It is also a means to access to

resources, employment and even public authority(Abera, 2000:54) in addition to being a means of preserving one's 'pathos and ethos'

Language plays an important role in the life of an individual or a group. In multi-lingual states, certain groups may demand special treatment to retain their language using in both public and private affairs. They are identified on the basis of the language they speak, write or use in private and in public affairs which is distinguishable from the national or regional language (Ibid, 2000:29) and their desire to preserve and promote of their distinct language. Language of a group may be the only distinction and because of this, the group may be in the position of non-dominance. Indeed, historically, most of the vulnerable groups belonged to linguistic ones. That's why persons belonging to linguistic minority are given protection under Article 27 of the ICCPR and the 1992 Minority Declaration(UN Declaration on the Rights of Persons Belonging to National, or Ethnic, Religious and Linguistic Minorities).Protection of the linguistic group is just protecting the dignity of the individuals belonging to such group. The following passage shows the values of language:

Language is not just a means of communication as some would like to reduce it to; its purpose goes beyond effective communication. The marginalization of minority languages and cultures in multinational societies stems predominantly from such intolerant conception of languages, in purely instrumental terms. In sum, one's language is the language of one's heart, the only language that can make matters of the heart such as beauty, love and tenderness a reality(Yared Legesse,2009:189-190).

To sum up, whatever the arguments of either perspective may be, linguistic minorities are recognized under international law and states' constitutions.

3). Religious Minorities

Usually, groups of people belonging to a certain religion different from the state religion or the religion of the majority but does not stand in opposition to it in a country where there is no religious tolerance and want to preserve its religious identities constitutes religious minorities(Hernard,2002:21). A group qualifies religious minority when its religion differs either from the state religion or the majority or the rest of the group. As every right has restriction religious right has also the same in the sense that it can be practiced if it does not put in danger

the religion of others. Though it is difficult to define religion, it is Art. 18 of the ICCPR that dares to lay down certain guide lines while it deals with freedom of thought, conscience and religion. Religions of a state should be protected equally. In other words, religious minorities should be protected against incursion from the dominant religion and the state(ibid).

4). Cultural Minorities

Societies differ in their cultures from place to place. Culture is one of the ingredients of ethnicity. Although there is no agreed and universal definition of culture, it is a way of life of a society. The cultural life of individuals has been protected under the 1966 International Covenant on Social, Economic and Cultural Rights. However, what is protected directly is the individual aspect of the culture.

As a component of ethnicity, the collective aspect of cultural life is protected under article 27 of the ICCPR as included in ethnic minority. A minority's interest will be promoted and protected by respecting the value of its cultures. The state as it does respect the dominant culture should also respect the minority's culture.

5). Indigenous Minorities

Because of colonization or internal conquest native people might have been subjected to political, social and economic oppression. Taking in to account the concern of indigenous people, the United Nations study on indigenous population has proposed a working definition of indigenous communities, peoples and nations having:

A historical permanence with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of societies now prevailing on those territories, or parts of them.They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems(see UN, United Nations Study on Indigenous Population U.N. Sales No.E.86.XIV.3,PP-50-51).Countries are thus expected to recognize rights of these indigenous peoples by law(Aberra, 2000: 38-39).

2.2. Protection of Minorities by the United Nations

2.2.1. Protection by the UN Organs

When the United Nations was founded after the Second World War, the prevailing view was that special provisions for the rights of minorities were not needed if individual human rights were properly protected (Vladimir Kartashkin, 1999:33). The Charter of the United Nations shows no evidence of a consideration for minority rights. It did not recognize minority rights as a problem of international concern (Jay A. Sigler, 1983:77). It refers only, in Article 1(3), to the development of co-operation “in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.” The General Assembly may, as stated in Articles 10 and 13 of the Charter, make recommendations to promote the protection of human rights and fundamental freedoms. Similarly, the Economic and Social Council may, in accordance with article 62, “make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.”

At the 1946 Peace Conference in London, Hungary submitted a draft treaty for the protection of minorities which was not accepted. Proposals to include a provision on minorities in the Universal Declaration of Human Rights (UDHR) also failed. Instead, the day after the UDHR was generally adopted on December 10, 1948, the General Assembly adopted Resolution 217C (III), expressing UN policy towards minorities as sort of support prize. The Commission on Human Rights (CHR), established in 1946, was given the task of making recommendations on various human rights subjects, including the protection of minorities (McKean, 1983:60).

The task of the Sub-Commission, according to its instructions, is to “undertake studies, particularly in the light of the Universal Declaration of Human Rights concerning the prevention of discrimination of any kind relating to human rights and fundamental freedoms and the protection of racial, national, and linguistic minorities.” At its first session in 1947, it approved the establishment of a body of independent experts called the Sub-Commission on the Prevention of Discrimination and Protection of Minorities (SPDPM) (ibid: 34). The Sub-Commission was originally intended to be two separate Commissions, one for discrimination, the other for minorities (Kelly, 1973: 265).

Questions relating to the protection of minorities also arise occasionally in specialized agencies such as the United Nations Economic, Scientific and Cultural Organization (UNESCO), the International Labor Organization (ILO) and the World Health Organization (Kartashkin, 1999:35).

2.2.2 Protection of Minority by Treaty Bodies

The protection of minority rights is discussed not only in the organs of the United Nations system, but also in the treaty bodies established under various human rights conventions by the United Nations General Assembly (Kartashkin, 1999:35). The International Covenant on Civil and Political Rights (ICCPR) and Convention on the Elimination of Racial Discrimination (CERD) are the two primary human rights treaties of particular relevance to minority protection. These treaty bodies have important role in ensuring the substantive rights of minorities to use and develop their own language, profess their own religion and promote and develop their own culture. The treaty bodies did also play enormous role in clarifying the obligations of states towards minority protection.

The CERD Committee has adopted a broad interpretation of discrimination based on national or ethnic origin and including religious and linguistic minorities. It has called on state parties to adopt special measures for the protection of minorities (*HRI/GEN/1/Rev.7 A/51/18, General recommendation XXI on the right to self-determination, CERD Committee, Forty-eighth Session, (1996)*). The Committee on Economic, Social and Cultural Rights (CESCR) has also laid down guidelines concerning the form and content of state reports, to facilitate its monitoring role in assessing a state's performance in the field of economic, social and cultural rights. A particular concern was given for the situations of indigenous populations and minorities who are disadvantaged in their enjoyment of economic, social and cultural rights (Thio, 2000:228).

The Genocide Convention of 1948 is also instrumental in ensuring the physical existence of minorities. The Convention in its capacity as the leading instrument for protecting the physical existence of minorities has obvious contemporary relevance in international law (Rehman, 2000:55).

History has evidenced that the existence of divided societies has been perpetuating conflicts within many countries in the world. Considering the increasing need to address the

challenges of divided societies, many political scientists and theorists have come up with various forms of models. Many political scientists have made contributions on how countries should frame their constitutions in a way that replies to the concerns of divided identities in their territory. The responses may range from the most extreme case of extermination, as it was expressed in the famous post-colonial slogan, ‘kill the tribe to build the nation’, to assimilation, misrecognition, marginalization, exclusion, domination, and recognition (T Regassa, 2010:63). According to him these separate approaches can be well appreciated in the two major schools of thought; the accommodation model and the integration model.

As the name by itself entails, the accommodation model, argues for the need to recognize, institutionalize and empower differences (S Choudhry, 2007:609). This approach uses various forms of constitutional instruments in order to accommodate diversities in a particular state. These constitutional instruments may range from ‘multinational federalism, administrative decentralization, legal pluralism, other forms of non-territorial minority rights (e.g. minority language and religious education rights), consociationalism, affirmative action, legislative quotas, etc. (ibid)’

Contrary to accommodation model, the integration school of thought advocates for national unification, which transcend and cross-cuts differences. As of Lijphart, this school of thought can simply be defined as theory of nationalism and national unification (Ayalew Getachew cited A Lijphart, 2011:3).

Political scientist and theorists have upheld one of these theories while rejecting the other in many respects. For instance many argue that the accommodation model distracts the national unity and provokes secessionists. They believe that the only way a state can maintain its nationhood intact is through a political integration that can only be achieved by creating culturally and linguistically homogenous community (BW Carroll & T Carroll, 2000:6).

Doubting the practicability of the ‘integrating’ model, currently many countries seem responding the concern of divided societies in various ways. One of the most common ways of institutional design to address the challenges of divided societies is federalism. Citing Daniel Elazar, Regassa noted that federalism has become a very popular solution for challenges of divided societies in public discourse (T Regassa, 2010, ibid).

As a form of non-centralized institutional arrangement, federalism accommodates ‘a union of separate states in which power is divided and shared between a strong union government and strong state governments’. Concepts such as self-rule and shared rule, and the existence of two layers of government namely, that of the Federal government and of the State (Regional, Local, Provincial, or even Cantonal) governments, are also inherent to federalism(T Regassa, 2010:64).

Explaining how federalism can serve as an institutional tool in accommodating diversities, both at the national and intra-state level, Fessha included various forms of institutions which, according to him, are common to all federation. These tools are recognition of various divisions or diversities in its territory and self-rule in which constitutionally entrenched powers of constituent governments to exercise control over some or all of their own economic, political, social and cultural affairs(YonataTeskaye Fessha, 2010:32).

2.3 Federalism and accommodation of minorities within the federal system

The word ‘federalism’ comes from the Latin, word *foedus*, meaning "covenant"(Elazar Daniel and Kincaid John, 1985).Which means Federalism referring to the agreement for unity among political entities, while at the same time retaining the autonomy of the entities. It is based on the supposed value and validity of combining unity and diversity, i.e., of accommodating, preserving and promoting distinct identities within a larger political union (Ronald L. Watts, 2008:2). Federalism has the potential to allow national minorities some measure of self-government within the form of existing states (Assefa Fiseha, 2009:109). If all basic decisions are made by the central political entity, then existence of constituent units cannot make the system federal, rather it is simply a decentralized form of government while the units are subjects of the central political entity (Ronald Watts, 1999:943-945).

Most federal systems have no clear minority rights protection regime under their constitution. Failure to accommodate diversity properly is another potential factor for disintegration (Mengie Legess, 2010: 109)

In multi-cultural federations like Ethiopia, genuine accommodation of diversity is absolutely necessary for the integrity of these federations. Though the constitutions of Ethiopia accommodated diverse groups, the reality on ground is systematic exclusion and

discrimination and this trend will may led some problem if measure not taken on it. Even though the country constitutes more than 80 ethnic groups, most of which are minorities the constitution doesn't talk about these minorities. But, other argued that the FDRE constitution Art 54(3) for example, reserved 20 seats of the House of Peoples Representatives to minority nationalities and peoples. However, in practices the constitution have dilemma due to not all minorities have representation at both upper houses and Lower houses(ibid: 109).

2.3.1 Federalism and Accommodation of Ethnic Diversity

In ethnic federations the boundaries of the federated entities are determined on the basis of the territory of ethnic groups (Van Der Beken, 2007:43). As such, the self-rule of ethnic groups within their own territory is aimed at (J. McGarry and B. O' Lary, 1993:1-40). Therefore, ethnic federalism presents itself as an ideal mechanism to reconcile the potentially conflicting objectives of accommodating ethnic diversity and guaranteeing state stability. In ethnic federations, ethnic groups have a right to self-rule in their own territory. Through full recognition to ethnic authority, its cultural pluralist and political autonomy policies, ethnic federalism has contributed to state maintenance (Alem Habtu, 2003). This provides ethnic groups with the possibility to autonomously deal with issues that affect the specific interests of the groups (such as language, education and culture) and thus to develop policies adapted to their needs. One of the first countries that used federalism as a mechanism to accommodate ethnic diversity was Canada (Van Der Beken, 2007:44).

The federal construction of Canada was created in the nineteenth century with a view to accommodate the French-speaking from Québec (W. Kymlicka, 1995:28). In multi-ethnic states population groups want to retain their distinct identity under their own self-government without endangering the national integrity, thus, federal system is taken as one of the best mechanism by which forces of territorial autonomy and national unity are balanced. Nonetheless, it is especially in recent years that the vision on federalism as a mechanism to accommodate ethnic diversity has gained strength. Federalism certainly has special relevance for ethnically heterogeneous society since it minimizes the majority's chance to marginalize and exclude minorities from the ambit of political and socio- economic spaces (Van Der Beken, 2007).

In doing so, it reduces the political hegemony of the majority since minorities influence the decision of the majority group. Minority groups remain permanent losers if everything is

compute in terms of republican concepts of democracy since it achieve majoritarian rule at the expense of the minority(Van Der Beken, 2007). Ronald Watt stated that understanding its merits in heterogeneous states, India, Canada and Ethiopia have adopted federalism by devolving power to the federating units. At the same time Federalism guarantees equal participation by all communities and by all citizens in political and economic affairs of the country. Due to this it is one ways that reduce the tensions of succession by description of self-determination. In ethnic federation which has the basis behind is accommodating ethno linguistic diversity and to build unit out of diversity, the political expression of diversity at all levels of the government is a key factor for the stability of federation (Assefa, 2006:190-192).

2.3.2 Minority Rights and Self-Determination

Self-determination is one of the most fundamental and long-term principles of the post-world war international legal system. Normally, it has developed from a parameter originally associated with the right of states to non-interference by other states, into a distinctive right recognized to all peoples as opposed to states. The right of peoples to self-determination seems to be consumed after they have overcome a situation that may be described in UN terminology as ‘colonialism, apartheid, racial discrimination, neo-colonialism, and all forms of foreign aggression occupation or domination (Hailbronner, 1992:117).

Since the United Nations is an association of sovereign states, their “primary purpose is to protect and promote the interests of their states and to maintain the existing states order. “ Consequently, the Commitments to the self-determination of peoples (whatever they are) and the rights of individuals are subordinate to these purposes (Freeman, 1999: 347).

”In other words, states not only accept the right to self-determination to minorities, but also their practice supports little “to the concept of special rights of peoples to preserve their identity once territorial sovereignty has been achieved (ibid: 117).”States do not oppose minority rights and self-determination without any reason; they consider recognizing different identities as threats to national unity and territorial integrity of the state (Alfredsson, 1993).Although states deny self-determination to minorities and international law gives little support to them, minorities do not given up from claiming it as applicable to them(Thornberry,1989:888).Moreover, recognition and accommodation of minority identities will avoid or at least help to alleviate the enmity

between the minority groups and the majority, and in turn such peaceful relations will reduce dangers or threats to the national unity(Alston, 2002: 57).

The “states cannot, in the long –run, suppress minority sentiments by force and oppression breeds’ violence, (Alfredsson, 1993: 57-58)”which ultimately leads to secession. However, after the end of the Cold War, attention to the concerns of the minorities seems to have been given by the international community by taking into consideration the pervasive internal conflict worldwide. The 1992 Declaration on the Rights of Persons Belonging to Ethnic, Linguistic and Religious Minorities can be one of the responses. Of course, “There would be arguably a tendency to recognize a right to internal self-determination for minorities (Henrard and Smis, 2000: 21).”It has become now an issue among scholars whether self-determination is applicable to minorities within states. The Human Rights Committee (ICCPR) is in effect interpreting self-determination under article 1 ICCPR as applicable to minorities (ibid).

CHAPTER THREE

3. Conceptualizing minorities in Ethiopia

3.1 Who is minority in Ethiopia?

The Ethiopian population is no longer perceived or presented as one homogenous community – as was the case during most of the past history of the country but rather as an assemblage of communities with distinct languages and cultures and, hence, as a body composed of various ethnic members (Yonatan Tesfaye and Van Der Beken, 2013:35). The FDRE Constitution guarantees a number of rights to these Nations, Nationalities and Peoples. The rights guaranteed under the Constitution include the right to self-determination including secession, the right to self-government, the right to promote and develop their culture and the right to speak, write and develop their own language (FDRE Constitution Article 39(3)). These rights are applicable to all Nations, Nationalities and Peoples including minorities.

There are so many types of occupational minority in Ethiopia. According to the current federal system, introduced in 1991, these minorities rarely have political representation in decision making in their respective constituencies, they are perceived as either insignificant or outsiders. The minorities in this study are the occupational minorities. According to Dea (2007), they are hardly considered as a distinct ethnic group in the territory they share with the rest of the population. This is due to the federal system which considers language as the main tool for recognizing a particular ethnic group as distinct (Gebreselassie, 2003; Haile, 1996). The occupational minorities, on the other hand, speak the same language as the population with whom they live (Freeman and Pankhurst, 2003; Dea, 2004).

Traditionally, these minorities are called hunters‘or occupational castes‘, and they live in all regions across the country. Some of them are the Watta and Fuga among the Oromo, the Weyto among the Amhara, the Fuga or Mana among the Gurage, the Manjo among the Kaffa, the Kwegu among the Mursi/Bodi, the Hadicho among the Sidama, and the Mijan and Yibir among the Somali. The majority of the minorities are confined to southern Ethiopia particularly in the central and western parts. However, the Constitution nowhere defines minority (Freeman and Pankrust, 2003).

Article 47 establishes nine regions that are largely delimited along linguistic or ethnic lines. Each region is also designated after the name of its numerically dominant ethnic group. Although most of regions are designated as belonging to their respective numerically dominant ethnic groups, they are not ethnically pure. Internal minorities are scattered throughout the regional majorities, giving rise to a majority–minority tension (Yonatan Tesfaye and Van Der Beken, 2013:37). Although FDRE Constitution did not define the term minority, the parallel report submitted by the Ethiopian Human Right Council to the Committee on the Elimination of Racial Discrimination (CERD) Committee in 2009 provides six categories of ethnic minorities in Ethiopia. These are:

- a. Non-native Communities/groups, mostly of Northern origin, who have permanently settled in the areas acquired in the course of the expansion of the Ethiopian state in the late 19th century.
- b. Non-native communities who have migrated to other areas or have been displaced by war and settled in other areas for centuries.
- c. Communities/groups who had been permanently resettled in areas other than their original homelands in the context of the resettlement and villagization programs of the military regime in the aftermath of the drought that hit northern Ethiopia in the mid of 1980s.
- d. Individuals, communities and groups that work and live in regions other than those of their ethnic origin by virtue of exercising their freedom of movement and their right to work and live in other parts of Ethiopia.
- e. Individuals with mixed ethnic background, i.e. citizens born from parents belonging to different ethnic groups; and
- f. Communities that have been included in regions other than the ones of their origin/alignment as a result of incongruence in border demarcation between regional states (Parallel Reports Submitted to the Committee on Racial Discrimination,

By the Ethiopian Human Rights Council, Ethiopia, August 2009. Honelign Hailu accessed http://www2.ohchr.org/english/bodies/cerd/docs/ngos/EHRC_Ethiopia_CERD_75.doc. (20 March, 2010).

3.1.1 Pre-1991 Ethiopia and Minority issue

In order to better understand the present situations of minorities in Ethiopia, consideration of the past a little bit is significant. Therefore, for the sake of convenience, minority situations in Ethiopia can be classified as pre-and post-1991. Towards the end of the 19th century when Ethiopia took its present shape, and with the emergence of strong emperors, particularly Haile Selassie (1930-1974) and the Military Government (1974-1991), the center virtually abolished the autonomy of all regional forces through the introduction of centralized taxation system, modern army and police force, by sending appointees from the center to the localities and crucial of all by imposing the motto 'one country, one culture, one language, one people, one religion(Assefa ,2007:2).

Ethiopia had been ruled by dynastical monarchal system until the 1974 popular revolution. The rulers favored one culture, one language, and one religion with unitary system of government (Belay Shibeshi, 2010:37). However, it does not mean that different ethnic groups did not practice different religion, culture and language. It is to imply that their cultures, language and religion did not have equal status with that of the state favored Amhara culture, language and Orthodox faith. The extent and scope of the suffering and oppression of Ethiopian minorities differed from region to region and from time to time depending on the strength and will of the central monarchal regime. Ascending to the highest level of the government had been reserved to the Amhara and Tigre by ethnicity and orthodox by religion(ibid, 2010:38).

Other ethnic groups would wear the Amhara-Tigre culture, language and faith to ascend to such government offices. In other words, recognition, representation, equality before law and non-discrimination were alien to Ethiopian ethnic groups, let alone special rights and protection for minorities. Indeed, “the regime struggled to erase the ethnic identity of the non-Amhara peoples and to replace it with an Amhara identity(Van der Beken, 2009 :236).

The denial of fundamental rights to the general public and refusal of addressing nationality questions of ethnic groups led to the overthrow of the age-old absolute monarchy once and for all. Although there were some changes during the Dergue regime, such as separation of state and religion, land to the tiller, fundamental rights of individuals and demands

of ethnic groups were not adequately responded(ibid). The decree on religious equality and the separation of Church and state in Ethiopia was also part of the new regime's response to the religious/ethnic inequality perpetuated under the imperial regime (Kiflu, 1993). However, a more programmatic and direct response to the rising demands of ethnic nationalisms came with the declaration of the National Democratic Revolution (NDR) in April 1976, in which the regional autonomy formula was included as part of building socialism in the country.

Ethnic nationalism in the Ethiopian context was engendered, in a century of political, economic and socio-cultural domination of the Amhara elite over others (Getahun, 1974; Addis Hiwot 1975). It was shaped by the collective action of the marginalized ethnic groups against political domination, land alienation and cultural suppression in 1960s and early 1970s (Gebru 1977; 1996; Asafa Jaleta, 1993). Theoretically, the Dergue regime had accepted to a certain extent the rights of ethnic groups. There had been established an institution entrusted with the study of Ethiopian nationalities. See Proclamation No.236 /1984 to Provide for the Establishment of the Institute for the Study of Ethiopian Nationalities, Negarit Gazeta, 42nd Year, No. 7. Also, Census 1984 did recognize ethnic groups that existed in the country.

Most importantly, the 1987 Peoples' Democratic Republic of Ethiopia recognized the equality of languages and ethnic groups. It has been stated that "all the liberation movements represented ethnic loyalties and claimed to wage war to break the political, economic, social, cultural, and religious domination of the Amhara people over their own ethnic communities and consequently advocated their own self-determination(Kristin Henrard and Stefan ,2000: 40).

3.1.2 Post-1991 Ethiopia.

3.1.2.1 The Transitional Charter and minority in Ethiopia

After the collapse of the Dergue regime, a transitional government had been formed in 1991, based on ethnic composition. Basically, foundation had been laid for the formation of the current federal system in Ethiopia by the Transitional Period Charter of Ethiopia, Proclamation Number 1 of July 22 1991, and Article 3/7.

The TPLF army that expelled the Derg, established, a coalition with other liberation forces, the Ethiopian People's Revolutionary Democratic Front (EPRDF) entered Addis Ababa and removed the Derg on 28 May 1991(Y Tesfaye Fessha ,2008:365). With the assumption of power

by the EPRDF, a new dispensation was dawning in the Ethiopian political and constitutional terrain(ibid). This was already visible in the Peace and Democracy Conference of July 1991 that eventually led to the establishment of the Transitional Government (TG) on the basis of the Transitional Charter (Charter)(ibid: 366). The conference was largely an assembly of representatives of the different ethnic groups in the country, including the OLF, the ONLF and other a few political parties with a statewide agenda. The TGE recognized ethnic, linguistic and religious minorities; depending on their size ethnic and linguistic groups were granted relatively autonomous regions to govern (Belay Shibeshi, 2010:40).

These self-autonomous regions were drawn on the basis of territory dominated by the concerned ethno-linguistic group. Although some 65 ethnic groups were identified by the TGE, thirteen autonomous regions coinciding with ethnic groups and region 14 were established. Addis Ababa, the capital city, was recognized as a regional state on its own, acquiring a status of a city-state. The governing law was Proclamation No.7/1992, which did not recognize all ethnic groups existing at the time. These measures of the TGE were landmarks in the protection of the rights of different ethno linguistic groups in the country. Religious groups were also granted the freedom to exercise their faith freely(ibid: 40).

3.1.2.2 The FDRE Constitution of 1995

As far as the system of government and rights of citizens concerned, the FDRE Constitution has embarked on a new era in the history of Ethiopia. As sovereign and the owner of the Constitution, each 'nation, nationality and peoples' is granted equality in culture, language and dignity. According to the Preamble and article 8 of the FDRE Constitution, sovereignty resides in each 'nation, nationality and people'. The main concern of the FDRE constitution is to respond the crisis of diversities existed for long time in the country.

Even though the federal system is based on ethno-linguistics (not on blood line), groups who didn't assimilate and fix themselves into the community they lived with for decades or centuries faced serious problems(Mulugeta Debebe,2012:21). As to big groups that live in a given state, the constitution provided a solution, whereby they were able to create their own special zones and/or special districts. Based on this Southern region, Benishangul Gumuz, Afar and Amhara regional state have been established own special zones and/or special woreda based on ethnic

group though not as desired. But I never saw special zones and/or special woreda in Oromia regional state based on ethnic for the response of ethnicity questions.

Although the FDRE Constitution seems to give such huge amount of rights to each ethnic group, according to article 47, many of them are under the sovereignty of few dominant ethnic groups. The Amhara, Oromo, Afar, Tigre, Harare, Somali, Gumuz and Berta are expressly recognized, and the regional states are designated under their name. Simply stated, those ethnic groups which do not have states or other subunits may not have favorable conditions to develop their language, culture, history and traditions. Thus, it can be argued, the constitution gave more benefits to the ethnic groups in whose name states are named. Thus, nine ethnic groups in whose name states created are collectively forming the Federal Democratic Republic (Henrard and Smis, 2000).

Moreover, other non-recognized minority become less beneficiaries of the constitution, they are subjected to the domination of the recognized ethnic group since “No referendums were conducted among the smaller groups in order to assess their opinions on whether they wanted to join any larger ethnic group to form a state(Tronvoll,2000:19).”

3.2 Concepts of minority in Ethiopia after ethnic Federalism

The concept of regional minorities’ Ethiopian federation emanates from modalities of regional state formations. That means in terms of numerical superiority and political dominance of an ethnic group, the nine regional states can be classified in to four categories. The first category contains five regional states in which the Tigray, Afar, Amhara, Oromo and Somali ethnic groups are dominant numerically as well as politically. The second category is the state of the Southern Nations, Nationalities and Peoples with combination of different ethnic groups(Van der Beken, 2007).

Although there is no numerical majority, it seems that not all ethnic groups within the regional state have equitable share in government power. The third category is the regional state of Harar. Aalen considers it as “an anomaly in the Ethiopian federation”(Lovise Aalen, 2002:90). The Harari regional state is formed in favor of the Harari ethnic group. What is surprising in this regional state is that the Harari are a numerical minority. However, they occupy the key political positions thereby making them politically dominant over other ethnic groups within the region(ibid). The fourth categories are the multiethnic regional states of Benishangul Gumuz and

Gambella. In the case of the former, the name of the region refers to the politically dominant ethnic groups of Berta and Gumuz. There are five indigenous Nationalities identified in the region. These are the Berta, Gumuz, Shinasha, Mao, and Como. While no single ethnic group is a numerical majority in the Benishangul Gumuz and Gambella, the politically dominant indigenous nationalities numerically added together constitute a slight majority over other ethnic groups. The name Gambella region does not have an ethnic correlation within members of the ethnic groups residing in the region.

Although the Constitution provides all nationalities issue with the right to secession, it is obvious that this right would not be allowed to be exercised under the current regime (Lovise Aalen; 2006:258). But at least formally, the largest ethnic groups have obtained regional self-rule and their leaders are appointed into the centralized party system. See the following map of Ethiopia which made up of nine regional states. Their cases are in this way settled, even though the genuineness of their self-determination should be questioned due to the intervention of centralized ruling party(Aalen, ibid).



Source (Mulugeta Debebe, 2012)

In contrast to the larger ethnic groups, many smaller ethnic groups are still resisting for self-administration. Diversity is not a threat in itself, it becomes a fertile ground for conflict only if

the system fails to provide a political solution to it in the form of resource and power sharing, the accommodation of the groups to the decision-making process and by ensuring self-rule (Assefa F, 2007:4).

Despite the existence of a general consensus among most scholars that decentralization means “devolution of power” to local level authorities or “sharing of power” with local authorities, serious inconsistencies have continued to occur between theory and practice in Ethiopia. The basic problem here is the contradiction that arises because of the hegemonic interest of the dominant forces that generally favor central control and the aspirations of the local population for real autonomy under a democratic government (Merera Gudina, 2004:5).

The accommodation of diversity with genuine sharing of power and resources among the diverse groups will better explain the success or failure of the state in multicultural societies in general and in Ethiopia in particular (Assefa F, 2009:). He also stated that the federal system that started *de facto* since 1991 and *de jure* following the adoption of the 1995 constitution attempts to end the cycle of political crisis by decentralizing power and resources to nine constituent states and two autonomous cities and by ensuring self-rule to the ethno-linguistic groups at various levels though it has limitation.

“The conditions that enabled the voluntary adoption and successful operation of multinational federalism in the West are not present in Ethiopia,” and which goes on to conclude “ethnic federalism in Ethiopia is likely to remain fragile experiment for some time to come (Kymilicka, 2006:58).

In other words, the Constitution has not yet addressed effectively the demands of all ethnic groups. There are four types of minorities (Tsegaye Regassa, 200:58) in Ethiopia : (a) groups that are children of northern settlers (the ruling elite) who were dispersed in the remote territories of the wider south of Ethiopia; these people are mostly people of Amhara, Tigryan, or other northern descent who moved into the “south” as state functionaries of the past and have made a home out of their places of residence.

(b) groups that, owing to the (re) settlement and villagization programs of the government of the 1980s, were forced to migrate and settle in the South Western states; Such is the case of those who, under the spell of famine and fragile ecology affected by drought, had to be (re)settled

mainly in what are now the states of Gambella and Benishangul-Gumuz. These people have preserved their distinct cultural, religious, and linguistic identities although they have also, to a varying degree, adapted themselves to the local cultures and languages of the host societies. Nevertheless, they still associate themselves with their relatives in their place of origin and often definitely distinguish themselves from the local population. The local populations also consider them as “settlers” who came from other places and view them as “other” than the original inhabitants of the States. Because they are made to (re)settle in a contiguous territory, they seek a veritable recognition as a distinct nation, nationality, and people.

(c) Groups living dispersed all over the country by virtue of the exercise of their freedom of movement; See art 32 of the FDRE Constitution on freedom of movement and residence of “every Ethiopian national”. See also the equivalent provisions of all the nine state constitutions on this and

(d) Caste groups; Groups such as the Menja (SNNPRS), the Donga (SNNPRS), the Fuga (SNNPRS and some part of Oromia), the Negede Woito (Amhara), and nowadays to a lesser extent the Hadicho exemplify the plight of caste groups who, as minorities within new sovereignties, suffer from discrimination, marginalization, and exclusion. It is important to stress that the states need to take account of these groups in their constitutional texts in the years to come unless they want to develop in to “islands of illiberalism”. Means a term used by Will Kymlicka to refer to groups that tend to be internally oppressive while arguing for a wider collective right to freedom, autonomy, and accommodation in the encompassing polity.

Depending on political commitment, regional constitutions may or may not automatically recognize the existence and autonomy of a certain minority groups. For instance the Oromia Regional Constitution gave no recognition and self-administration to some ethnic minority sparsely settled in the regional state, such as the case of the Fuga. “Within the new constitutional system, the TPLF/EPRDF denies the existence of any ‘minorities’ in Ethiopia, i.e., ethnic and religious groups which are politically oppressed or marginalized (Tronvoll, 2000:19).” It can be argued that the Constitution has taken the same position of the United Nations in its formative stage by which “Minorities and their members were postulated to be fully and satisfactorily protected by individual, universal human rights in combination with the non-discrimination principle(Henrard, 2000:219).

Nonetheless, I believe that ethnic based Federalism is the best structure for multinational country like Ethiopia if minority with in mainstream region have the right of self-rule and shard- rule, based on the will of people, to increase efficiency and service delivery, harmonize and narrow down ethnic based differences and to reduce narrow nationalism/ chauvinism(ibid).

Despite the long history of the discourse on the protection of minorities, the clarity of relevant international legal standards on minorities still remains unsatisfactory (Jungwon Park, 2006). Conceptually, “persons belonging to ethnic, religious or linguistic minorities meet the criteria for consideration as people in the context of the right to internal self-determination (ibid).No regional or international consensus has been reached toward establishing a universally acceptable notion of what constitutes a minority. Minority rights group international asserts that regardless of its demographic makeup, a group that is disempowered may be classified as a minority (Stephanie Kodish, 2006-2007).Therefore, as most commentators on the subject agree, the focus should be more on the non-dominant character of the group in which minorities are seen as the subordinate elements of the state (Lovise Aalen ,2006).

Neither ethnic nor linguistic minorities have been defined specifically under the 1995 FDRE Constitution. Other than setting the standard criteria for designating a nation, a nationality or people, the Constitution has not made any reference to the exact number of persons required by such a formulation. One may argue therefore that all nations, nationalities and peoples of Ethiopia are entitled to enjoy equally all the rights guaranteed by the Constitution regardless of their numerical size (Aberra Dagafa, 2008). But under the Transitional Period Charter, the term “Nation” or “Nationality” was defined in Proclamation No 7/1992 as referring to a “people living in the same geographical area and having a common language and a common psychological makeup or identity”(Beza Dessalegn cited Proclamation No 7/1992 in Ethiopia). The Proclamation defined ‘minority nationality’ as a nationality or people which cannot establish its own Woreda self-government because of the small number of its population (ibid, Proclamation No 11/1992 in Ethiopi). Later on, Article 54(3) of the FDRE Constitution inserted the term “minority nationalities or peoples” without defining what is meant by the term.

Aberra Dagafa also argued that during the 1994 population and housing census of Ethiopia, some 80 ethnic groups were identified but the members of the House of Federation at the time were 64 (Aberra Dagafa, 2008 : 96-100).Hence, the constitutional guarantee that each nation, nationality

or people shall be represented by a single member has not been put into practice. Due to the practical limitation that every ethnic group is not represented in the house, every decision is taken on a majority basis (Article 64 (1) of the FDRE Constitution). The absence of refusal powers for minority nationalities, even in matters strictly affecting their rights, makes it difficult for the House of Federation to adequately accommodate the rights of minorities (Beza Dessalegn, 2013:87). If we see the case of the House of people representative, elections to the house are conducted by means of general and direct elections under *the first past the post* or “winner takes all” electoral system (See Article 54(2) of the FDRE Constitution). However, Article 54(3) of the Constitution provides for a guarantee of representation for minority nationalities and peoples by stipulating that at least 20 seats are reserved for these minorities out of the maximum number of 550 seats. In accordance with the Constitution, unless otherwise provided, “all decisions of the house shall be by a majority vote of members present and voting” (Article 59(1) of the FDRE Constitution).

In Ethiopia, according to many authors define minority is two kinds of ethnic groups: indigenous or non-indigenous groups. Indigenous minorities are those ethnic groups that have traditionally lived in the territory of a region. Non-indigenous minorities are ethnic groups that have migrated to the region in the recent past and are indigenous in another region (Van Der Beken, 2007).

3.2.1 The legal protection of indigenous minorities

Article 39(2) provides that every ethnic group ‘has the right to speak, write and develop its own language; to express, to develop and to promote its own culture; and to preserve its history’. According to Yonatan Tesfaye and Van Der Beken, every ethnic group is also given the right to self-government, which includes an important component of the right to territorial self-rule and has the right to be represented in the regional and federal governments. Even article 39 grants every ethnic group the right to secede from the federation. With the view to accommodating indigenous minorities, several regional constitutions have amended their constitutions to provide for the establishment of ethnically defined Zones, which are hierarchically situated just below the regional government. Several regional states have also established Special Weredas in order to accommodate indigenous minorities that, due to their population size, cannot have their own Zone within a regional state. The federal constitution requires the ‘equitable representation’ of the different ethnic groups’ regional governments (Article 39/3 of the FDRE Constitution). In

case indigenous internal minorities are too small to control an electoral constituency, they are treated as minority nationalities and Peoples (Van Der Beken, 2013 cited Article 2(6) Proclamation No. 7/1992, *Negarit Gazeta*, 14 January 1992).

3.2.2 The Legal Protection of Non-Indigenous Minorities

There are non-indigenous groups that are widely scattered throughout the country. The FDRE constitution provides a vast collection of universal individual rights. Importantly, article 25 of the constitution declares the right to equality and prohibits discrimination on grounds of, among other things, race, nation, nationality, or other social origin, language, religion or other status. In general, members of non-indigenous internal minorities have the right not to be discriminated against by the regional government (Article 25 federal constitution and Oromia constitution). Article 38 of the federal constitution, which declares the right of every Ethiopian national to take part in the conduct of public affairs, including to vote and to be elected at periodic elections, without any discrimination based on nation, nationality, language, religion or other status.

3.3. Federalism and accommodation of minorities within the federal institutions

The Ethiopian federation comprises of two layers of governments, the federal government and the state members (Art 50 (1) of the FDRE Constitution). Both governments have their own legislative, executive and judicial organs (Art 50 (2) of the FDRE Constitution). These organs should be adequately established in the regions so as to impartially solve the problems among ethnic group and minority groups. The main institutions of the federal government include the House of Peoples Representatives (the lower House), the House of Federation (the upper house), and the national Executive. Minority ethnic groups have not given the opportunity to oppose balance the majority tyranny or oppression in lower house during law making and issuance of policy at the center since House of Federation has no law making power in proper sense. Every nation, nationality and people of Ethiopia has the right to equitable representation and this is guaranteed under Art.39 of the FDRE constitution (Tokuma Deba, 2010:71).

3.3.1 Representation of minority in the House of Peoples Representatives (HPR)

The FDRE Constitution empowered the HPR, the lower house, to have final say on political issues. It is the supreme political organ so that enacts laws in compliance with the constitution, and plays supervisory role over the executive (Article 50 and 51 of FDRE constitution).

Members of HPR are elected directly by the people up on universal suffrages on the basis of the first-past-the post electoral system from candidates in each electoral district. The total number of the members of the house should not exceed 550 of which minority nationalities should have at least 20 seats (Article 54(1-4) of FDRE). Dispersed ethnic groups in self-administering nations are represented by the representatives of those territorial defined self-administering nations which are the dominant group in a constituency.

Article 54(3) of the FDRE Constitution insert the term “minority nationalities or peoples” without defining what is meant by the term. In line with Art.54 (2) of the FDRE Constitution, the 111/1995 Electoral Law of Ethiopia was proclaimed to ensure the conformity of the Electoral Law of Ethiopia with the FDRE Constitution. According to this proclamation, each constituency was supposed to be made of 100,000 inhabitants (FDRE Constitution Art.54 (2)).

Even though the number of their inhabitants is below 100,000, minority nationalities believed to have special representation by the then Council of Representative or its successor, were allowed to elect and send their respective representative (Proclamation 1995 to make the Electoral Law of Ethiopia Article 15(3)). As (Hagos, 2010) provides, those minority nationalities that have a total population number of less than one hundred thousand (100,000) were identified as entitled for special representation in the House of People’s Representatives.

When one analyzes the definitions given under the preceding proclamations in light of the Article 54(3) of the Constitution, it seems that ‘minority nationality’ refers merely to those particular ethnic groups that do not have sufficient number of people to make up a constituency so as to have their own representatives in the House of Peoples Representatives (HoPR). Thus, as per Article 15(2) of Proclamation No. 111/1995, since each electoral constituency is made up of 100,000 inhabitants, an ethnic group below such a requirement may be considered as a ‘minority nationality’ and accordingly, the HoPR may permit such group to have special representation in the HoPR (See, Aberra Dagafa, 2008:101-1012).

Unlike Proclamation No. 111/1995, the proclamation 532/2007 does not base an electoral constituency on a fixed number of populations but rather states that the number of constituencies is to be determined based on the population census of the country (See, Proclamation No 532/2007, Article 20(1) (b)). Electoral constituencies now do not have a fixed numerical threshold. Instead, considerations are made generally taking into account the population size of

the country. It states that “minority nationalities which require special representation shall be determined on the basis of clear criteria” set in advance by the House of Federation (See, Proclamation No 532/2007, Article 20 (1) (d)). However, what is meant by ‘clear criteria’ is ambiguous(Beza Dessalegn, 2013:84). Arrangement of electoral districts on the basis of 100,000 people is no more operating. Art. 20(1(d)) of this proclamation states minority nationalities believed to require special representation shall be determined by the HoF.

Therefore, identifying which nationalities are entitled to special representation cannot be identified until the HoF determines. One may argue that a nation, nationality and people should refer only to those groups that can form their own electoral constituency. This would in effect mean that minority nationalities are within the emblem of nation, nationality or people. While the former can exercise the right to self-determination, the latter are not capable of exercising such right due to their numerical inferiority except through the mechanism of special representation. Assefa Fishea argued that, minority groups are those which are not represented in the House of Federation (HoF) because of their inability to fulfill the requirement of one million populations. Hence, an ethnic group that constitutes less than one million people could also be considered as minority at least for the purpose of political representation.

3.3.2Representation of minority in the House of Federation (HoF)

The House of Federation is the second federal house empowered to interpret the constitution. The second chamber (HoF) in Ethiopia is unique for many reasons; it has neither law making power nor state representing task rather represent nations/nationalities (Article 61(1-2) of FDRE Constitution). In Ethiopia, each nation is guaranteed a minimum of one representative and shall be represented by one additional representative for each one million of its population. For instance a nation with ten million shall have eleven representatives. Members of HoF are elected in two ways; they may be elected by the state council by majority vote among members of the state council (or outside of the council) or directly by the nation (Assefa Fiseha, 2007:139-45). There is also a debate among scholars as to whether the HoF is really the home of minorities. However the FDRE constitution listed the HoF should be drawn from all nations, nationalities and peoples of Ethiopia and each nation is represented at least by one person and one additional representative for each one million people it is only territorially defined minorities. Unlike the HoPR, there are no guarantee seats to minority nationalities in the HoF.

Each nation and people will have at least one member and will additionally be represented by one additional representative for each additional one million people(Article 61(1) of the FDRE Constitution). The larger the population size of an ethnic group, the higher the representation it will secure in the house and the higher is the risk of minorities being surrounded by the populous ethnic groups in the decision making process (Beza Dessalegn, 2013:86). Beza also argue that even though attempt has been made to match territorial autonomy with ethnic identity thereby creating homogenous states, the outcome is not as expected.

The indigenous nationalities constitute a slight numerical majority over other ethnic groups and are also the politically dominant ones. Thus, under the Ethiopian context, minority status at the regional level is determined due to lack of numerical majority as well as political dominance over the others or owing to the absence of political dominance irrespective of numerical foundations. For example, the Amhara, Tigray, Afar, Somali and Oromo ethnic groups are the numerical majority as well as the politically dominant groups in their respective regions. In case of Harar, the numerical minority is the politically dominant section of the society, while in Benishangul and Gambella there is no single numerical majority, though the indigenous nationalities are the politically dominant sections. Some Regional state that belongs to a majority in its own state will find itself reduced to minority status in other regional state(ibid).

There is also still untouched minorities sparsely found in all regional states of Ethiopia and not known as minority either due to numerical inferiority or political non dominance. This problem has not been dealt within the Constitution and what is worse, the exercise of government power in the regional states has been exclusionary for these minorities(Beza Dessalegn, 2013:88).

The dominant (majority) ethnic group considers itself to be the owner of the regional state while other ethnic groups are relegated(Beza cited Oromia constitution of Article 8).This setting is described by some scholars as a condition of creating ‘local tyranny’(Assefa Fiseha, 2006:236)

From the above explanations it could be clearly seen that term minority in Ethiopia does not necessarily refer to being small in number. It could be viewed from different angles. This means, minority group in a given situation may refer to a group with less power compared to the majority. In other place, a minority group may mean a group with low social status.

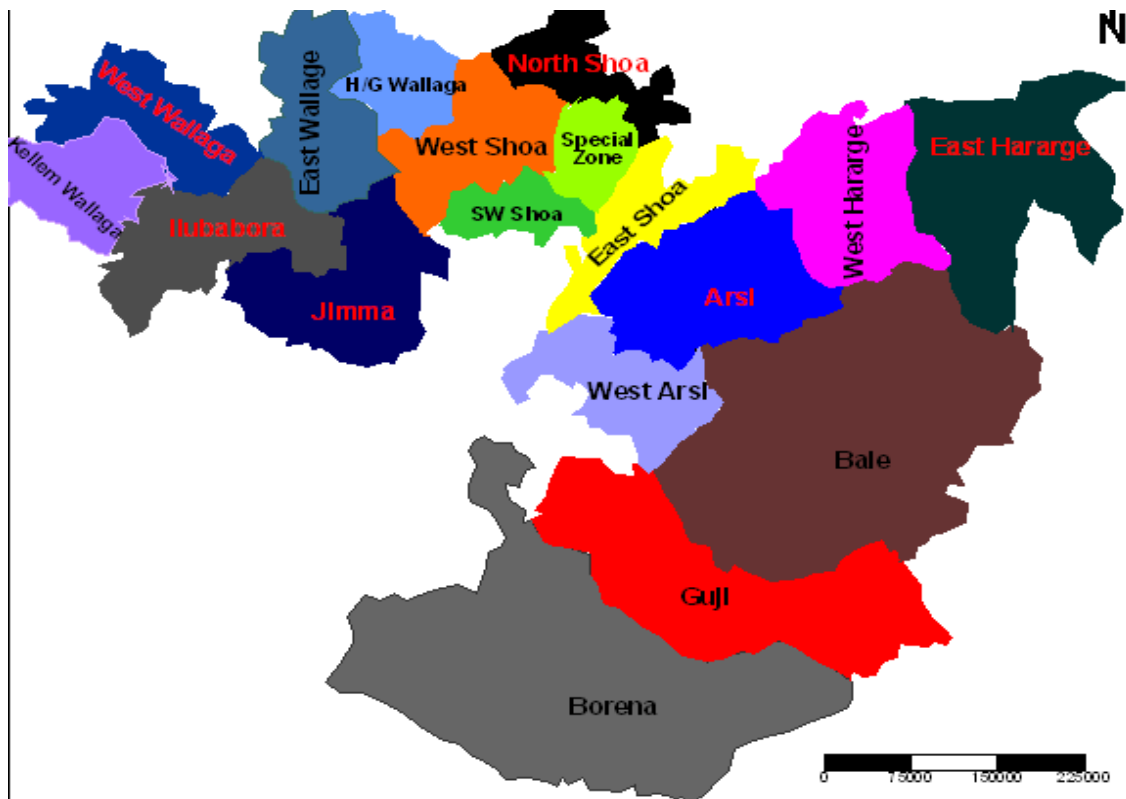
CHAPTER FOUR

4. Conceptualizing minorities in Oromia region and Accommodation of Diversity in Oromia

4.1 Oromia State

One of the states legally constituted based on the 1995 Constitution, is the State of Oromia.

The capital city is known officially under two names, but commonly under three names. When it is mentioned as a capital of Ethiopia it is called Addis Ababa, when it is cited as the capital city of Oromia (which is only *de jure*), it is called Finfinne, but the Oromo people commonly call it Shaggar or Finfinne. Addis Ababa is also the capital city of Ethiopia and the head quarter of African Union. The relocation of the state's capital city to Adama in the year 2000, created controversy and the capital city moved back to Finfinne in 2005 (Mulugeta Debebe, 2012:23).



Source: from ODA, 2012, Map of Oromia

The settlement of the Oromo people covers a large area of the country. The border stretches in to the North - The Afar and the Amhara Regions, to the South - The Region of the Southern

Nations, Nationalities and Peoples and Kenya, to the East - the Somali Region, and to the West - the Benishangul-Gumuz, the Gambella Peoples Regions and the Sudan (Oromia constitution of article 2:2). The Oromia is the dominant ethnic group of the region constituting more than 88% of the region's population. Based on the 2007 Population and Housing Census of Ethiopia, the Oromo, the largest ethnic group, constitute 34.49% (See the 2007 Population and Housing Census of Ethiopia) of the total population of Ethiopia. The Oromo people have occupied a total surface area of 353690 Km² which is also the largest surface area (Van der Beken, 2007:7). Resource wise, this region contributes the largest share (Aberra Dagafa, 2000:131). Despite its contribution, population size and the size of the region, the Oromo people are mentioned among the politically oppressed ethnic groups (Tronvoll, 2000:8).

There are debates as to the appropriate space of the culture and language of Oromos at the federal level since the language of this largest group (34.39%) is not recognized as the second working language of the federal government (Aberra, *ibid*). On the basis of democratic principles (their population size), resource contribution and surface area they occupied, relatively the identity and the language of Oromo people deserves to have more influences even at federal level (Tokuma Daba, 2010:76).

Almost all Oromo people claim the Gada System as their traditional politico-administrative system though nowadays in most parts of the region it is in danger of extinction by religious influences and modern political systems (Tronvoll, *ibid*). In Gada system, 'the male age grades hold the leadership office in the community (Abba Gada) on an eight year rotating basis.' Gada system also provides a frame work for the Oromo way of life and they were all guided by it (*ibid*).

Possessing to the suppression of the language, identity and role of Oromo in social and political affairs of Ethiopia, certain groups of Oromo bitterly fought to overthrow the two immediate past regimes (Tokuma, *ibid*: 77). Based on the FDRE Constitution, the federal arrangement to enable all territorially defined ethnic groups to have their own self-government established in Ethiopia. As a result of this, the Oromia Region is established for Oromo people.

But, the intention all nations shall have their own self government is not yet fully implemented.

Tsegaye Regassa on his article Sub National constitutions in Ethiopia: Towards entrenching constitutionalism at state level stated that:

While diversity is taken seriously in all the states, no state dares to expressly deal with minority rights in its constitution. Following the tack of the federal constitution, all the states view ethno-national groups sovereign. Indeed the equivalent of the principle of ethnic sovereignty in art 8 of the FDRE Constitution is enshrined in all the state constitutions, often in their arts 8 or 9. They also willingly grant that these entities are entitled to the right to self-determination. The equivalent of art 39 of the FDRE Constitution is enshrined in all the constitutions although in most cases with a condition attached to the exercise of the right to secession. Almost the members of all ethnic groups in Ethiopia, resides also in Oromia. This indicates those ethnic groups in SNNPS of Ethiopia Gambela, Benishangul which are minorities both at federal and their own region (double minorities) are residing in Oromia(Van der Beken 2009:258) . In the regional State of SNNPS of Ethiopia, of about 56 nations while few of the nations have established their own Zonal self-government, some have established their own special Woreda. In Harari region the numerically inferior group, the Harari people, politically dominates in its region. In Gambella and Benshangul-Gumuz “indigenous and non-indigenous” groups are competing, the former is given priority(ibid).

Though the Oromia Region is inhabited largely by the Oromo people constituting about 88% (See the 2007 Population and Housing Census of Ethiopia) of the total population of the region, the remaining 12% are non-Oromo minorities which either belongs to ethnic groups which are dominant in other region or which are minorities all over the regions. Of course, of the 12 % Amhara people constitute 7.2% of the total population of the region while each of the remaining minority groups constitutes less than 1% (Population Census, ibid). Moreover, in order to practice their culture and language they need to have institutional protections and financial sources (Aberra Dagafa, 2000:56-57).

4.2 Who are Minorities in Oromia?

There are members of almost all (see Population and Housing Census 2007 of Ethiopia) ethnic groups in the country inhabiting in the Oromia region. As Oromia touches almost all the regions of Ethiopia except Tigray from the borders of the region, there are non-Oromo ethnic groups in

the Oromia region. The inhabitants of non - Oromo ethnic groups settled in Oromia region are Amhara ,Somalie, Tigray, Sidama, Guragie, Welaita, Hadiya, Afar ,Fuga,Gamo, Upo, She, Qewama and etc.

Despite the existing fact on the ground, the Constitution of Oromia does not extend recognition to group specific rights of ethnic minorities. Basically, as per the Capotorti definition all ethnic groups in this region other than the Oromo constitute minority groups and entitled to the minority protection (Kristin Hernard, 2002:33-34).

There are many types of occupational marginalized minority in Oromia. According to Pankhurst, their occupation as hunters, tanners, pottery producers, smiths, weavers and wood workers shaped their culture and way of life as well as their interaction with the dominant groups. Nonetheless, their occupations have been vital for the daily living of the whole society. As Freeman and Pankhurst (2003:1) state *these people play an important role in the society among whom they live, and yet they have such a low status that many of them are considered to be not real people' by the majority around them.* Their products are still very crucial for the larger community, since pottery is essential for processing food and carrying water; leather products are used for sleeping mats, storing and transporting grain; and cotton cloth is essential for clothing in the areas where the minority lives (Ibid).

Dea (2007) states minorities are still marginalized and deprived from access to important sources of power and wealth. Political, social and economic structures are still shaped in such a way as to systematically exclude the marginalized groups (Ibid).

The administrative level below the regional level in Oromia Regional State is the Zone. The creation of this Zonal level not results from the Constitutional recognition of ethnic diversity of the region rather the executive administration of the region. Some people stated that the fundamental cause for the denial of existence of minority groups in Oromia Constitution is attributed to the narrow minded general definition of nations, nationalities and peoples of Ethiopia. According to Art 39(5) of FDRE Constitution particularly, the requirement of living in identified closest territory to be qualified a nation out accurately excludes dispersed minorities from claiming group specific rights to which territorially concentrated groups are entitled. Hence, not only the Constitution of Oromia but also the FDRE Constitution has not recognized dispersed minority groups(Tokuma Daba,2010).Under FDRE Constitution every nation,

nationality and people of Ethiopia are entitled to the right to self-determination regardless of their past political status and numerical size(Art39 (5) of FDRE Constitution).

The rights to cultural autonomy as group specific right of ethnic groups who inhabit in Oromia are not explicitly recognized in the constitution of Oromia. Nevertheless, practically, for that of Amahra minority groups but, not Fuga marginalized group there are certain indications in which they are exercising the traits of the right to cultural autonomy as their children can learn by their mother tongue, have certain share on Oromia TV and Radio Program and has established their own private primary schools which deliver primary education by their language (Hernard, 2002:35-37).

Some regional state like Oromia regional states are not open to recognize smaller minority groups such as Fuga as group rather than as individual in the region. Numerous disagreements at the local level have erupted over the issues of administrative borders and representation of ethnic groups in local governmental bodies in Oromia. Minority rights were first recognized in international relations, as specific solutions to Trans boundary conflicts (Beza Dessalegn, 2013).

The Oromia and FDRE Constitution do not also provide guidelines to dispersed ethnic minority groups. Arts 25, 39(5)&54(3) of the FDRE Constitution talks respectively only about the universally applicable human rights and the rights of nations without making reference to the group specific rights of ethnic minority groups within the nine regions. It is obvious minority groups need special protection and special representation but in the case of the regional state of Oromia, no such an arrangement at regional level except at City Council in which the non-Oromo ethnic groups because of their numerical dominance may totally win all the 30% remaining seats in the 1st and 2nd grade city council. Actually, in City Council until today there is no any political party of the minority group. But, the practice is highly influenced by the ruling party so that it is not yet properly implemented as preference is given to political outlook. Interview with party leaders in Dire Enchini indicates that each candidate to the membership of Caffee, Woreda, Kebele and City Council is determined on the basis of their loyalty to the party program than one's ethnic identity.

4.3 The Regional Constitution and Accommodation of Diversity

Among the regions in the Ethiopian federation have been created to guarantee self-rule to the dominant nations, Oromia Region, which has established to exercise their right to self-

determination, is one. The 2001 Constitution of Oromia claims the region as established solely for Oromo people (see the preamble and Art.8 of the Enforcement Proclamation of the Revised Constitution of 2001 of the Oromia Region). To this effect, the constitution expresses itself as it is a pact among Oromo people despite important presence of other ethnic groups in this region. The sovereign power in the region resides in the people of Oromo. This indicates that Oromia region belongs to Oromo people.

However, Art. 2(2) of the Oromia Constitution acknowledges that Oromia is not purely inhabited by Oromo people as it states “Oromia is populated by people of Oromo nation and other peoples.” On the other hand, Art 39 (6) of the Oromia Constitution stipulates that the people of Oromo nation shall be interpreted as “*those people who speak the Oromo Language, who believe in their common Oromo identity, who share a large measure of a common culture as Oromos and who predominantly inhabit a contiguous territory of the region.*”

Sovereign power in the *Oromia* region is thus not granted to the diverse peoples of the region, but to the *Oromo* nominal ethnic groups. Consequently, the regional parliament or State Council (called the *Caffee* in Oromia) is not designed as a representative institution of the Oromia regional population, but as the representative assembly of the Oromo ethnic groups. There are no constitutional provisions guaranteeing the representation of ethnic minority groups in the regional parliament. When we compare Oromia regional states with other region in Ethiopia all region have own success and failures. The Amhara region composed from different ethnicities and the region contains a number of nations, nationalities and peoples. The constitution strengthens its commitment of recognizing the ethnic plurality of the Amahara region through vesting the sovereign power of the Regional State on the peoples of the region. However, only the Argoba, Awi, Himra and Oromo have established their own self-government within their respective territories. At present time though the government thought as Kemant people acquired right to self-rule as distinct group still there is resistance because the Kemant people said it is not full recognition. Other ethnic groups such as the Woito, do not enjoy self-government, nor are they recognized as distinct people of the region (Beken, 2009:268).

The Southern region as it is expressed by its name is characterized by an extreme ethnic diversity. Notwithstanding the presence of a few larger groups, no single ethnic group has a numerical majority. The major mechanism of diversity accommodation is the creation of a

separate Zone/Special *Wereda*. All (indigenous) nations, nationalities and peoples in the Southern region have a right to establish such a territorial administration(ibid)

Yet, the fact that there are more than fifty ethnic groups in the Southern region, immediately demonstrates the problem. Most ethnic groups do not have their own Zone/Special *Wereda*, but constitute a minority in a Zone dominated by one specific group or live together with other ethnic groups in a multi-ethnic Zone (good examples of this last category are the Dehub Omo and Bench Majji Zones)(ibid, 2009:284). The nations, nationalities and peoples of Benishangul/Gumuz and Gambella are entitled to their own Administration of Nationalities. In Gambella, although the introduction of ethnic-based administrative entities was an appropriate mechanism to contain competing territorial claims in the region,(Dereje Feyissa, 2006:223) it can be observed that many Nuer are migrating to the Anuak Zone creating new minority issues.

Benishangul/Gumuz gives non territorial powers to the ethnic-territorial entities of the Administration of Nationalities. Furthermore, the interests of the non-indigenous groups are clearly less protected than those of the indigenous(ibid).

4.3.1 Recognition of Regional minorities

Explaining how federalism can serve as an institutional tool in accommodating diversities, both at the national and intra-state level, Fessha,(2010)on Ethnic diversity and federalism, has included various forms of institutions which are common to all federation(YonataTesfaye Fessha,2010:32). Accordingly, recognition is the first institutional tool. Recognition defines how the state views the various divisions in its territory. It is also one of the institutional mechanisms of responding to the challenges of minorities both at the national and sub national level.

Moreover, as language is an important factor of expression of identity, especially in a country where constituent units define themselves along with ethnic lines, recognition may be expressed through a language policy. Considering this, some States give recognition to the various ethnic groups(though no full recognition) in their regions, while other failed to do so legally but practically give recognition for some ethnic group. For instance, the preamble of the Amhara Regional Constitution (The Revised Amhara National Regional Constitution Proclamation no. 59/2001), starts with the phrase ‘we the peoples of the Amhara National regional State’, by saying this it gives only recognition to ethnic groups such as, Himra, Awi

and Oromo but still today there is violence for identities recognition in Amhara region by Kemant people. Similarly, classifying between indigenous and non-indigenous ethnic groups, the Constitution of Benishangul-Gumuz has also given an express recognition of the existence of other minority ethnic groups(Art 2 of the Benshangul-Gumz Regional Constitution 31/2001). But, the interests of the non-indigenous groups are clearly less protected than those of the indigenous.

However, despite the existence of considerable numbers of other ethnic groups, the Oromia Regional Constitution does not refer to ethnic groups other than the Oromo themselves. The preamble, for instance, does not refer to the peoples of the Oromia region, but simply to the "Oromo people". Furthermore, article 8 of the Oromia constitution provides that 'Sovereign power in the region resides in the people of the Oromo Nation'. But, in Oromia region not legally but, practically relatively dominant minority ethnic group especially at city more recognized than marginalized ethnic group like Fuga.

4.3.2 Self-rule and Regional minorities

As it is well indicated in the above discussions, recognition by itself cannot be enough to address the plight of minorities within minorities. Therefore, some of the states have come up with additional institutional structures such as self-rule to this effect. It refers to 'the constitutionally well-established powers of constituent governments to exercise control over some or all of their own economic, political, social and cultural affairs (YT Fessha, 2010:41). Regarding the effectiveness of self-rule there are two arguments by different author. Some author such as Cornell argued that autonomous regional arrangements are, in most cases, causes of conflicts, and they are encouraging secessionism(Ayalew Getachew cited Cornell,2010:5).

Contrary to this authors, like Kymlicka argue that autonomous institutional arrangements in multinational federations are crucial for managing regional conflicts and reducing the level of ethnic violence. Kymlicka concludes that 'federalism (with autonomous arrangement) is often the only option available for accommodating conflicting national identities within a multination state'(W Kymlicka,1998:138). Such autonomous arrangement usually allows states to ensure representations of the different sub-national units in their various organs. Particularly, representation in the parliament and representation in the national executive are the major features of multi ethnic federations. The administrative level below the regional level in Oromia

Regional State is the Zone. The creation of this Zonal level not results from the Constitutional recognition of ethnic diversity of the region rather the executive administration of the region.

One may argue that the Oromia Constitution when it excludes the minorities by stating “we the Oromo people ...” is complying with the definition of nation, nationality and people as per art 39(5) of the FDRE constitution which reads, nation, nationality and people means ‘a group of people who have or share large measure of a common culture or similar customs, mutual intelligibility of language, belief in a common or related identities, a common psychological makeup and who inhabit an identifiable, predominantly contiguous territory.

4.4. Representation of minorities in the regional institutions and their privileges

The FDRE Constitution, in addition to residual power, a power which is not either expressly or concurrently given to the federal government, empowers regional states with a number of powers and functions (Art 52(1) & (2) of the FDRE Constitution). Among these are the powers to choose their own working language, to adopt their own constitution and other laws are the most important ones. The fact that they are empowered to adopt their own constitution and other laws allows the regional states to form their own institutional structures and to determine the structure and functioning of their local governments (CV Beken, 2007:108). Accordingly, the nine regional states have established various institutional structures to administer their own affairs

4.4.1. Representation in the Regional State Council

The supreme power of the state in the Oromo Regional State is vested upon the Council of the Regional State or *caffee*. The Caffee Oromia, the Regional Administrative Council, State Court, Regional Constitutional Interpretation Commission and Council of Constitutional Inquiry are the main organs of the regional government. Caffee Oromia is vested with the highest political power in the Region (Arts. 68, Arts. 45, 71(1), 48(1) (a) of the constitution of Oromia). Caffee Oromia is an organ of the region which comprises representatives of the people from electoral districts. As per Art (48) (1-2) election of members to Caffee is conducted directly, popularly and secretly by the residents of the region on the basis of universal suffrage for a term of five years. Art. 48(3) of this provision also states that “members of the Caffee are representatives of the people of the region as a whole.

According to article 33 of Oromia constitution on the other hand, any Ethiopian resident in the Region and who speaks the working language of the Region has the right to be elected or employed to any public office in the region. Despite the preamble and Art.8 of the Oromia constitution wherein sovereignty resides only in the Oromo nation, the right to be elected and to elect is equally guaranteed to all residents who are Ethiopian citizens. Discrimination on the basics of sex, color, and language, ethnic, religion, political affiliation, property and others are prohibited(Arts.38 (1) (b) of Oromia). But, owing to the First-past-the-post electoral system in Ethiopia(Art 54 (2) of FDRE Constitution) as a whole, in Oromia ethnic minority groups rarely succeed in having representatives in the region.

Moreover, in practice the ruling party does not prohibit a person who belongs to non-Oromo groups to be a candidate for membership of Caffee provided s/he is loyal to the party program and speak Oromo Language. But, such representing is at most in the city area than in the rural district and the Fuga are not still now member of the Cafee.

Hence, if a non-Oromo candidate wins majority seat at a particular constituency, he will represent the people of the region as a whole including Oromo people (Art 48(3) of Oromia constitution). Any resident of the region, who is capable of understanding the working language, can be the member of Woreda Council or Kebele Council (Art.33 Oromia constitution). However, currently, in first grade and second grade cities of Oromia where in the number of Oromo people are less than 50%, 30% of the seat was reserved to Oromo people in the 1st and 2nd grade cities while 5% of the seat of City Council was reserved to the surrounding rural kebele (Tokuma Daba cited Proclamation No. 65/2003). For the remaining 65% of the seat all ethnic groups in the city and surrounding Kebeles including Oromo people equally compete for it. However, considering this as it endangers the rights of Oromos in the City Council, the reserved seat for Oromo people in city the guaranteed seat to Oromos in these cities has been upgraded to 50% and while that of neighboring kebeles has been upgraded to 20% seats (Arts. 2-7 proc.116/2006).

Non dominant minority who live in rural area is still not get any seat and other advantage either legally or practically. National Minorities living in the Region are not represented in the Regional Council owing to their numerical minority. Though the opportunity of non-Oromo ethnic groups to be dominant in City Council has been becoming narrowed, considering

themselves as the owner of the region the Oromo people have not completely closed the door for the recognition of the existence of other ethnic groups especially in the city of the region.

This indicates that the proclamation gives better opportunity for non- Oromos as it at least recognizes the existence of other ethnic groups which have the right to participate in political representation. But, another minorities like Fuga people, who live in the rural area, even if they speak Afan Oromo fluently, they don't have any chance to have representative at state council and in the Constitutional Interpretation Commission. Based on this minority in Oromia are not equally seen because relatively dominant minority have better chance to be heard as minority. If we plainly follow the constitution of the region (see the preamble and Art 8 and 39(6) of the Constitution of Oromia) other than Oromos no ethnic group that has legitimate claim to have a seat in the City Council.

4.4.2 Representation in the Regional executive

The regional administrative council and the president constitute the highest executive organ of the region. Most of the Regional States' Constitutions do not guarantee representation of minority groups at the regional executive organs. In fact, at the Federal level as a matter of practice there is proportional power sharing at the top executive authority. On the other hand, in Oromia, no regard is made to ethnic back ground of a person to be appointed except his loyalty to the party program (Proc. 111/1995, on Party program). At regional, Zonal, City Administration, Woreda and kebele levels it is possible for both Oromo and non-Oromo people to be appointed to key political positions if he knows the working language of the region(ibid).

Of course, since Oromo people are dominant, it seems that other ethnic groups rarely succeed in holding top political position. No Fuga is represented at any government office in Dire Enchini woreda.

4.4.3 Representation in the regional judiciary

No doubt, there are many different non-Oromo judges including high and Woreda presidents though the court has no data as to the ethnic back ground of judges since during recruitment ethnic background is not taken in to account.

However, any one whose educational status, ethical background, competence and age meet the standard set by the judicial organ can be nominated and appointed. The Zonal and Woreda levels are not ethnic-based territorial entity as they are merely designed on the basis of administrative convenience. Therefore no guaranteed representation in the judiciary at any level is given to non-Oromo ethnic group like Fuga though other ethnic group have chance to be judge at lower level due to no more educated Fuga and fit the criteria of judge .There are many Amharic speaker juge who work at lower level of the region and tried to speak Oromo Afan but, not perfect.

4.5 *The Fuga Minority*

4.5.1 Who are the Fugas?

The Fuga have own unique language, culture, religion, history, and economic activities. But, they are not exercising their identity as dominant Oromo or other minority due to they are being marginalized. Based on having these identities markers they are Occupational minority. Since most of the marginalised minorities are considered as ‘social groups’ rather than localised ethnic groups, their concerns have hardly been considered in the new ‘ethnic politics’ (Freeman and Pankhurst, 2001, p. 336). The Fuga occupy the lowest social stratum (Wolde-Selassie, 2001:103). They are isolated from the rest of the population, without rights or protection. They are despised and marginalized by the Oromo farmers, and are considered impure due to their consumption habits, namely, eating the meat of animals that have not been ritually slaughtered(murdered)(ibid).

There is very little mixing between the Fuga and Oromo farmers, and they do not enter marry. Pankhurst (1999:503) argues that the overall context of relations between Fugas and dominant groups is ‘structured clearly by political, social and economic marginalization.’ Their settlements are separate from farmer villages. The farmers have developed prejudices and stereotypes about the Fuga, whom they consider to be lacking self-esteem, to consume extravagantly and to reside in small temporary and fragile shelters. Freeman and Pankhurst also added that the Fuga peoples are not allowed to own any productive assets such as land; they do not participate in politics even in local assemblies, and they are not allowed to take part in any social events, are prohibited from entering farmers' houses, have separate seating at weddings and funerals, are restricted from joining associations and have separate burial places (Freeman and Pankhurst, 2003:3). Farmers rarely enter their houses and do not share food with them because of they do not

clean their house and they also fear the Fuga of their ritual power, which they believe is linked with the land and related spirits (Teclé Haimanot Gebreselassie 2000:43).

The ancestors of the Fuga out caste occupational group initially arrived from north western Ethiopia some times in the early medieval period (Teclé Haimanot Gebreselassie 2000:28). According to him, they together with some people settled at Kambata, Hadiya, Gurage and Yam. On their arrival these place Fuga were hunters and wood workers who served their friends in identifying covenant settlement place in south central Ethiopia. There is strong feeling that the fuga might have originally been branch of the clan among the Wayto clan of the Lake Tana region (ibid). After the immigrant Fuga's settlement in south-central Ethiopia they intermarried with the indigenous people, remnants of the primitive hunters who also practiced occupations like pottery and tanning. They were both able to learn each other occupation through time. Both came to be identified as low caste occupational group with the common name Fuga.

For long they have lived among the Kambata, Hadiya, Gurage and Yam being branded as despised low-social caste occupational communities. The lack of land among Fuga subjected them to economic poverty and harsh social oppression and labour exploitation. As a result some of Fuga families migrated to neighboring areas in the same region looking for better opportunities. During this time they entered Oromia region in general and Dire Enchini woreda where ever I conduct my study in particular. Wherever they went they were segregated in their settlement areas as they were considered landless low-caste occupational communities (ibid;2000).

Despite their population growth, they were not able to gain any additional land outside of their original settlement place before the arrival of the Shewan conquering army of Menelik (1889-1916) in the nineteen century (Teclé Haimanot, 2000:33). However, in the 20th century the fuga came to be relatively better treated at the hands of Shewan conquerors and settlers who dominate the indigenous societies. Some Fuga families were able to integrate with the Shawan army and able to secure farm land as tenants in the same manner the other indigenous societies underwent (ibid)

In looking at the condition of Fuga before the 1974 land reform, one can discover the fact that they lived in a terrible economic difficulty which resulted from their limited access to resources

like land ownership and livestock production(Pankhurst, Alula., 2001). By the 1975 land reform, land was redistributed to all farmers, including handicrafts Fuga households in Ethiopia. For landless Fuga, this land reform has entitled them access to land, which has brought a significant change both in their daily life and production. However, with regard to their relations with farmers, no change in their social position or membership of associations has occurred. Their improvements were encouraged by the 1974 Revolution which to great extent favored despised low-caste communities (Teclé Haimanot, 2000 gather oral question from Fuga families). Based on the 1975 land proclamation residing in the rural area and obtained farming land of their own for farming activities, the socio-political change enabled them to live like ordinary peasant. They also got political support from the government so that they were equally treated with the rest of the societies. These encourage them as they became member of the peasant association. The Fuga were made many attempt to be treated equally with other non Fuga communities but, their effort could not be provide them equality with other and full acceptance. For most part, in a political sense, the marginalization and discrimination of minorities in Ethiopia in general and the Fuga in Oromia particular, is manifested vibrantly at the peasant/ kebele association level more than ever in the past. They had very limited political and judicial rights. In most recent times the Fuga minorities have been excluded from village level political institutions, such as the peasant association or service cooperative, and even when they were permitted to take part, they never obtained leadership position (Akalework Mengesha, 2014). Still there are many social and political barriers like self-rule, recognition, education, marriage which deny the Fuga equality.

4.5.2The Fuga people and their Demography in West Shewa Zone

The Fuga people live in Oromia region of West shewa Zone especially they have sparsely settled in three neighboring woredas of west Shewa, namely: Dire Enchini, Toke kutaye and Nono woreda. The land where they have been located is suitable for agriculture but the people are not economically based on agriculture as the neighboring Oromo community, rather they are skilled worker who make things by hands. The Fuga are despised and marginalized by the Oromo farmers, and are considered impure due to their consumption habits, namely, eating the meat of animals that have not been ritually slaughtered. Prior and post to the ethnic federation, the name "Fuga" has been seldom used in the Woreda activities and they neither considered as parts of the oromo people in Dire Enchini nor recognized as independent ethnic groups.

There are different ideas on the language categories of the Fuga people some call them as they are branch of Cushitic and other told as they are Omotic from Southern Nation, Nationality and people of Ethiopia. Even other group also calls them as they are Negroid from outside or they are outside from Beta Israel people. Even though there are shortages of literature about them, I interviewed one of Fuga informant Ato Wegene Gebre'He told me that their ancestors were from Beta Israel people.'He said that during Queen Shaba period, after Shaba of Ethiopia visited king Solomon of Israel and returned to Ethiopia in pregnancy Memelik I for Kink Solomon, he send her to Ethiopia in honor with this people of Israel. Therefore, based on this argument the origin of Fuga peoples are from ancestor of Israel people' (Interview with Ato Wegane,9 February2016). Physically, they are mainly distinguishable from the neighboring peoples, the Oromo. In some Kebele they are too black and their mouth and nose are more extended than Oromo but,inother Kebele they are not compactly different from Oromo farmers. The Fuga have attempted to present themselves as different from the Oromo by using a logic that refers to their culture, history, language, and other factors, and to the Constitutional definition of nations, nationalities and peoples. In other words, they claim that they are a nation, nationality and people because of their ability to demonstrate their specific character, achievement that can also be used for political purposes.

They are occupationally artisan sparsely settled in the rural area of Dire Enchini Woreda. No Fuga people live in town of Dire Enchini. It is difficult to know the total number of them or no reflection on the exact size of the population, because I did not get any literature on their censuses. After they immigrated to Oromia region and settled in villages which located in around Waliso and Ambo (Teclé Haimanot Gebreselassie, 2000:81). The Fuga though live in scattered manner over vast area, they still maintain common identities and characteristics. It is possible to estimate the village Fuga have settled but, difficult to tell the size of their population. The Fuga number is half million in Ethiopia (ibid). But I have found it difficult to come up with meaningful figure. In Dire Enchini thoughthe Fuga are not counted in Ethiopian Housing sensuous and settled in scattered way in many kebele, one of the Woreda education office expert, Ato Kefene Amena told me that they are not less than 8000 (Kefene Amena ,expert of Woreda Education and who participate in 2007 Ethiopian population and housing census).

4.5.3 The social status of the Fuga

The situation of the Fuga, which is described as landless and the attitude of the traditional people towards handwork and landlessness lead the Fuga as low social status. To possess no land means to own no domestic animals. To live without land and cattle in an agricultural society like Dire Enchini is an absolute material disadvantage and social disgrace. A bad nutritional situation, ragged clothes, small houses constructed with bad wood, dirty and small compounds, lack of domestic animals, etc., are some of the features which characterizes the life of the Fuga (Belachew Gebrewold,2001:445). Through time, their importance in the community went down and they were reduced to lead a marginal and subordinate life. They began building their houses far away from the other villagers, started eating extravagantly, including animals not slaughtered ritually, and began neglecting their persons. They live in the land of other farmers. The owner had the right to expel them from their territory when and in whatever way they wanted. This uncertainty of life was one of the reasons why they mostly did not plant Inset or have cattle, and why they lived on their handiwork (Braukämper, 1983:182).

Another important feature, which characterizes the social segregation, is the prohibition to enter houses of the non-Fuga or the prescription how to behave when they enter. Usually, they are not given a chair or anything to sit on although it is a cultural obligation to give a chair if someone enters a house; whereas the Fuga sit on the floor just behind the door (Eike Haberland, 1968:131). Therefore, through time their social status declined and they became a marginalized occupational minority(ibid).

One of the reasons why many societies exclude the Fuga from living together is because of the belief that the latter have a supernatural power and they can make the non-Fuga ill(Lange, 1975:229). This exclusion is accepted and justified by the common people as well as by the Fuga themselves. "According to common opinion they are human beings of an inferior category. They were forbidden to participate in public meetings. Very often they regarded themselves as despised and as outsider in the true sense of the world. The reward, the blood price for a killed member of these castes, was meaningless compared with that of other Oromo farmers. They were forbidden to participate in public meetings. Officially they were ritually unclean; corporal contact with them, even unintentional, caused a dangerous ritual pollution that had to be purified by a complicated ritual (Haberland, 1968:132).

In Hadiya and Kanbata if a Fuga touches a glass or the drink of another person, everything is thrown away and the Fuga is insulted and hit. If he touches something belonging to a chief, he must pay with a goat whose blood serves to purify the lord's possession (Chiatti, 1984:249). In Dire Enchini I also observed similar situation that it is impossible for Fuga people to have physical contact with Communities in the area. The Fuga are never invited to any feast since they have no right to participate in social events such as eating and drinking together with the members of the Oromo in the area. They are disliked and considered to be unclean, contaminating and polluting the farmers who have contacts with them; crop fields they have crossed, granaries they have touched, houses they have entered and the like need complicated purification rituals. The Farmers did not even drink the water from the stream the Fuga used.

Even if they are allowed to come to the houses of farmers during special occasions or feasts, giving for left-over food, they stay either far outside or enter the house, bringing leaves with them to sit on in a far corner near the gate. Then, they are mostly served left-over meals on broken dishes and drink from broken vessels (Wolde-Selassie, 2001:99).

The Fugas are excluded from the community of their village or neighborhood because they eat what is despised by the masses and higher classes such as the stomach, the intestines and the lungs. They ate this despised food because they are excluded from the community, social norms, values and living together (Wagene, Fuga informant, 9 February 2016) emotionally told me that "we are already not respected. We are considered as hyenas and dogs. It does not make any difference if we eat remains or not; no body respects us; we cannot marry a commoner. That is why we eat whatever we find."

Fuga are always excluded from the community as permanent victims. However, the non-Fugas are dependent on the technical products and religious ritual activities of the Fuga. The economic activities of the Fuga and smiths as handworkers' (secondary economic sector) were considered socially, economically and religiously inferior. When a domestic animal is accidentally killed or dies of disease, the Fuga are called to pick up and eat the carcass, which is otherwise left to the hyenas. The impurity of the dead and of the hunter is equated with that of the outcasts (Chiatti, 1984:249).

4.5.4 The Fuga Culture and Religion

There has been strong awareness among the Fuga that male and female genital mutilation is an obligatory practice. No Fuga member arrange marriage before circumcision. If Fuga female have been found without circumcision no fuga male member would be willing to marry her. However, the dominant Oromo also practice it but now female circumcision is taken as bad cultural habits and going to be reduced. The Fuga people have the power to cure the ill and perform some cultural medical rituals. The Fuga men are also considered as expert doctors, able to pull tonsils out with their fingers, and the women act as dentists to extract unwanted teeth. They have the ability of hunting skills. The Fuga in Dire Enchini are now divided in to two groups. The first groups are those who have continued with the Qalicha institution. The other groups are those who have become at most Orthodox or protestant. The Protestants are mainly followers of Qala Hiwat church. At different villages they have been monthly met each other and pray and discuss their social and political problem (Interview with Ato Wagene Gebrefrom protestant and he is leader of the church on 20/12/2015).

It seems that Followers of the traditional religion do not actively participate in the general meetings. The protestant dominate the meetings so far being held. Both Orthodox and protestant Fuga are strongly opposed the Qalicha practices for the best reason that either completely reluctant to exhibit themselves as traditionalist or unwilling to associated with such practices. The Qalicha on the other hand call the Protestant and Orthodox religion as ‘missionoch’ by associating them with the European missionary. They see them as they are opposed and challenge traditional institution (Interview with Ato Wegene on 20/12/2015).

The expansion of the Christianity in the area has also contributed towards attitudinal changes on the part of farmers, since followers are taught that the Fuga are also creatures of God

4.5.5 Fuga occupation /livelihood

Since the middle of the 1980s the economic situation has become substantially difficult for the Fuga because of the increasing introduction of modern European furniture and utensils (Belachew Gebrewold, 2001:243). Braukämper notes that in some cases the potters had to pay taxes to the owners of land from where they dig clay for their pottery. The economic problem of the potters is prevalent in many societies in Ethiopia. Women produce pottery, whereas men take

responsibility for chopping trees fuel for firing the products. Tanning and woodworks are also the activities of men Fuga. The tanner's basic livelihood is dependent more upon pottery than tanning, which is generally performed occasionally because skins are scarce. The only occasion when skins are available in abundance is the period of the Mesq'el celebration (see Brauk£Mper, 1983), when customers either bring the skins themselves or call tanners to collect them together with the leftover pieces of meat, including hooves, heads, intestines, etc. These left-over are calculated as the labor cost of the tanners. The collected left-over meat also enables the Fuga to celebrate the occasion. Besides, the Fuga are known for their consumption of animal parts such as heads and hooves, which are not eaten by farmers. This use of remain products of non- Fuga may be discourage Fuga not to be considered as other community in the area. Men take provider of arranging the clay-digging places and at times assist women with the digging. However, digging, transporting and processing clay up to the finishing stage are mainly done by women. Men and women share the task of taking items to market such as knife, pottery, axe, piece of bamboo or wood used for shaping, coffee pot, cooking pan, small clay dish used for serving food, medium-sized clay container used for milking, very large jar (container)...etc. The different items produced are exchanged either for cash or in kind, both at the production site and in the local markets. Some customers bring qocho, meat (usually from animals which died without being ritually slaughtered), vegetables, or grain in exchange for pottery items. In-kind exchange occurs mainly at the production site, whereas exchange in the local market is mainly for cash. Usually women bring their items to the market places, carrying them on their backs. However, husbands also assist with transporting products to local markets. The price of products rises during the dry season and falls in the rainy season because they will not be strong and of the right quality due to the lack of proper drying (Wolde-Selassie, 2001:105).



Figure 1While Fuga women making pots



Figure 2 pottery products



Figure 3Fugaman working a chair

4.8. Results and Discussion

4.8.1. On issue of representation of the Fuga marginalized minorities in Dire Enchini Woreda Council and Administrative Council

4.8.1.1. Representation in the Woreda Council

The Woreda Council is the highest body of state authority within the Woreda. The Council has a number of powers. Its powers include examining and approving the draft economic development, social services, along with administrative working plans and programs of the Woreda concerned, creating a suitable condition in which the resident public is especially inspired and mobilized to engage in development efforts. It also considers and approves its own budget, utilizes any source of revenue of the Woreda concerned, issuing and implementing specific guidelines enabling to ensure peace and security relating the Woreda concerned and calling the Woreda's officials including the chief administrator for questioning and thereby asks into the workings of the executive body (check and balance) (The oromia Constitution article 79:2). The members of the Woreda Council are elected directly by the inhabitants of the Kebeles embraced in the territorial area in which the Woreda has been organized (article 78:1 of oromia Constitution). They are accountable to the people electing them (article 78:2 of oromia Constitution).

The Council of Dire Enchini Woreda has 80 members. They are represented from the different Kebeles of the Woreda. The number of the representatives from each Kebele depends on the area of the Kebele concerned. The members of the Woreda Council are directly elected from among the inhabitants of the Kebele concerned. As a result; a Kebele which has large area will have more representatives than the smaller one and vice versa. Depending on this arrangement, 17 Kebeles of the Woreda have 4 representatives while the remaining 4 Kebeles have each 3 representatives.¹ The Fuga marginalized minorities in Dire Enchini Woreda do not have a representation in the Woreda Council. They are not represented based on the above criteria of representation. According to Ato Dejene Adune, Speaker of Dire Enchini Woreda, there is no special consideration of the minority as all in Oromia and for the Fuga of the Dire Enchini Woreda in particularly. They are not have own kebele rather sparsely settled with majority. This

¹*Interview with Ato Dejene Adudna, the house of speaker of the woreda, 4, February 2016.*

is also other factor for lack of representations. They are hardly considered as a distinct ethnic group in the territory they share with the rest of the population.

The Fuga minorities, on the other hand, speak the same language Afan Oromo as the population Oromia or Dire Enchini Woreda. He also added that this is because the Woreda is found in the oromia Regional State and the representatives of the Woreda Council stand for the Kebele they are representing, not to a particular ethnic group and the Fuga minority did not get any attention before.²The Fuga marginalized minorities in Dire Enchini Woreda have been asked about whether the Fuga minorities have representatives in the Woreda Council and the existing system of representation in the Woreda Council is capable of protecting the interest and rights of the Fuga minorities. Based on Focus group conducted at Buyama Dalfo one kebele where Fuga highly sparsely settled, the entire participant answered that the Fuga minorities in Dire Enchini do not have any representatives in the Woreda Council. We are forgotten people that struggle to live our own way of life. No one encourages as even as we become participant in the kebele level. We settled in peripheral areas, such as near riverbanks and at the forest area because our main economic issue is based on clay soil, craft workers from forest products and sometimes as hunters. We do not even have a legal place to collect firewood and clay soil which are our main inputs for our job.

Regarding the impacts lack of representation of the Fuga minorities in Dire Enchini Woreda Council, the participants offered that it will have a harsh influence in the overall participation of the Fuga people in the affairs of the Woreda. The participants for instance said that absence of representation of the Fuga minorities in the Woreda Council will result in the voice of the Fuga people remain unheard in the Council and they are not benefited from the woreda's resources as other members of the woreda. The participants also added that haven't representation will not enable the Fuga people to significantly influence decisions passed in the Woreda Council in general and in matters relating to its interest in particular. They also said that due to their absence in representation in the Woreda Council, the Fuga minorities have no significant share in the political power and administration of the Woreda. As far as the solutions to the issue of representation of the Fuga marginalized minorities, in Dire Enchini Woreda Council are concerned participant suggest that the representation of the Fuga in the Woreda Council should be achieved according to international and national minority participation standards and as

²*Interview with Ato Dejene Adune, supra note 1*

proportional to the population size of the Fuga people in the Woreda.³ Other focused group discussion held in other kebele of the Woreda, in Debele kebele, also agreed as no representation in the Woreda and as its absent have negative impact on their identity.

According to these participants, the current method of electing the members of the Woreda Council is not preferable to enable the Fuga minorities to participate in the affairs of the Woreda and protect their own special interests. To favored solution to this, the Fuga minorities will have some reserved seat in the Council of Dire Enchini Woreda. If they are not able to do so, their identities may be inevitable to extinct by the dominant Oromos and cannot defend their own particular needs.⁴ Moreover, as I observed the reality from the office of administration of the Woreda council there is no representation of the Fuga marginalized caste minorities in the Woreda Council and the council is homogenous from the majority of Oromo Dire Enchini, in its strict sense and thus the council can not sufficiently protect the specific interests and benefits of the Fuga people. Therefore, the issue of minority like Fuga people should get attention not only in the woreda council but also from the constitution of the FDRE and regional Constitution.

4.8.2. Representation in the Woreda Administrative or executive

The Woreda Administrative is the highest executive body of the Woreda and is composed of the principal heads of various sector offices including the Administrator and Deputy Administrator of the Woreda. It is accountable to the Chief Administrator of the Woreda and the Woreda Council (The 2000 revised Oromia Constitution article, 84:1).

The Woreda Administrative Council has the power to implement policies, laws, regulations, directives, plans and programs initiated and formulated by both the Federal and Regional states throughout the Woreda. They are also collect rural land user fee, agricultural income tax and other revenues, prepare the annual budget of the Woreda, etc (ibid: **Article 85:1**).

The Administrative Council of Dire Enchini Woreda is composed of 16 main heads of executive of the Woreda and the Chief Administrator of the Woreda and Woreda Deputy Administrator.

These sectors include the Woreda Education, Health, Agriculture and Rural Development, Administration and Security, Women's Affair, Youth and Sport, Land Administration,

³*Focused Group Discussion with Fuga people at Buyama Dalfo on 6/02/2016*

⁴*Focused Group Discussion with Fuga people at Debele kebele on 9/02/2016*

Government Communication, Finance and Economic Development, Justice, Administration and Capacity Building Offices, Water and Energy office, Irrigation Office, Cooperative Office. Regarding the ethnic composition of the Woreda Administrative Council, as, the total administration council is from Oromo Dire Enchini Woreda and no any ethnic groups become the member.⁵

The Chief Administrator of the Woreda with the special executive OPDO committee of the woreda has the power to appoint members of the Woreda Administrative Council including the Deputy Administrator and get the approval of their appointment by the Woreda Council and Zonal administration. The Chief Administrator of Dire Enchini Woreda, in appointing members of the Woreda Administrative Council, takes into account the political competence of the individual in the party and his/her educational background. Other factors like ethnic origin of the individual are not considered in the appointment.⁶ As a result, there is no guaranteed representation of the Fuga minorities in Dire Enchini Woreda Administrative Council. Oromia National Regional State constitution, did say nothing about the representation of such minority nationalities in the executive. I have never heard and see any Fuga people who hold any Woreda office not only as leader but, also as expert service of the woreda. This is I think due to lack of educated Fuga people who fitted the requirement position for any work of the woreda administration services.

According to Ato Mulugeta Mulisa, the leader of the woreda Civil Service and Good governance,⁷ there is no other minority in the woreda administration as expert and office leader except a few Amhara ethnic group services as expert not as leader. He told me that the Fuga people is settled in the rural area and even if they settled in the town and educated it is impossible to hold office as leader due to they are inferior categories among the communities and they are not accepted by near people. He added that the situation of this people is very harsh they are neglected from the communities, no relation at all. Therefore, the Governments have obligations to develop legislation, policies and support services to remove barriers in the family

⁵Interviews with Dire Enchini Woreda Administration Office Ato, Dendene Jifara, January 10, 2016

⁶Interviews with Ato Delesa Dima, Head of Dire Enchini Woreda Administration, and January 10, 2016

⁷Interview with Ato Mulugeta Mulisa, the leader of the woreda Civil Service and Good governance December 23, 2015

and community that hinder Fuga people access to participate in aspects of the countries and they also should be struggle for their rights.⁸

As far as the solutions to the problem are concerned, my focused group discussion at Debele preferred the representation of the Fuga minorities in Dire Enchini Woreda Office and as they should be have own kebele and choose own ‘**Abbaa Gandaa**’ (kebele chief) for the sake of preserving self- rule. They also have information as governments are now tried to promote the culture of creativities of works through training at Technical and Vocational Education and they wanted to be participant on such issue and formally organized and well trained by the government and became government officials and committed for better improvement.⁹

4.8. Basis for Failure of Recognition minority Fuga

Marginalized minority in Ethiopia are hardly considered as a distinct ethnic group in the territory they share with the rest of the population. This is due to the federal system which considers language as the main tool for recognizing a particular ethnic group as distinct and these minorities, on the other hand, speak the same language as the population with whom they live (Freeman and Pankhurst, 2003; Pausewang and Zewde, 2003; Gebreselassie, 2003; Haile, 1996 and Dea, 2007).

Under chapter Two, we saw that ethnic, linguistic or religious groups have the right to existence and this existence should be recognized by the state within which they reside. Denial of such recognition implies denial of their existence and this is a clear violation of the international human rights. Therefore, the Fuga has a constitutional right to assert, develop and promote its own culture, religion, language and history as means of preserving its national identity. In other words, state acts at regional or federal, which take away this right is unconstitutional. The fact that the majority of the Fuga speak Afan Oromo should not be taken as a ground for denying them recognition and self-governance. Rather, it should be considered as a positive factor tying both the Oromo and the Fuga together while maintaining their distinctions. Under this subtitle, an attempt is made to assess the efficacy of the constitution to accommodate diversity and the reasons for the failure of recognition of the Fuga as ‘nation, nationality and people’ of the region and the country.

⁸Ibid

⁹*Focused Group Discussion with Fuga people supra note 4*

4.8.1. Inadequacy of the Law

The Federal Constitution did not give recognition as to all minority ethnic groups that existed at the time of its adoption in the country, nor did the first Regional Constitution of 1995 and the 2001 Revised Oromia Constitution give recognition to nationalities and peoples that existed in the region at the time of their adoption. Among such ethnic groups in the country and in the region are the Fugas. They have been denied their de jure existence while they have ever de facto existed in sparse ways. This does not mean that they do not have a right to recognition at the federal as ‘nation, nationalities and peoples’ as far as the group satisfies the requirements of article 39(5) but, the regional constitutions do not give recognition to any minority.

The Fuga people are the dominant minority in the Woreda as many participants of the Woreda told me. They are not counted as distinctive ethnic groups in some kebele or left without counting and they are counted as Oromo in other kebele in the Population and Housing Census in the region. One participant during 2007 Population and Housing Census, Ato Kefena Amena, expert in the Woreda Education now told me that the form we filed when counting haven’t shown Fuga minority as other minority of the region so that the issue of this communities are difficult and it needs solution from the government.¹⁰

These minority ethnic groups almost not have their defined territory as they are more of sparsely populated around rural borders of the region. The intention all nations shall have their own self government is not yet fully implemented in Dire Enchini for Fuga. Hence, it is difficult to make them included within the definition of ‘nations, nationalities and peoples of Ethiopia’ under Art.39 (5) of the FDRE Constitution. They could not succeed in claiming group specific rights laid down for nations, nationalities and peoples of Ethiopia. As a result of this, dispersed minority population in the regional governments is almost constitutionally unable to claim rights such as recognition as distinct ethnic people by establishing their own territorial province, region or separate local government and guaranteed seat in both tiers of government. The Fuga people despite their continued desire for recognition, self-administration and free from social disgrace, they couldn’t be successful to date.

¹⁰*Interviews with Ato Kefena Amena, expert in the Woreda Education, December 13, 2015*

4.8.2 Practical Problems for recognition

The existence of good laws by itself does not guarantee, and is not adequate for, the enforcement of the rights limited therein. In addition to the legal framework, there shall be government officials tending to act in accordance with it particularly and an open society conducive to tolerate differences in general. Therefore, under this subsection, an attempt is made to assess the possible practical problems in the recognition of Fuga minority in the Woreda, apart from gaps in the law. As my observations these people are not allowed to own any productive assets such as land; they do not participate in politics even in local assemblies, and they are not allowed to take part in any social events, are prohibited from entering farmers' houses, have separate seating at weddings and funerals, are restricted from joining associations and have separate burial places.

4.8.2.1 Lack of Political Willingness for recognition

Though the FDRE constitution in certain extents tried to say something about rights of dominant minority by allowing 20 seats (see article 54:3) in representation, it can be argued that it would be unacceptable for the Oromia regional state Constitution to encourage, give recognition, representation and self-determination to the minority as whole and marginalized Fuga caste groups in particularly. The Fuga, since the adoption of the constitutions, there have been efforts to assert and claim their rights of recognition and self-administration as kebele. Such efforts were, however, most often, hindered due to lack of support by the local governments. The local governments releasing propaganda that, Fuga are low social status they do not have distinct characteristics that differentiate from other and they can live with Oromo farmers. The media which play key role in the promotion of the cultures and history of minorities did nothing in relation to the Fuga's culture, history and language.¹¹

To the knowledge of the writer, the Fuga did not play significant contribution and role in favor of the ruling party. They are being marginalized ethnic groups in the region or in all Kebele of Dire Enchini Woreda. The kebele leader of Bilo Abayi said that the Fuga minorities are different in every way from the rest of the population in that they violate food custom prohibited or restricted by social custom, such as eating dead animals and insects, and have no self-respect and wisdom.¹² They rarely own a house rather most of them settled on the garden of majority by

¹¹*Interview with Ato Wegwne Gebre leader of protestant church at Dire Enchini, January 12, 2016*

¹²*Interview with Ato Adena Debele, leader of Bilo Abayi Kebele 10 January, 2016*

constructing small houses which is different from the house of the majority. Hence, he continued, as everyone in the group move up and down their heads, ‘how can we think of encourage them to recognize as self-rule and shared rule or bringing their children to school when they have so much to change?’¹³

4.8.2.2 Lack of social acceptance of the minority Fuga by majority

All family members are involved in pottery production in order to maximize the income they get from the sales. The job is physical demanding and labor intensive. We need to buy a lot of food; we have to eat to get the strength and power to produce as many pots as possible. Different derogatory terms like “Fugiti” and “Fugicho” were used for the Fuga and some other ethnic groups to designate them as back ward until this period. The Fuga can be distinguished by their language, as well as their distinctive culture which differentiate them from among others.

Until this day the Fuga are remain rural and marginalized, with little access to schools. Concerning to why they are not recognized one kebele leader of Bilo Abayi ¹⁴ told me that "We do not hate the outcasts, but they are ashamed and afraid of us. We are not afraid of them. They are inferior: they seat always near the animals if they are allowed to enter the Oromo farmer’s house. Even if some of them are educated and rich, we cannot be eat with them and share our meals with them. We want to be friends with them, but they run away. They always build their houses apart from other people, either because they are distinctive, or because they are always be different. They do not have a social life; they do not know the rules of conversation, they are impolite, they are not gentlemen, and they lie all the time. They cannot keep secrets and do not keep their word, and they are always subservient to Oromo farmers.They eat everything: dead animals, fish, and birds. What we give to the dogs we give to the outcasts because there is no decayed food which can make unhappy a Fuga."

They are denied the basic fundamental rights to the ownership lands owning, keeping domestic animals, to education and to some economic activities that have been reserved to members of the dominant groups. Traditionally, the Fuga are marginalized; they are allowed only in-group marriage and are not supposed to own cattle and farmland, and they settle in peripheral areas, such as near riverbanks or at the periphery of villages.

¹³*Focused group discussion with Parent Teacher Association in Bilo Abayi Kebele, ibid no.12*

¹⁴*ibid, 12*

They have attributes of negative stereotypes attached to them from different social economic and political factors. During my field observation in a kebele where they are found, they face similar situation. Their houses are described as small and very weak. They are considered to be polluting and unclean by dominant farmers in the area as result of the “impure” meat that they are said to eat. The meat can be either by hunted wild animals or farm animals that have died without being slaughtered. A negative foundation for relationship has been built long time ago, very strong and resistance to change. In Bola Roge one Fuga informant Ato Etaha Temasgen, responses question asked as why Fuga people lack the right of recognition as nation, nationalities and people of Ethiopia. He said that “we are craft workers and producing different furniture, clay and carpenter product in which Ethiopian societies are used at most”. Pottery in which we produced is fundamental for carrying water and making food, chair, table and bed are used by peoples for sit and slip. Though we are specialized workers produced such items but, we are excluded from the mainstream society even if we have such vocation.¹⁵

The Fuga minority told the following issue on recognitions of them. We are held in low regard and could simply not own land or hold political functions. We pay tax from what we produced as other farmers to local government without getting any social services. We live in near forest with no clean water, health care, electricity and other service. We do not have educated people who stand for us and we don't have power at any level of government to talk about us. According to these groups social economic, cultural and political problem they faced became accountable for lack of Fuga recognitions.¹⁶ Based on my personal observation the Fuga people can fulfill most of the general requirements of ethnic recognition listed on the FDRE constitution such as Contiguousness, Language and others (see article 39:5) but, lack recognitions. The Fuga live in areas almost uniformly populated by them with the exception of the kebele of Bola Roge in which case the Fuga reside with other ethnic groups. Here some Fuga have assets such as land only for settlement not for farming, very small cattle not more than two in number but, their cattle's are not mixed and eat with the cattle's of dominant groups.

¹⁵Interview with Ato Etaha Temasgen, elder of Fuga who painful for their identities in Bola Roge 04 February, 2016.

¹⁶Focused group discussions with Fuga ibid number 13

5. Autonomy or self-rule for the Fuga

The Fuga enthusiastically demanded for self-rule and shard rule at local level rather than calling to achieve the right to self-determination up to succession listed on FDRE Constitution. By the very legal fact, 'self-rule' also extends to territory autonomy including resources available in the area, and redistribution of national resources, for example in the form of state budget that would be allocated to the new administrative structure. The Fuga as 'nation, nationality, or people' or in short, as a minority, should have a right of self –rule(see article 39 (3)).The basis of autonomy is that it gives the group to administer itself within its contiguous and is better appropriate to the promotion and protection of its peculiar cultures, language, religion, and history in line with its aspirations and desires. If the group should be entitled to self-administer the appropriate level must be taking into consideration is the size of the population, the availability of resources and others affecting the viability of the autonomy.

But in the case of Fuga these factors are not the main problem issue rather they are forgotten people not to be considered as groups both by government and by dominant communities. Based on the FDRE Constitution article 39(3) and the practical minority's accommodations system in Oromia, a right to establish self-administration institutions within their territory is not allowed for Fuga. Even if Oromia region do not give any recognition to all minority in the region, not all minority in oromia seen equally. As I tried to explain in chapter one the Amhara ethnic groups have more chance than other minority in Oromia so this may be because of previous dominance of Amhara peoples. Even though, no self-administration is given constitutionally to Amhara people, there is a proclamation (see Proc. No.116/2006) that encourage minority in the first and second grade city in Oromia.

The Fuga marginalized minority however, lives in the rural area so, not benefited from this proclamation. The question is asked as they have the right to self- rule on Focused group discussion held at Buyema Dalfo one informant Fuga house hold Ato Wakuma Korje, reflected emotionally that until now we live in dark situation we out from our home at dawn not to thief something but to work in the forest and return back after sunset.¹⁷ We give high value to work and respect our work though other discourages us and have negative attitude toward our craft work. Other also added that the question you asked us is good however we are segregated people

¹⁷*Informant Ato Wakuma Korje, at Buyema Dalfo 06 February 2016*

by the communities, not participated on the community's activities such as on kebele meetings, not allowed to us to sit with the Oromo dominant and participate on the matter of the kebele. Therefore, he told me that until now a day's no any Fuga elected as "Abbaa Gandaa" or kebele leader or no Fuga self-administer at local level.¹⁸ As solution to this problem they said that we don't know the government and the government also doesn't know about us so we wanted self-rule as other ethnic group, recognition, and respect. The government should hear us, and the communities are also must be tolerate for our distinctness's.

Based on the above feeling respondents were asked whether they support the establishment of self-administration by the Fuga and thereby develop and promote its identity, culture, history and language. Almost all of them positively responded that we are happy if we get such chance and also wanted to improve our generation in the future.¹⁹ Of course, taking into consideration the provisions of the federal and the practical not legal accommodation of minority at Oromia regional constitution, there is no question in the importance of the establishment of local self-government by a distinct group in order to protect and promote its unique identities.

6. The Right to Develop and Promote Own Culture

Ethiopia has been the museum of many cultural groups. In whole regional states there are so many ethnic groups in which have own distinct culture. Among them the Fuga which have lived in Oromia regional states of Dire Enchini Woreda is one. The Fuga people like the dominant society among whom they have lived are hierarchically organized society. For serious social and political purpose like marriage and leadership their decent is counted through male lineage.

According to the parallel report submitted by the Ethiopian Human Right Council to the CERD Committee, the Constitutions of the Regional States provide for the promotion and advancement of the cultures of the dominant ethnic group only. Cultures of minority groups and inter-ethnic cultural values are not given due recognition and no enabling environment for their advancement and preservation has been provided for (Parallel Reports Submitted to the Committee on Racial Discrimination, By the Ethiopian Human Rights Council, Ethiopia, August, 2009 Available at http://www2.ohchr.org/english/bodies/cerd/docs/ngos/EHRC_Ethiopia_CERD75.doc. (Taken from Honelign Hailu Accessed on 20 March, 2010). Minority cultures need affirmative support

¹⁸Informant, Ato Wakuma Korje, Super note number 17

¹⁹Focused group discussions with Fuga supra note 16

because of unequal circumstances that define their relationship with dominant cultures. Minority cultures are weak to the decision of the majority around them (Adeno Addis, 1991:263). The Fuga minorities in Dire Enchini Woreda, as minorities, need such affirmative measures by the Woreda Administration in general and the Woreda Culture and Tourism office in particular.

The fuga people of Dire Echini wreda have their own distinctive culture that differentiates them from the majority Oromos of the Woreda. The Fuga have a number of cultural practices celebrated in different circumstances and in different seasons. Among these cultural practices some of them include Mohata ceremonies, Traditional Music in Workplaces, Funeral ceremonies and others. Mohata is ceremony that is conducted during the members of Fuga died or well-known Fuga people became faced serious sick. The ceremonies are reflected through holding green grass and leaf of tree and by showing sounds that indicate sadness for the problem. The Fuga people need these and their other cultures to be respected, maintained and transferred to their off springs. This requires non-interference from the state and other parties. In some cases the people may also require some positive actions of the state so that they can effectively develop and express their cultures.²⁰The participants of the study were asked questions related with whether there are interferences in their right to express their culture. They answered this question in the affirmative.

The interferences can be categorized into two. They could be direct or indirect. The direct interference is the one coming from the Kebele administrators who disrupt and forbid the celebration of certain cultures of the Fuga minorities of Dire Enchini Woreda like ‘Mohata ceremonies’ by saying that it is in **AfanOromo ‘Aadaa Bada’ or which means bad culture.** Most of the participant at discussion argued that consider this form of interference as one of the interferences by the state in the right to express their culture. One of the indirect interference to the right to develop and promote culture of the Fuga minorities is endorsed to the teachings of the priests of the Orthodox Church and leader or pastors of protestant church which criticized certain cultural practices of the Fuga like ‘Mohata’, as ‘ritual of Qalu and told them to give up.²¹According to the participants because of the direct intervention of the Kebele leaders, the participation of the Fuga community in certain cultural celebration like ‘Mohata’ is in decline. Due to the teachings of the Orthodox Church and the protestant church, the Fuga children have

²⁰*Interview with Ato Wegwne Gebre ibid number 11*

²¹*ibid*

developed negative sentiment and lack of concern to the Fuga culture. This situation, as they believe, will in the future result in the death of the Fuga culture and assimilation in to the culture of the majority Oromo.²²

The participants of the study were also asked at Bilo Abayi whether there are some positive measures and supports on the part of the Woreda government in general and the Woreda Culture and Tourism Office in particular that are intended to enhance the development and expression of the culture of the Fuga minorities of Dire Enchini Woreda. All the participants said no. They also added that we live far from the woreda administration not only in distance but as in their interest to support us as ethnic groups.²³ Ato Shelema Achalu, Cultural Heritage and Tourism Development expert of Dire Enchini Woreda Culture and Tourism Office also declare this claim and said their office did nothing towards the development and promotion of the Fuga culture. He cites lack of Fuga people being accepted or recognition at kebele or woreda at most, lack of qualified manpower in the area of culture and tourism, lack of electronic materials used for recording cultural events and little attention given by the Woreda government to the Office of Culture and Tourism as the reasons hindering them to take some positive measures and organize events intended to help the Fuga minorities of Dire Enchini Woreda to preserve, develop, express and promote their culture.²⁴

According to Ato Shelema the failure to take positive measures, supports and unavailability of occasions aimed at developing and promoting the Fuga culture by the Woreda Culture and Tourism Office is considered by the Fuga minorities as disrespect to the Fuga culture. Concerning the solutions to the problems related with the direct interferences in the cultural practices of the Fuga people, the participants suggested the involvement of the Woreda government through teaching and controlling the Kebele leaders so that the later will not disrupt the cultural celebrations of the Fuga community. According to the participants, the Woreda government should take measures of preventing the threats caused by the Kebele leaders and create favorable atmosphere to the celebration of their cultural practices conducted outside and in

²²*Focused group discussions with Fuga informant at Bilo Abayi, 08 February 2016*

²³*ibid*

²⁴*Interview with Ato Shelema Achalu, Cultural Heritage and Tourism Development expert of Dire Enchini Woreda 12 February 2016*

mass like ‘Mohata’. They believe that if not the Woreda government fulfill this activity they are in dilemma to express their culture.²⁵

Regarding the indirect interferences in the culture of the Fuga minorities from the protestant and the Orthodox Church, the participants once again called upon the Woreda government to let such institutions stop their negative teachings concerning the Fuga culture that creates a sense of hatred and unconcern on the part of the Fuga children who are supposed to ensure the continuation of the Oromo culture in the future. Of course, if the Fuga children do not properly know the culture of the Fuga people and to the contrary thought about the negative sides of this culture, they will not have the motivation to sustain their culture and the death of the Fuga culture will be inevitable.

Besides ensure non-interference in the exercise of the culture of the Fuga minorities of Dire Enchini woreda, the participants of the study believe that the Woreda government, particularly the Woreda Culture and Tourism office is required to take some positive measures aimed at developing and promoting the Fuga culture. According to the participants such measures include organizing occasions that are helpful to operate the development and promotion of the Fuga culture at the Woreda level and attending and recording the cultural rituals of the Fugas. In the discussion with the elders of the Fuga people, such elders believe that if properly undertake, these measures will help them to significantly exercise their constitutional right to express, develop and promote culture.

7. The Right of Access to services; education and Educating in Mother Tongue

Ethiopia, signed international agreements, including the Human Rights Declaration of 1948, and its article 26 which stipulates education as a legal right (UN, 1948). This means that the government is responsible for ensuring the right to education of every child without preconditions.

The Education and Training Policy of the country, formulated in 1994, aims to ensure that all school-aged children, particularly those in rural area and specifically girls, get access to quality primary education. To realize this, government abolished school fees in primary education (grade 1-10) in 1994. The policy acknowledges that one of the chronic problems of the education

²⁵*ibid*: 21

system in the country is inequality in access to education (MoE, 2002). One of the primary aims of introducing free primary education is to bring those school-aged children to school that would otherwise be out of school for mere lack of money. Massive construction of schools has taken place in rural areas, as part of a campaign to provide access to the rural population. In the discussion with Fuga parents at Buyama Dalfo kebele, they described that, due to the fact that they had been left as they are for many years, they could not do anything now.

During discussion concerning to education one Fuga elder Ato Terefe Birhanu told me that we continued without change while other people improves themselves, i.e. Oromo farmers, did change for better, they are sending their children to school because they are close to the kebele leaders' or 'another government bodies' and the government hears them. Everything is being done for them, but what do we have? Nothing! So here we are, for centuries.²⁶ I also raise question to this group whether the parents would send their children to school if they receive financial help? The interview and focus group discussion revealed that almost all potter parents did not want their children focus on education, instead they advised and taught the skill to pass on their legacy [the skill we as parents received from own grandparents].

According to one parent house hold Ato Temasgen Chiskamo our economic problems would not be alleviated by giving us financial help because that would not be enough. We might not send our children to school even if we receive that. First, you have to look at our way of life. What do we have? We are not treated as humans here! We have no equal right with others. Second, what is the future of my child after graduating? As far as I know, I have not seen anyone from our group assuming government office or being appointed by the government.²⁷ In Bola Roge Kebele discussion got heated when a question was raised about what universal primary education means in this area or as was written on the school gate or by Afan Oromo language” **barumsa qulquulina qabu hundaaf**” which means quality education for all. They told me that door-to-door awareness creation for the farmers in the community was made regarding government plans as well as the importance of education for their children. But, we are forgotten people that struggle to live our own way of life. No one cares about us. We do not even have a legal place to collect firewood and clay soil which are our main inputs for our job.

²⁶*Informants, Fuga house hold Ato Terefe Birhanu, at Buyama Dalfo kebele, 20 February 2016*

²⁷*Informants, Ato Temasgen Chiskamo, 11 January, 2016*

We know how far our children have to walk to get them. No one allows us to dig the soil. Even we bought clay by high price from farmers. Education is something a respected family would want, but we are not.²⁸The only income generating means for us is making and selling pots in the market. All family members are involved in pottery production in order to maximize the income we get from the sales. The job is physically demanding and labour intensive. We need to buy a lot of food; we have to eat to get the strength and power to produce as many types of clay as possible.²⁹

For that, we buy food and other necessities at a high price. We generate far less income than what we spend. After shopping, we often have no money to save. So we do not have money to send our children to school at least for their clothes and education facilities. Our work requires extensive labour, starting from bringing inputs, such as clay soil, and firewood from far away, to taking products to the market. Our children are our backbone. They do the work with us so that we can make enough money every market day.³⁰

As I interviewed with Fuga Children they express an economic factors in addition to the above constrains.

Aged 16 and grade 6 student expressed that; I am first daughter to my parent; they have seven children next to me. My parent can not cover our cost school learning materials. So, sometimes, I make pots by myself and take them to the market for sale with my mother. From the money, I buy clothes and school materials; and give some money to my family. To do this, sometimes I miss class. Even I repeated in grade 5 last year³¹

Similarly A grade 5 student said that; Our family is large, my parent's income so small that could not afford to meet our needs related school and feeding. Because of this reason, I was drop out the school for three years and work pots with other persons³²

Concerning their saving abilities and educating their children (Parent Teacher Association) PTAs stated different view. They make money and they spend all in one night, they do not consider

²⁸*Focused Group Discussion at Bola Roge 28February 2016*

²⁹*ibid:26*

³⁰*ibid*

³¹*Interview with grade 6 Fuga student at Buyama Dalfo, 23 January 2016*

³²*Interview with grade 5ibid: 31*

that there is a tomorrow. It is they who always get drunken local alcohol. Look at other people [Oromo farmers] they seldom do like that. Look at potters' homes; we [Oromo farmers] do not even let our cattle live like that. They sleep on plant leaf and grass. And they know they will get money again tomorrow, because they alone have that skill which no one else can take over.³³

According to interview with one Oromo elder famous at local level, Ato Dures Megersa, stated that the causes for the children's of Fuga exclusion from education appear to be related to both economic and cultural disadvantages of their parents. It means the groups are deeply excluded from main economic activities in the area. This can be seen in two ways: First, the group is denied owning productive assets, such as land which is the main livelihood household asset for engaging in farming.³⁴ Second, the group is confined to a poorly paid and undesirable form of work which is considered to be impure. Even they did not have any place where digging clay soil rather they bought it by high price from Oromo farmers and sold their products by low price. So, he concluded that their inability to afford to send their children to school is partly because of this economic disadvantage. He also added that they lack both the recognition by and representation in the community at large and the local authority. This lack of recognition and representation is seen in the fact that the Fuga minority parents have not been included in the awareness-raising movement in their localities. It also appears from the fact that they are not represented at any local positions. This is because of their cultural disadvantage which is related to the norms that affect both parents and children. As Ato Dures described, they are still considered as impure and failed to recognize and criticized by the dominant group as low social status interview with Oromo farmers, Ato Dureso Megersa.³⁵ As my personal observation the Fuga have own language which was once widely spoken in rural area of Dire Echini woreda. Currently, although it is threatened to be extinct, it has speakers as mother and second tongue. The name of language according to the woreda communities called it is 'Afan Fuga'.

Since the Fuga children speak Afan Oromo language fluently no as such difficult to learn in Afan Oromo language. But, they did not be exercise the right to learn in own mother tongue language.

Currently, although it is threatened to be extinct, it has speakers as mother and second tongues. Wegene spoke the following:

³³*Focused group discussions with Parent Teacher Association super note 13*

³⁴*Interview with Ato Dures Megersa, Oromo elder famous at woreda, 02 February 2016*

³⁵*ibid:34*

As far as identity among the Fuga is concerned, language is not necessarily a defining factor. The best example for this is those who claimed a Fuga identity without speaking the “**Afaan Fugaa**” (Fuga language). These people say, ‘Afaan Fugaa’ is my language but I do not speak it and yet I am a Fuga. Though the language is near to extinct, it has not led to a loss of the ethnic identity of the Fuga. In Dire Enchini Woreda, the Fuga has spoken own unique language at their house in most and sometimes use their language in outside their home only when they speak secret issue as if they want other people not hear them. The Fuga representative, who are very painful for them, Ato Wegene told me that they have own unique language.³⁶ However, according to Ato Debebe Edosa the Fuga communities are not having own unique language rather they may speak the language of other people from they came. He argued that the Fuga people do not have own language rather they may speak one of the language of southern regional state such as Hadiya, kambata, Gurage or other. They do not have own sole alphabet to write by their language.³⁷

But, their language is different from Afan Oromo in which have been spoken in Dire Enchini woreda by majority (interview with preparatory school teacher and director Ato Debebe Edosa, who study his MA thesis on Linguistic in Ethiopia.³⁸

Concerning the solutions to the above problems I interviewed different government officials and the Fuga marginalized minority groups they forwarded different perspectives. According to the woreda educational expert Ato Gudisa Sobksa, all the Fuga community need to learn from farmers the importance of education to solve their own problems. For instance, we expect the Fuga may improve their situation of school by raising money through collaboration. They should be motivated for their right to education and the local governments also encourage them as they educate their children. Issues like that are left to the community. The woreda governments also need to look for NGOs who will sponsor those out-of-school children in that area. We can go to the grass-roots level to examine every problem. In addition to this he also told me that we do not treat them separately; we forgot them for that matter. I admit that they are extremely isolated from the education system.

No other group has ever been disadvantaged more than they are. It requires extensive work and it is of course beyond our capacity to do that. We can do our best but it needs community

³⁶Interviews with Ato Wegene Gerbe, *ibid*:20

³⁷Interviews with Ato Debebe Edosa, high school Teacher 12 January, 2016

³⁸*ibid*:37

mobilization, changing the societal mindset. The expert indicated that changing the mindset of both the larger community and those who are marginalized would require massive work. He added that the profiles of the children from the communities under each kebele were presented. When it came to minorities, the official paused and said that he did not know anything about them.³⁹

Concerning to this problem, I made interview with Ato Degefa Muleta, the leader of west Shawa Zone education. He thought that what we have to do and we are doing right now is announcing to the regional and Federal government as such minority is under very serious constrain and designing policies which are bringing equal opportunity to all children irrespective of their background. I heard as such problem have been existed in this West Shewa Zone especially in remote rural area but, in town like Ambo no as such problems of minority because it is being accommodated. If you see in this city the Amhara minority learn in won languages as majority Oromo, their school is financed by government. In almost all first and second grade cities of Oromia there is Amharic speaking schools which are financed by the regional government.⁴⁰ As described in chapter one Amharic being considered as a federal language has certain share in Oromia Radio and TV and primary education is also offered in Amharic in some City of Oromia region. This indicates that in Oromia the practice by far extends better protection to Amhara ethnic minority groups. Those minority ethnic groups which limited in the rural area do not have any chance to use their language in Oromia Radio and TV and primary education. In Dire Enchini Woreda where I conduct my study, there are no any services offered by other language rather than Afan Oromo language

In this Zone, ethnic groups other than Oromo and Amhara, marginalized minority like Fuga caste have no chance to teach their children by their mother tongue language. Because of insignificant number of those ethnic groups and economic constraints it is difficult to establish primary education by the mother tongue of every dispersed ethnic minority groups. In the future we are going to study hard to solve the problem of minority like Fuga. The situation at most needs the

³⁹ Interview with Ato Gudisa Sobks woreda educational expert, 23/01/2015

⁴⁰ Interview with Ato Degefa Muleta, the leader of west Shawa education 24 February 2016

commitments of these minority groups to stand and struggle for their right provided by the constitution.⁴¹

Discrimination against Fuga caste minority toward education prevails at regional and local levels. In Dire Enchini Woreda there are 30 formal primary level schools, one high school and one preparatory school. Among the 30 formal primary level schools 14 are primary full cycle (1-8) schools while the remaining 16 are first cycle primary schools (1-4). The education coverage of the Woreda is more than 90%. The medium of instruction in all these schools except Enchini High School and Preparatory School is Afan Oroma. This is true in all schools of the Woreda where highly dominated by the Fuga⁴²

⁴¹*Interview with Ato Degefa Muleta, ibid:40*

⁴²*Interview with Ato Eticha Merge, Head of Dire Enchini Woreda Education Office, 06 January 2016*

List of Informants

Name	Position/occupations	Place of interview	Date of interview	Remarks
Ato Dejene Adudna	House of speaker	Enchini 01	<i>4, February 2016.</i>	
Dendene Jifara,	Administration Office leader of the Woreda	Enchini 01	<i>January 10, 2016</i>	
Ato Delesa Dima,	Leader of Woreda Administration	Enchini 01	<i>January 10, 2016</i>	
Ato Mulugeta Mulisa	Leader of the woreda Civil Service and Good governance	Enchini 01	<i>December 23, 2015</i>	
Ato Kefena Amena	Expert in the Woreda Education	Enchini 01	<i>December 13, 2015</i>	
Ato Wegwne Gebre	Leader of protestant church	Enchini 01	<i>January 12, 2016</i>	
Ato Adena Debele	Leader of Bilo Abayi Kebele	Abayi	<i>10 January, 2016</i>	
Ato Etaha Temasgen	Elder of Fuga	<i>Bola Roge</i>	<i>04 February, 2016</i>	
Ato Wakuma Korje	Fuga craft man	<i>Buyema Dalfo</i>	<i>06 February 2016</i>	

Ato Shelema Achalu	Cultural Heritage and Tourism Development expert	Enchini 01	<i>12 February 2016</i>	
Ato Terefe Birhanu,	Fuga craft man	Buyama Dalfo kebele	<i>20 February 2016</i>	
Ato Temasgen Chiskamo	Fuga craft man	Buyama Dalfo kebele	<i>11 January, 2016</i>	
Ato Dures Megersa,	Oromo elder	Buyama Dalfo kebele	<i>02 February 2016</i>	
Ato Wegene Gerbe	Leaders of protestant church	Enchini 01	<i>11 January, 2016</i>	
Ato Debebe Edosa	High school Teacher	Enchini 01	<i>12 January, 2016</i>	
Ato Gudisa Sobks	Woreda educational expert	Enchini 01	<i>23/01/2015</i>	
Ato Degefa Muleta	Leaders of west Shawe education	Ambo	<i>24 February 2016</i>	
Ato Eticha Merge	Head of Dire Enchni Woreda Education Office	Enchini 01	<i>06 January 2016</i>	

Table 1 lists of interview informants



Figure 4 Focused Group Discussions with Fugas at Buyama Dalfo

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

A) Conclusion

The study was concerned with Marginalized Fuga Minority in Dire Enchini Woreda and specifically on issue of representation of the Fuga marginalized minorities in Dire Enchini Woreda Council and Administrative Council, basis for failure of recognition minority Fuga, autonomy of the Fuga, the right to promote and develop culture and the right access to education.

The FDRE Constitution has recognized constitutionally only the Afar, Amhara, Harare Peoples, Oromo, Somali, Tigre, the Gambela Peoples, Benishangul-Gumuz and Southern Nations, Nationalities and Peoples by establishing their own state. However, other ethnic groups within them though expected to fulfill the definitional requirements of nation, nationality or peoples refused their recognition. Denial of recognition implies denial of their existence and this is a clear violation of the international human rights. The FDRE Constitution has made two classes of ethnic groups: the constitutionally recognized and the non-constitutionally recognized. The FDRE Constitution excludes dispersed ethnic groups from being beneficiaries of the rights of “nations, nationalities and peoples of Ethiopia” reserved in the constitution. Due to the fact that there is no ethnic group that meet the territorial requirement enshrined under Art.39 (5) of FDRE Constitution certain regions in the federation of Ethiopia treat themselves as they belong to homogenous. Of course, if ethnic groups are deprived of the right to exercise sovereign power at the regional and local levels, the intended sovereignty of nations, nationalities and peoples of Ethiopia could not be fully exercised and meaningful at national level.

Despite the main concern of Art.27 of ICCPR to guarantee universal respect for individual human rights, there is a strong argument that minority groups at any level of government are entitled to exercise those rights preserved under this provision as most of them are exercisable by groups. Although Article 25 of the FDRE Constitution has greater importance to prohibit exclusion on the basis of ethnicity, religion, race, language, culture and other contingencies,

its contribution to group specific rights of dispersed ethnic minority groups is not satisfactory (Tokuma Daba,2010:103).

The Oromia Constitution did not give any legal recognition for groups as distinct. In Oromia entire, not only at Dire Enchini Woreda, ethnic minority groups no entitled as a group guaranteed representation and recognition at any level of the administration. There is unquestionable fact that all ethnic minority groups in Oromia are not treated similar since members of Amhara ethnic groups are relatively more privileged than others. The Amhara people have been practically enjoying some minority rights which are not stated in the regional constitution. The member of Amhara peoples are access to education in their language and access to media in Oromia TV and Radio. Unlike the constitution, the party regulation, Proc.No.116/2006 and the practice allow the existence of ethnic diversity in Oromia. In the first and second grade cities, the Oromia government is forced to accept the existence of ethnic groups which deserves to be represented in City Council.

The Fuga marginalized caste minorities in Dire Enchini Woreda do not have a representation in the Woreda Council and in the Administrative bodies. This makes them unable to effectively influence decisions passed in the Council, particularly those pertaining to their interests. This absence of representation of the Fuga minorities in the Woreda Council also made the voice of the Fuga people remain unheard in the Council and they are not benefited from the woreda's resources as other members of the woreda. According to my personal observation the council is homogenous from the majority of Oromo Dire Enchini and I have never heard and seen any Fuga people who hold any Woreda office not only as leader but, also as expert service of the woreda. As Ato Delesa Dima, Head of Dire Enchini Woreda Administration, the party (OPDO) in appointing members of the Woreda Administrative Council, takes into account the political competence of the individual in the party and his/her educational background. Other factors like ethnic origin of the individual are not considered in the appointment.

These groups do not as well benefit from Art.54(3) of the FDRE Constitution which guarantee reserved seats in the HPR as it is minority nationalities /peoples that are entitled to guaranteed seat up on determination of the HoF. There is no provision that guarantees special representation of marginalized ethnic groups at regional level. As a result of this, the Fugaminorities' population

in the regional governments is almost constitutionally unable to claim rights such as self-governance, recognition and representation by establishing their own territorial province at local government. As my studies there are different factor for lack of recognition of the Fuga as distinct groups. These factors are inadequacy of the Law, they are low social status among communities, lack of political willingness of the region at any level of the governments, and practically the Fuga are not encouraged even as other minority in Oromia. The Fuga are not permitted to be involved in widespread social institutions like idir- local funeral associations and equb- local money saving association.

In terms of the economy, the 1974 land reform established justifiable equality regarding access to land and thus, the Fugas have had land. But, now as many Fuga informants told me after the establishment of federalism in Ethiopia, We lost the right to have land because our land was taken away from us by Oromo farmers. The Fuga as ‘nation, nationality, or people’ or in short, as a minority, should have the right to self- rule based on the FDRE Constitution article 39(3). However, the Fuga marginalized minority lives in the rural area not benefited from this Constitution.

According to the parallel report submitted by the Ethiopian Human Right Council to the CERD Committee, the Constitutions of the Regional States provide for the promotion and advancement of the cultures of the dominant ethnic group only. The Fuga people of Dire Echini wreda have their own distinctive culture that differentiates them from the majority Oromos of the Woreda. Therefore, the acts of disrupting and forbidding some cultural practices of the Fuga such as ‘Mohata’ by the Kebele and religious leaders are a violation of the duty to respect as provided under Article 13(1) of the FDRE Constitution. Furthermore, the Woreda administration is also in violation of its duty to enforce Article 13(1) because of its failure to take appropriate measures to prevent the culture of the Fuga minorities from the criticisms and blame of Church. Ethiopia signed article 26 of UN which stipulates education as a legal right for every child without preconditions.

The Fuga people lost the right to education because no Fuga child effectively participated in education rather they enter school at the beginning when school is opened and dropouts because of social operation from dominant groups. During discussion concerning to education the Fuga

informants told me that we continued without change while Oromo farmers, did change for better, they are sending their children to school because they are close to the kebele leaders' or 'another government bodies' and the government hears them. As my informants door-to-door awareness creation for the farmers in the community was made regarding government plans as well as the importance of education for their children. But, we are forgotten people that struggle to live our own way of life. We repeatedly asked the local government and the woreda government they now our problem but, they did not deliver any solution to us. No one cares about us. The Fuga have own language which is widely spoken in rural area of Dire Echini woreda although it is threatened to be extinct.

B) Recommendations

Based on the research findings, the following recommendations have been made.

1. The Oromia Regional State not to treat Woredas that are fully dominated by the Oromos in the same manner as those Woredas like Dire Enchini where a significant number of minorities live. The latter should be treated differently and the regional state should take appropriate measures to this effect. These measures among other things include enacting legislations or taking practical steps intended to ensure representation of minority as region or Fuga minorities in the Woreda Council and Administrative Council. Applying the revised Oromia constitution of 2001 which say any resident of the region, who is capable of understanding the working language of the region(Art, 33), can be the member of Woreda Council or Kebele Council. Proclamation No 116/2006 gives a hint that at first and second grade City Councils there is an opportunity for non-Oromo minority groups to get representation. The proclamation gives better opportunity for non-Oromo as it at least recognizes the existence of other ethnic groups which have the right to participate in political representation. However, this should be done for other minority like Fuga people, which is living in the rural area of Dire Enchini. Therefore, the Fuga people of Dire Enchini Woreda should have representation that enables them to have effective say in the affairs of the Woreda and deciding on their own fate by themselves.
2. As article 27 of International Covenant on the Civil and Political Rights, which is interpreted as including affirmative action, the provisions of Constitution should be

interpreted in line with such international document. In this regard, the Federal Government should assist such ethnic groups in their efforts in using their right of self-determination as enshrined under article 39. Since the practice in the regional state of Oromia especially, at first and second grade cities recognizes the existence of internal ethnic minorities, it needs to get constitutional base and serve for all minorities like Fugas. It would be better if a person who knows the culture and language of the Fuga marginalized minorities is assigned even as experts in the Office of the Woreda Culture and Tourism Office. This is because a person holding this position will have an important role in the preservation of the culture of the Fuga minorities and can also easily communicate with the community and facilitate the development of their culture. Negative interference against Cultures of Fugas from church and local governments should be prohibited

3. In order to alleviate the issues that hinder minority to enjoy school at local level in general and Fuga Students in particularly, the government could consider a number of measures at the local level. First, the government could introduce reforms which favor minorities and improve the disadvantages that have persisted for a long time. Second, continuous education and awareness raising program toward combating discriminatory attitudes toward Fuga students should be given to teachers, students as well as the community through conferences and public meeting including Idir.

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Appendix 1

Addis Ababa University
School of Graduate Studies
Department Of Federalism

Focus Group Discussion and Interview guide

Dear respondents, I am a Second Year Student of the Graduate Program of Addis Ababa University Faculty of law and Governance in the Federal studies. By now, I am doing my Thesis on the Title “Minority in Ethiopian Federalism: the case of Marginalized Fuga Minority in Dire Enchini Woreda”. The purpose of this FGD is to collect data intended to serve as an input to the research on the above named title. Therefore, I kindly request you to provide your proper answers by providing your detail responses to those open ended questions at the case may be.

Thank you!

Focus Group Discussion Guide with Fuga minority Group

A). on issue of did the Fuga marginalized minorities have representation in the Woreda Council and Administrative Councils?

1. What representation to Dire Enchini woreda council and administration looks like?
2. Why Fuga minority haven't representatives in Dire Enchini Woreda Council and Administrative Council?
3. What impact does it have on the Fuga people?
4. What do you think the importance of effective representation of the Fuga people in the Woreda Council and Administrative Council?

B). Do you think that either the Regional Government or Woreda has made any effort with view to Fuga ethnicity to be recognized and respected?

1. What ground factor leads the faller of to get Fuga recognition as Nation, nationalities and people of Ethiopia?
2. What are the impacts of Inadequacy of the Laws on minority in Oromia region have on recognition of the Fuga as distinct people?

3. Why practical recognition (not by law) given to some ethnic group is not applicable for Fuga people?

4. What is the importance of political willingness to encourage minority like Fuga people?

C). Do you think that the Oromia Regional Government or Dire Enchini Woreda has made any effort to be recognized and respected the Fuga culture?

1. Are you have any opportunity to express your culture?

2. Do you think that any interferences coming from woreda administration and what impacts did such interferences have on the right to express your culture?

3. Did the Woreda Culture and Tourism prepare stages and occasions that are intended to allow you promote your culture and take measures towards the development of your culture? If not explain its impacts on your right to develop and promote your culture?

D) Did members of the Fuga minority have their own language and send their children to a school? Does Regional or Woreda Government have open way for children of Fuga as to be thought in their own mother tongue?

1. Do you have own language? If your answers are yes how you use and develop it?

2. What are the effects of using the language of the dominant language than yours?

3. What is your view on education? How do you say about educating a child?

4. Why are your children not in school? What problems are you facing?

5. What do children do if they are not going to school? What do they do with their time?

6. Are you planning to send your children to school soon? On what does that depend?

7. How do you describe the role of government in mobilizing you to send your children to school?

8. Did the instruction given in Afan Oromo have impact on a few Fuga in children who attend school in some kebele?

9. What seems the opinion of your children about their instruction in Afan Oromo?

E). What is your opinion if Fuga minority achieved the right to self-government at local level as minority in other nation, nationality and people of Ethiopia?

1. Did Fuga minority exercise the right to self- rule and shared rule?

2. What is the geographical settlement of Fuga minority is it Contiguousness or Sparsely settled in the Woreda administration?

3. What advantage do you think your people got if the right self-government at local level

Appendix 2

Interview Questions Guide

Issue onrepresentation in the WoredaCouncil and Administrative Councils?

1. Why do you think Fuga lack representation at Dire Enchini woreda?
2. Does woreda representation consider ethnic back grounds?

Based on Representation in the Woreda Administrative or executive

1. Does the Woreda executives are based on ethnic base and Fuga people are excluded from it?
2. Do Fuga minorities are hold any Woreda as leader or experts?
3. The Fuga people who is the dominant minority in the Woreda as many participants of the Woreda told me are counted lonely in 2007or not?

Issue on Recognition Fuga as Nation, Nationalities and people of Ethiopia

1. Did Fuga minority counted as any other ethnic groups?
2. Why they are not known as nation, nationalities and people of Ethiopia? Is because of lack of political willingness?

Issue on develop and promote Own Culture

1. Do Fuga have own unique culture?
2. Did the woreda culture and Tourism office study to develop the culture of Fuga?

Educational challenges related issues

1. Do you attend school regularly? If not, why?
2. What other problems you fall related to your academic life?
3. Have you ever dropout or repeat a grade? If yes, what was the reason?
4. Have you ever experienced social stigma and discrimination from non- potter of students in your school?
5. How can you describe your relationships with non- potter of students in your school?
6. Have you ever friendship with non- potter of students?
7. Why Fuga children are not educated as other communities?
8. Can Fuga have own unique language or use the language of the majority groups?
9. Who could be responsible for the problem Fuga child faced?