

**Human Rights of Exogenous Ethnic  
Minorities in the Federal Democratic  
Republic of Ethiopia**

**(The case of Harari People's State)**

**By**

**Endaweke Tsegaw**

**Advisor**

**Getachew Assefa (Assist. Prof.)**

**Addis Ababa University  
School of Graduate studies  
Faculty of Law**

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Submitted in partial fulfillment for the requirements of the degree of Masters of Laws  
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Addis Ababa University  
School of Graduate studies  
Faculty of Law

January 2010

Addis Ababa, Ethiopia

## **Declaration**

*I, Endaweke Tsegaw Balkew, declare that this thesis is my original work and has not been presented for a degree in any other university and that all sources of materials used for the thesis have been fully acknowledged.*

*Declared by:*

*Endaweke Tsegaw Balkew*

*Signature*

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*Date*

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*Confirmed by:*

*Ato Getachew Assefa (Advisor)*

*Signature*

---

*Date*

---

## **Approval Sheet by the Board of Examiners**

**Name: Endaweke Tsegaw Balkew**

**Title: Human Rights of Exogenous Ethnic Minorities in Federal Democratic  
Republic of Ethiopia: the case of Harari People's State**

**Approved by:**

**Advisor**

Name

Signature

\_\_\_\_\_

\_\_\_\_\_

**Examiners**

Name

Signature

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2. \_\_\_\_\_

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## Abbreviations

EMS – Ethiopian Student Movement

EPLF – Eritrean People Liberation Front

EPRDF – Ethiopian Peoples’ Revolutionary Democratic Front

ANDM – Amhara National Democratic Movement

EU – European Union

FDRE – Federal Democratic Republic Ethiopia

HNL – Harari National League

HoF – The House of Federation

HPR – The House of Peoples Representative

ICCPR – International Covenant on Civil and Political Rights

ICESCR - International Covenant on Economic, Social and Cultural Rights

NEBE – National Electoral Board of Ethiopia

OPDO – Oromo People’s Democratic Organization

SEPDM – Southern Ethiopia Peoples Democratic Movement

TPLF – Tigray People Liberation Front

UDHR – Universal Declaration of Human Rights

UN – United Nations

TGE – Transitional Government of Ethiopia

# Introduction

## 1. Brief Introduction

Protection of the rights of ethnic, religious, and linguistic minorities is an old concept.<sup>1</sup> However, it had been politically perversely acclaimed issue due to some reasons, mainly, state unity, territorial integrity and unwillingness of majority hegemony.<sup>2</sup> The growth of nationalism after World War I raised recognition of the rights of minorities in international arena, mainly, in Europe.<sup>3</sup> However, the pretext to protect minorities made by Nazis and Fascists had contributed to the cause of World War II, and hence, the genuine questions of minorities in different corners of the world were set aside.<sup>4</sup> As a result, the arguments that – protection of minorities dissociates states unity and integrity had strengthened itself at the expense of minorities' rights and caused conflicts among ethnically, religiously and linguistically divided societies.

The age of anti-colonialism struggles resurrected nationalism which had brought another era for minority rights in Africa and Asia.<sup>5</sup> Thus, states experience different modes of protection of minority rights such as, autonomous self-administration in unitary state, multination (ethnic) federation or secession.

The demise of Socialism and Cold War in 1991 entrenched the concept of minority right in the ex-socialist countries such as USSR, Ygoslavia and Ethiopia. As a part of this global political phenomenon and because of internal civil war, Ethiopia assumes ethnic federal state structure after a sweeping change of Government in 1991 for the protection of different ethnic groups, who were marginalized and dominated in the past governments of the State. The Federation devolves the sovereign power and territory of the polity to its indigenous ethnic groups. On the other hand, the long history of the State creates demographically heterogeneous society in which

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<sup>1</sup> Patrick Thornberry, *International Law and The Rights of Minorities*, Oxford University press, Oxford, 2001, p. 1. (hereafter cited as Thornberry 2001).

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Yussuf N. Kly, *International Law and Black Minorities in U.S.*, Clarity Press INC., Atlanta, (3<sup>rd</sup> ed.) 1990, p. 11. (hereafter cited as N. Kly)

<sup>5</sup> Id., p. 9.

indigenous and non-indigenous (or exogenous) ethnic groups intermingled within territories. The federal system which structures the polity into states of indigenous ethnic groups set the non-indigenous ethnic groups and individuals within the states out of normative recognition and practical protection of human rights. Thus, this paper is meant to research on human rights of exogenous ethnic minorities and individuals. The research aims to harmonize individual and group rights of non-indigenous ethnic minorities and indigenous groups. In doing so, the study's focal area is the State of Harari People, one of the states of the Federation where the state is formed to benefit the numerically small indigenous Harari People.

## 2. Background of the Study

Ethiopia is the land of diverse multiethnic, multi-religious and multi-socio-economic society.<sup>6</sup> It has more than eighty ethnic groups asymmetrically configured from its center to corners by different historical phenomena, mainly expansions and conquests.<sup>7</sup>

Emperor Menilike II, who accomplished the territorial integrity of the present state inspired by his predecessors, is credited for drawing up of the modern multi-ethnic-empire-state.<sup>8</sup> He and his successors drove the empire contained territorial integrity with triple wheels: Orthodox Christianity, 'Solomonic Dynasty' and the *Amharazation* processes.<sup>9</sup> As a result, according to some writers, except the playmakers Amhara-Tigray (the so-called Abyssinians)<sup>10</sup> culture and their elites at the center of the processes, other ethnic groups were politically and economically marginalized and culturally and linguistically dominated.<sup>11</sup> Hence, the peoples responded in consecutive uprising against the imperial ruling system.<sup>12</sup>

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<sup>6</sup> Christophe Van der Beken, *Ethiopia: Constitutional Protection of Ethnic Minorities at the Regional Level*, African Focus Vo. 2, No. 1, pp. 105-152, a copy of the file of the author, p. 1. (hereafter cited as Van der Berken).

<sup>7</sup> Merera Gudina, 'Contradictory Interpretations of Ethiopian History: The Need for a New Consensus', in David Turton, (ed), *Ethnic Federalism: The Ethiopian Experience in Comparative Perspective*, James Curry, Oxford, 2006, p. 119. (hereafter cited as Merera, 2006).

<sup>8</sup> Ibid.

<sup>9</sup> Adhana Haile, 'Mutation of Statehood and the Contemporary Politics' in Abebe Zegeye and P. Pasusewang, (ed), *Ethiopia in Change: Pesantary, Nationalism, and Democracy*, British Academic Press, London, 1994, p. 13.

<sup>10</sup> See Merera Gudina, *Ethiopia: Competing Ethnic Nationalism and the Quest for Democracy, 1960-2000*, Chamber Printing Houses, Addis Ababa, 2003, p. 62. ( hereafter cited as Merra, 2003).

<sup>11</sup> Id., p. 66.

<sup>12</sup> Id., p. 72.

In 1960s, revolutionary movements of various types such as peasant, teacher, student, military, ethnic group, etc. emerged one after another, of which the Ethiopian Student Movement (EMS) was at the front of the revolution which culminated in 1974 and ended up the imperial regime with the hope of democracy that rectifies the past injustices.<sup>13</sup> The question of ‘nation and nationalities’ and the right to self-determination accompanied by the right to language, culture and identity, among other things, were the revolutionary bedrocks which were brought to Ethiopia political vocabulary by ESM from Marxist-Leninist ideas of 1960s and 1970s.<sup>14</sup> Having extreme approach in every question, the revolutionary political fronts and movements opened the revolution merit to the military junta – Dergue, who aborted the candle of hope and usurped the revolutionary power.<sup>15</sup> The Dergue carried out the territorial integrity under the banner of ‘Marxism–Leninism’ political ideology which worn out the legendary and religious clothes of the past governments. The Military regime led the state to devastating civil war and internal unrest, such as, Red Terror, civil war against the Government led by guerilla movement of Tigray People Liberation Front (TPLF) and secessionist war by Eritrean People Liberation Front (EPLF), which brought about its downfall in 1991.

After the demise of the military regime, the victorious, the TPLF led Ethiopian Peoples’ Revolutionary Democratic Front (EPRDF), the unity of ethnic liberation fronts such as TPLF, Amhara National Democratic Movement (ANDM), Oromo People’s Democratic Organization (OPDO), and Southern Ethiopia Peoples Democratic Movement (SEPDM) tried to restructure and redefine the State through Transitional Government Charter (TGC) of 1991 and later by the Federal Democratic Republic Ethiopia (FDRE) Constitution of 1995<sup>16</sup> along ethno-linguistic line. It promises ethno-linguistic groups promotion of their cultural, self-determination and linguistic rights by bubbling an ambiguous terms ‘Nation, and Nationalities and Peoples’.<sup>17</sup> This is also guaranteed by ethnic federalism employed in the Constitution, where constituting units are formed along ethnic lines. Accordingly, the FDRE Constitution comprises nine ethnic based

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<sup>13</sup> Baharu Zewde, *A History of Modern Ethiopia 1855 – 1991*, (2<sup>nd</sup> ed.), East African Studies, Addis Ababa University press, Addis Ababa, 2002, p. 220,(hereafter cited as Baharu, 2002)

<sup>14</sup> Merera, 2003, p. 38.

<sup>15</sup> Id., p. 78.

<sup>16</sup> The Constitution of Federal Democratic Republic of Ethiopia Proclamation No.1/1995, *Negarit Gazeta*, 1<sup>st</sup> year No. 1, Addis Ababa, July 21<sup>st</sup> 1995.

<sup>17</sup> Merera, 2003, p. 38.

states and a federal city: the state of Tigray, Afar, Amhara, Oromia, Somalia, Benshagul/Gumuz, Southern Nations, Nationalities and Peoples (SNNPR), Gambela Peoples and Harari People and Addis Ababa Administrative City respectively.

The Constitution opens with “*We, the Nations, Nationalities, and Peoples of Ethiopia*”. If a curious mind follows to quest who are these, Art.39 (5) answers as “ ‘A Nation, Nationality, or People’ for the purpose of this Constitution, is a group of people who have or share a large measure of a common culture or similar customs, mutual intelligibility of language, belief in a common or related identities, a common psychological make-up, and who inhabit an identifiable, predominantly contiguous territory.” However, the historiography and demographic diversity of the State reveal that there are individuals and non-indigenous ethnic minorities within the structure of ‘Nations, Nationalities and Peoples’, who do not fit with the defining elements of ‘Nation, Nationality or People’. For they are exogenous – individuals or groups separated from their kin or “mother” ethnic group, dispersed – living within territories of the indigenous ethnic groups and they are from different ethnic origin, different languages, different cultures, different psychological make-up and different identities. They can be seen in individual ethnic base like Amhara, Oromo etc which satisfy the criteria of common culture, language, belief, identity psychological make-up but, since they are spatially dispersed within and cross-cutting the territories of indigenous ethnic groups they cannot fit with the criterion of “who inhabit an identifiable, predominantly contiguous territory”.

According to Getachew, in ethnic federalism of Ethiopia in which the polity devolved to the major ethnic groups on territories, there are ‘Persons belonging to exogenous groups – groups that lived in states to which they are not indigenous but they moved over the last 150 or so years’.<sup>18</sup> In the words of Van der Beken ‘endogenous groups are people[s] who have been living in the region for long time; they are peoples of the region, while other groups are regarded as exogenous because they have moved to the region in a more recent past and can therefore be

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<sup>18</sup> Getachew Assefa, “Federalism and Legal Pluralism in Ethiopia: Reflection on their impacts on protection of Human Rights” in Germachew Alemuau and Sisay Alemahu, (ed.), *The Constitutional Protection of Human Rights in Ethiopia: Challenges and Prospects*, Ethiopian Human Rights Law Series Vol. 2, Faculty of Law Addis Ababa University, AAU Printing Press, Addis Ababa, December 2008, p. 9,( hereafter cited Getachew 2008).

seen as internal migrant or people in the region'.<sup>19</sup> Further, Assefa makes distinction between those ethnic groups who consider themselves 'owners' of the 'mother state' and other citizens of different ethnic back ground or those who do not like to associate with any ethnic groups in which the latter constitute minorities within the regions.<sup>20</sup> Hence, exogenous groups are endogenous in another region.<sup>21</sup> To take one example, Amharas in State of Amhara are indigenous or endogenous, while Amharas out of the State of Amhara are non-indigenous or exogenous. The same matrix is true for all other ethnic groups. At present, according to the report of Population and Housing Census of 2007 above 7,739,267 persons which constitute more than 10 per cent of the total population are out of their "mother" states or zones named as 'Nation, Nationalities and Peoples'. The following table shows distribution of population of states and non- indigenous (or exogenous minorities) in each state and in the country as a whole.

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<sup>19</sup> Van der Beken, p.10.

<sup>20</sup> Assefa Fiseha, *Federalism, Diversity and the regulation of Conflict in the Horn*, Paper presented at the Second National Conference on Constitutionalism and Human Security in the Horn, organized by Inter Africa Group, Addis Ababa, 2008, p. 30. (hereafter cited as Assefa, 2008)

<sup>21</sup> I use the terms 'exogenous', 'endogenous' and 'non-indigenous' interchangeably compared to indigenous or dominant ethnic groups in this paper.

**Table I – Distribution of Population of States**

State/City Administration	Population Size	Exogenous Minorities		Highest Exogenous Minority	Highest Exogenous Minorities	
		In No.	In (%)		In No.	In (%)
Tigray	4,314,456	115,214	2.67	Amhara	70,334	1.63
Afar	1,411,092	154,214	10.92	Amhara	72,507	5.22
Ahmara	17,214,056	110,796	0.64	Tigray	37,083	0.22
Oromia	27,158,417	3,312,091	12.20	Amhara	1,961,277	7.22
Somalia	4,439,147	124,490	2.80	Amhara	29,486	0.66
Benishangul Gumuz	670,847	285,335	42.53	Amhara	142,557	21.25
SNNP	15,042,531	709,246	4.71	Amhara	420,243	2.79
Gambela	306,919	85,504	27.85	Amhara	25,856	8.42
Harari	183,344	64,067	34.94	Amhara	41,755	22.77
Addis Ababa	2,738,248	2,738,248	100	Amhara	1,288,306	47.05
Dire Dawa	342,827	342,827	100	Oromo	157,991	46.08
<b>Country Total</b>	<b>73,928,505</b>	<b>7,739,267</b>	10.46		<b>4,247,395</b>	

Source: Central Statistics Agency (CSA), Summary and Statistical Report of the 2007 Population and Housing Census, December, 2008(hereafter CSA, 2008). The computation of non-indigenous (exogenous) minorities' population size in each state and country whole is made by the author.

In the above table, a reference to exogenous minorities is made only to those minorities who are alienated from their “mother” states and are not recognized as ‘Nations, Nationalities and Peoples’ in the states they reside. For instance, Oromos in the State of Amhara are not included for they have self-administration special Zone and fit with the defining elements of the terms ‘Nation, Nationality or People’. The case of Harari People’s State and Dire Dawa City Administration seems proportional representation among Hararis and Oromos and Somalis and Oromos respectively. However the Oromos in both cases and Somalis in Dire Dawa have got majority from the conurbation of rural *kebeles* surrounding the cities.

The research area Harari People’s State has heterogeneous population with total population of 183,344 substantially inhabited by three major ethnic groups; the Oromo, Amhara and Harari. Of

which, exogenous ethnic groups and individual constitute about 35 per cent of the population. The following table summarizes the distribution of the population in the State.

**Table II Distribution of Population of Harari People’s State**

<b>Ethnic groups</b>	<b>Population size</b>	<b>Population size in %</b>
Oromo	103, 421	56 .41
Amhara	41, 755	22.77
Harari	15, 858	8.65
Guragie	7,949	4.34
Others	14, 361	7.83
Total	183, 344	100

Source: Central Statistics Agency (CSA), Summary and Statistical Report of the 2007 Population and Housing Census, December, 2008.

In addition, Harari People’s State is the litmus of the configuration of population in major cities and urban areas of the states in the Federation where some ethnic groups are majorities in cities, who are dispersed minorities in the states and in the country as a whole.

Different writers argue that the individual human rights enshrined in the FDRE and states constitutions are meant to protect the human rights of individuals without reference to their ethnic origin.<sup>22</sup> Moreover, the FDRE Constitution makes international human rights instruments an integral part of the law of the land and base for interpretation of its human rights provision and its human rights provision are verbatim copies of these laws. However, leave alone its protection of exogenous ethnic minorities and individuals, the theoretical status and compatibility of the individualistic, universalistic and atomistic nature of international human rights and the collective rights of ‘Nations, Nationalities and Peoples’ in the Constitution are the questions of many writers.<sup>23</sup> In addition, the rights of ‘Nations, Nationalities and Peoples’ which

<sup>22</sup> Fasil Nahum, *Constitution for A Nation of Nations: the Ethiopian Prospect*, The Red Sea Press, Inc. Asmera, 1997, p. 57.

<sup>23</sup> Takele Soboka, *The Monist-Dualist Divide and the Supremacy Clause: Revisiting the Status of Human Right Treaties in Ethiopia*, Journal of Ethiopian Law, Vol. XXIII, No.1. AAU Printing Press, 2001, p. 133 & 154.

are enshrined in Art. 39 of the FDRE and states constitutions are considered as “trump right”, a right which can override other individuals rights of members exogenous ethnic groups.<sup>24</sup>

Normatively, the FDRE Constitution does not recognize these segment of the population, and practically they are placed in a status between citizen and non-citizens of the State for only they can elect persons who are not representative of their ethnic groups because language requirement of the electoral law – which imposes the criterion to speak working languages of the state or one of the local vernaculars of the indigenous groups of the state. Eventually, since the Constitution has no room for such middle status, they are better deemed to be non-citizens. J. Poirier depicts this condition in Canada, French-Canadians outside Québec fall somewhere between “national minorities” and “immigrants” meaning between citizens and non-citizens in which their individual and collective rights are left aside.<sup>25</sup>

Therefore, the research studies the human rights of these individuals and exogenous ethnic minorities in a way to describe the flaws of their civil and political and social, economical and cultural rights, and prescribe in the way forward solutions. The research practicability has focused on Harari People’s State for its benefit of small in territory and population size in order to address and being special city-state with government of coalition of parties in the Federation.

### **3. Statement of the Problem**

The question of minority rights in the modern development of human rights becomes sensitive and complex from its theoretical bases to the extent of practicability. This is basically attributed to the fact that each state with multiethnic society has historical and demographical specificity to address the questions of minorities in one objective principle and unwillingness of states to give protection due to fear of state disintegration. Therefore, the Ethiopian multination society has its

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<sup>24</sup> Abadir, Mohamed, *The Human Rights Provisions of the FDRE Constitution in Light of the theoretical Foundations of Human Rights*, Series on Ethiopian Human Right Law Vol. 1, Faculty of Law Addis Ababa University, AAU Printing Press, Addis Ababa, 2008, p. 74.

<sup>25</sup> Johanne Poirier, “Autonomy and Diversity” Subtheme Paper presented in 4<sup>th</sup> International Conference on Federalism, held in New Delhi between 5 and 7 November 2007, in Ronald L. Watts and Rupak Chattopadhyay, (ed.), *Unity in Diversity: Learning from Each Other* Vol.1, Forum of Federations, Viva Books Plc, New Delhi, 2008, p.41. (hereafter cited as Poirier).

own particular characteristics to be understood by its elites who historically have power to give constitutions for the people.

Andreas Eshete argued in his work *'Ethnic Federalism: New Frontiers in Ethiopian Politics'* that Ethiopian ethnic federalism basically is designed to accommodate the ethnic diversity through self-determination for protection of culture and linguistic rights and to promote union based on their will.<sup>26</sup> On the other hand, the long history of unitary and centralism before 1991 had resulted dispersion of individuals from every ethnic group beyond territories. There are ethnic conflicts in many part of the country after the introduction of the new structure based on ethnic affiliation.<sup>27</sup> In addition, the crafting process of the Constitution set aside the representation of such exogenous minorities to introduce their rights in the Constitution and get recognized and protected. Except, the residents of Addis Ababa, there were only 'Nation, Nationalities and Peoples' represented in the making of the Constitution.

The Constitution structures the country to nine states on the basis of such as settlement patterns, language, identity and consent of the people concerned.<sup>28</sup> And it talks basically about these groups or members of these groups. For the facts that exogenous minorities and individuals do not coincide with the above enumerated criteria, the Constitution is devoid of recognition of these exogenous minorities and individuals. The states constitutions which are guided by and largely carbon copies of the FDRE Constitution lack room for these exogenous ethnic minorities and individuals.

Harari People's State is the smallest state in the Federation, which is provided with city-statehood named after the smallest size ethnic group in the territory. The State Council holds two ethnic groups; the largest Oromo and the smallest Harari. Why it fails to incorporate the other, like Amhara, the second in population size. Other states have the same trend which may differ slightly. Thus, how the Federal Constitution and states constitutions addressed the human rights

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<sup>26</sup> Andreas Eshete, *Ethnic Federalism: New Frontiers in Ethiopian Politics*, the Proceedings of First National Conference on Federalism, Conflict and Peace Building, organized by Ministry of Federal Affairs and German Technical Cooperation, Addis Ababa may 6 - 7, 2003, Ministry of Federal Affairs, 2004, p. 159. (hereafter cited as Andreas).

<sup>27</sup> Crisis Group Africa Report N°153, *Ethiopia: Ethnic Federalism and Its Discontents*, 4 September 2009, p. 25.

<sup>28</sup> Art. 46 of the FDRE Constitution.

of exogenous ethnic minorities and individuals who lack territorial reference? How the concept of minority is appreciated in the the FDRE Constitution and its practical implication? In addition to the normative negation, the practice in Harari People’s State shows that the civil and political and economic, social and cultural rights of exogenous minorities have been overlooked.

Resort to international human rights laws, in addition to their controversial status in FDRE Constitution and compatibility with the pillar right of ‘Nations, Nationalities and Peoples’, the jurisprudence of International Human Rights Laws is filled with the spirit of individualism and universalism. These views are incarnated in the body of the laws because of western liberal democracies and natural law theory influence during their development. Art. 27 of the International Covenant on Civil and Political Rights (ICCPR)<sup>29</sup> focus on “persons” belonging to ethnic, linguistic or religious minorities in the states where majority–minority groups’ relationship exists. Like the text of ICCPR which set Art. 27 after the catalogue of individual rights, the protections of minority rights in international human rights laws is situated at amidst of individual rights to limited areas: linguistic, religious and culture where the individual human rights fail to protect. Conversely, exogenous ethnic minorities and individuals in Ethiopia are situated within the indigenous ethnic groups or ‘Nations, Nationalities and Peoples’, where the latter rights override the former. It is also difficult to find clear majority–minority relation among ethnic groups in Ethiopia. In addition, in some states, minoritis exist territorially clustered while in other they are dispersed compared to the majority groups. Hence, the contexts of minorities in each state are not well appreciated in Art.27.

#### **4. Research Questions**

Thus, the research basically raises the following set of key questions.

First, what are the historic processes of exogenous ethnic groups in Ethiopia and Harar City? The question targets on historical events in Ethiopia and Harar City in making exogenous ethnic minorities and their status in the present Ethiopian Federation.

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<sup>29</sup> International Covenant on Civil and Political Rights (ICCPR) adopted by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 3<sup>rd</sup> January 1976.

Second, how the civil political rights of exogenous ethnic minorities have been protected in Harari People's State in light of International Bills of Rights of and FDRE Constitutions? This question also tries to address basic civil and political rights that overlook exogenous ethnic minorities and individuals in the Region.

Thirdly, how the economic, social and cultural rights of exogenous ethnic minorities have been protected in Harari People's State in light of International Bills of Rights of and FDRE Constitutions? This question also explores some aspects of economic, social and cultural rights of exogenous ethnic minorities and individuals in the Region.

## **5. Objectives of the Study**

The main objective of this research is to identify, describe and prescribe human rights flaws and recommendations of exogenous/dispersed ethnic minorities in Harari People's State. Particularly, the study has explored the treatment of major civil and political and economic, social and cultural rights that discriminate the exogenous ethnic minorities and indigenous ethnic groups in the Region. The non-recognition of the Federal and states constitutions and non-participatory of such minorities in the Government system and their linguistic and cultural assimilation to indigenous ethnic groups has been identified. At most level mechanisms of harmonization of exogenous ethnic minorities and individuals and the constitutionally recognized rights of majority 'Nations, Nationalities and Peoples' of Ethiopia without dissociating the latter has been provided.

The research has examined the trends of multinational federations practicing protection of exogenous minorities. The research has also analyzed works of different scholars on the subject for broader perspective in drawing the possible solution. The states' specific nature of history, population size and related issues has been taken in to account.

The last objective intended by the research is to motivate by making awareness of the problems and solutions to exogenous minorities or their elites to struggle for renegotiation of their rights by themselves against the indigenous. This enables to strength the unity of the states of the

Federation or their respective ethnic groups. If the dispersed minorities' rights are protected by 'Nation, Nationalities and Peoples' of the states, it will promote friendly relations of "mother states" of each dispersed minorities thereby strengthen unity of the Federation and realize equality of all citizens. Moreover, it will eradicate ethnic hatred, hate speech, systematic assimilation, thereby promote peace.

## **6. Scope of the Study**

The research is of two natures: doctrinal and non-doctrinal. The doctrinal part of the research is highly dependent on the literatures of the subject and laws. In this case, the major works of different commentators, relevant International Laws and experiences of multinational states have been thoroughly discussed. The research has made selection among multination federation to Belgium and Canada for their experience on human right protection of exogenous minorities and individuals. In this part, conceptual frameworks on minority such as, the problems in understanding of minority concept, definition and classification of minority in general and the place of exogenous ethnic minorities in the developed concepts of minority and in human rights laws and in the two multiethnic federations in particular are discussed.

In its non-doctrinal part, the research has extended to the practical gearing machines of Harari People's State. The genesis, the legal recognition and the practical protection of human rights of exogenous ethnic groups and individuals in the Region are the main previews of the research. In doing so, the research has discussed the main civil and political and economic, social and cultural rights which concern exogenous ethnic minorities *vis-a-vis* indigenous ethnic groups. The emergence and the status of exogenous ethnic minorities and individuals in Federal and states constitutions have been also evaluated.

## **7. Significance of the Study**

In its investigation, analysis and recommendations, the research identifies the problems and prescribes better and adequate protection of rights of exogenous minorities in Ethiopia through the research area Harari People's State. Hence, beyond the researcher requirement for his academic fulfillment, the significance of this study heavily refers to the citizens of Ethiopia in

order to have peace and security among themselves before the problem of exogenous minorities rights become a serious cause of conflicts and unrest. It also provides mechanisms to protection of human rights of exogenous ethnic minorities amidst of the majority. Thus, the Federation will rest on the peaceful and cooperative nature of each ethnic group towards the other. In other words, by identifying the pitfalls of the present legal and political system towards the human rights protection of exogenous ethnic minorities and individuals, the research contribute an insight to the policy makers of the country in order them take the problems and recommendation in to consideration. In addition, since African experiences ethno-linguistic conflicts and the majority hegemony over the minorities, the research will serve as a model solution since they will take lessons and step on for further study.

## **8. Research Methodology**

This research depends on qualitative analysis of the following source: academic literature, laws, government documents, interviews and questioners. Firstly, the study has attempted to review the existing literatures that reveal the experience of different states and writers on protection of human rights of exogenous ethnic groups and individuals. This enables the study to base on realistic conceptual underpinnings such as, the definition and classification of minorities and the trends of some multiethnic federations in protection of exogenous ethnic minorities. A thorough appraisal of International Human Laws and the FDRE Constitution and states constitutions has been made in order to demonstrate their protection of exogenous ethnic minorities. The Constitution and other laws of the research area, Harari People's State, are used in each human rights discussion of the study.

Secondly, the research has also analyzed governments' documents of the Federal and Harari People's State institutions. Documents that concern the issues of exogenous ethnic minorities of the two Federal Houses: The House of Federation (HoF) and The House of Peoples Representative (HPR) and the Council of Representatives of the Transitional Government have been examined. Information from other governments' offices such as National Electoral Board of Ethiopia (NEBE) and Central Statistical Agency (CSA) and sector bureaus of Harari People's State are used.

Thirdly, in addition to analysis of laws, documents and observation of facts, data were obtained from interviews and questionnaires in Harari People's State. Sets of questionnaire and structured interview were prepared in Amharic and designed to solicit information on civil and political and socio-economic and cultural rights. They were pilot tested about their relevancy to the research problems. Based on the feedback, correction and amendments were made and the final version of the questionnaire and interviews were duplicated.

The research has taken a total sample of 288 randomly selected persons to the questionnaires. The ethnic composition of the population of the research area in light of the subjects of the research has been taken into consideration. Accordingly, 137 Amharas, 63 Oromos, 40 Gurages, 21 Hararis and 27 individuals from other ethnic origin were participated in the questionnaires. Exogenous ethnic groups and individuals (Amhara, Gurages and others) constitute 204 while the 84 Oromos and Hararis were taken for the purpose of comparison.

The structured interviews were conducted with 20 heads of the Federal Offices and the Harari People's State. Two officials were from NEBE: the head of Department of Information Communication Technology and the head of Department of Geographical Information System., 14 Government officials were interviewed in the Harari People's State. Interviews were also conducted with the heads of three religious institutions in Harar City and 1 EPRDF representative in the East Hararge Region.

The questionnaires were filled by the target groups with the help of 4 university students and the later were given half day training on the gathering and administration of data of the research. The data were recorded, selected and arranged according to their importance.

The research has analyzed the collected data with the theoretical bases in a systematic and scientific manner. The research has discussed on arguments and drawn inferences in view of answering the research question. Basically, deductions are meant on the rights of exogenous ethnic minorities with the rights of indigenous ethnic groups of the Harari People's State. Lastly, the research presents in writing the findings, inferences and conclusions in a logical manner that attracts the readers and concerned institutions to undertake them get implemented.

## **9. Limitation of the Study**

In the academic discourse where the concept of minority is controversial, finding the right of exogenous ethnic minorities in literatures and experiences of countries is a difficult task. Moreover, in Ethiopia where the concept of minority does not have constitutional background not more than couple of decades, the research on the plight of exogenous ethnic minorities is conditioned by short of indigenous literatures and experiences. The research tries to fill this shortage by primary data collected from Harari People's State. However, since the outcome of the research is feared that it would criticize the State's political setup, the State officials are not easily accessible for interview. If they are willing, they deviate from the research issue by politically calculated responses. The respondents fear to fill the questionnaire is additional problem in relation to data collection. Lastly, the research budget which is provided by Addis Ababa University is neither sufficient nor timely to the research.

## **10. Organization of the Study**

The research begins with introduction containing brief introduction, background of the study, statement of the problem, the research questions, objective of the study, research methodology, significant of the study, limitation of the study and organization of the study. The body of the research is divided into chapters and sections and sub sections.

Accordingly, Chapter 1 explores the basic conceptual underpinnings on minority. It discusses on the problems in conceptualizing minority, the definition, classification and the protection exogenous minorities under international laws and experiences of some multination federations. This helps the research to lay theoretical bedrock to propose feasible recommendations. Chapter 2 has two main agenda. While its first part tries to address the inception of exogenous minorities in briefing Ethiopian history and the constitutional protection of rights in the present Federation, the second part describes the sources of primary data in general. In both parts of the chapter, the research area, Harari People's State is prominently discussed.

Chapter 3 and 4 entirely devote on discussion of human rights of exogenous ethnic minorities in Harari People's State. The Former deals with the civil and political rights of exogenous ethnic

groups, such as the rights of “Nations, Nationalities and Peoples”, the right to take part in public affairs, the right to access to justice and other public services, freedom of thought, conscience and religion, freedom of opinion and expression and the right to association and freedom of assembly. The latter takes up some economic, social and cultural rights, such as the right to work and of labour and the right to education. Lastly, the research recommends some alternative ways of adequate protections of exogenous ethnic minorities.

# Chapter One

## Conceptual Underpinnings on Minority

### 1. The Concept of Minority

Minority in academic perspective is a very perverted concept from postulating its defining clauses to synthesizing its principles. Particularly, in human rights discourse, the problems are exacerbated for the lack of comprehensive binding and acceptable doctrine which identify the rights *per se* and the right holders irrevocably. Rehman puts this effect as, ‘if international law is to provide rights for minorities, the issue of their identification and definition becomes a matter of international concern’.<sup>30</sup> He further argues that ‘the debate on the substantive rights of minorities may not be meaningful without identification of what constitutes a ‘minority’....’<sup>31</sup> From the outset, it is important to summarize those problems which curtail understanding of the concepts of minority in general, which in turn amplify the problems of exogenous ethnic minorities and individuals.

#### A. Problems in Understanding the Concept of Minority

Minority, as a concept refers to human social phenomenon, such as language, culture, history, etc. is the subject of different disciplines, such as law, politics, sociology, social anthropology (ethnography), history, demography etc. which appreciate it varyingly.

Sociologists see minority as ‘a subordinate group whose members have significantly less control or power over their own lives than the member of the dominant or majority group have over theirs’.<sup>32</sup> In contrast to the literal meaning – numerical inferior or less than half of the larger population, sociologists primarily concerned with the status of a group, economical and political powerlessness.<sup>33</sup> Hence, for a group to be minority, it should be identified by five basic properties; members should: a) experience unequal treatment as compared to members of majority group, b) have distinct physical or cultural characteristics that distinguish them from the

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<sup>30</sup> Javaid Rehman, *The Weakness in the International Protection of Minority Rights*, Kluwer Law International, The Hague, The Netherlands, 2000, p. 10. (hereafter cited as Rehman).

<sup>31</sup> Ibid.

<sup>32</sup> Richard T. Schaefer, *Sociology*, (9<sup>th</sup> ed.) McGraw-Hill Companies, New York, 2005, p.250.

<sup>33</sup> Ibid.

majority, c) have ascribe status which is inborn membership in such as race or ethnicity, d) have a strong sense of group solidarity and e) generally marry within the group.<sup>34</sup> These sociologists' articulations of minority set bedrock to define the term 'minority' in human rights discourse.

In politics, revolutions of different societies are credited for the development, recognition and codification of human rights. For instance, the 17<sup>th</sup> and 18<sup>th</sup> centuries the English, American and French revolutions which were antecedents to one another, based on political theory of liberalism caused the birth of the English Bill of Rights of 1689, the American Declaration of Independence of 1776, and the French Declaration of the Rights of Man and of the Citizen of 1789 respectively.<sup>35</sup> They contained civil and political rights even though they were not as equal rights as contained in the contemporary documents. In addition, the later 20<sup>th</sup> Centaury socialist revolutions of the East based on the socialism and Marxism inject the economic, social and cultural rights.<sup>36</sup> However, there was a debate about a primacy and the concept of right among the proponents<sup>37</sup> of the two blocks which were continued up until the demise of Cold War.<sup>38</sup>

Accordingly, the collective rights as they concern minorities were chiefly promoted by socialist bloc while the western bloc de-emphasized them.<sup>39</sup> The U.S President Woodrow Wilson helped propose the expression 'the right to self-determination' to League of Nations, the notion which

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<sup>34</sup> Charles Wagley and Marvin Harris, *Minorities in the New World: Six Case Studies*, Columbia University Press, New York, 1958. Cf, T. Schaefer, cited above, pp. 250 &251.

<sup>35</sup> Carol Devine, (et.al.), *Human Rights: The Essential Reference*, The Oryx Press, Arizona, 1999, p. 26. (hereafter cited as Carol).

<sup>36</sup> H. J. Steiner and P. Alston, *International Human Rights in Context: Law, Politics and Morals*, (2<sup>nd</sup> ed.), Oxford University Press, 2000, p. 243. ( hereafter cited as J. Steiner and P. Alston, 2000).

<sup>37</sup> See Id. p.242.; The key thinkers of classical liberalism include John Locke (1632 -1704); John Stuart Mill (1806-1873); and some of the neo-liberals are T. H. Green (1836 -1882); L.T. Hobhouse (1864 – 1929) and J. A. Hobson (1858 – 1940), who criticized that economic and social rights as resource dependant to implement and states cannot have a duty to do so. Hence, these cannot be human rights. Whereas the leading proponents of classical socialists' human rights agenda include Friedrich Hegle (1770-1831); Karl Marx (1818-1883); Friedrich Engels (1820- 1895) and August Bebel (1840 -1913) and some of the neo-socialist communitarians: Charles Taylor and Michael Sandel argued that the prominence of civil and political rights is a pretext to egoistic bourgeoisie that ignored the fundamental importance of labor, production and wealth to human-being. Human emancipation, therefore, would be socio-economic.

<sup>38</sup> Michael Freeman, *Human Rights: An interdisciplinary approach*, Polity Press, Cambridge, 2002, p. 35. (hereafter cited as Freeman 2002). He noted that even '...the UN itself, and human rights NGOs, have, until recently, interpreted human rights as civil and political rights, and dealt with economic and social rights under the concept of 'development''.

<sup>39</sup> N. Kly, p. 14.

had been coined by Karl Marks.<sup>40</sup> The Wilsonian application of the doctrine was narrowly concerned to minorities of Austria-Hungarian, German and Ottoman empires (defeated block of First World War) and certain people who would otherwise be part of the U.S.S.R. – “nations behind the iron curtain”.<sup>41</sup> But, these were not directed to the U.S. and its western allies who had internal minorities and colonies respectively ready for exploitation and domination, while the socialist emphasize on the collective rights domestically to minorities rights and internationally by advocating decolonization.<sup>42</sup>

Therefore, liberalism traded with natural rights theory and circumscribed the socialists’ origin social, economic and cultural rights prints its individualistic, atomistic and universalistic nature in modern international human rights laws, such as, UDHR, ICCPR and ICSECR. This makes the subjects of the laws are “everyone” and a “State” which are coined from the words of Hobbes ‘a multitudes of men’ in his book *‘Leviathan’* and of Locke ‘any member of men’ in his book *‘Social Contract’*, which in turn have pictured the laws hostile to the minority questions.<sup>43</sup>

Lastly, the study of demography is a very important discipline that plays a vital role in sensitive issues of minorities. Its variables show the population size, language, economy, education, livelihoods, culture, distinctiveness, discrimination, assimilation and integration of a group, which are determinant factors of minority status. However, the base on which ethnic groups and minority status are identified are dependent upon national circumstances which are widely different from country to country, and hence no internationally accepted criteria for classification of population composition by ethnic group and determination minority status in demography.<sup>44</sup>

To this end, the research compares three consecutive censuses of Ethiopia, the Population and Housing Census of 1984, 1994 and 2007. Accordingly, the censuses identified 91, 84 and 85 ethnic groups respectively. The first identified more ethnic groups for the Dergue had established

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<sup>40</sup> Id., p. 11.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid. its foot note no. 26.

<sup>43</sup> Freeman, 2002, pp. 35&39; Thornberry, 1993, p. 11.

<sup>44</sup> Hennery Sheryock, *The Methods and Materials of Demography*, condensed edition, Academic Press, New York, 1976, pp. 1& 146.

an institution to the study of the citizens as ‘nationalities’.<sup>45</sup> The last census is the only one which discloses ethnic composition of each state of the Federation that is helpful to the issues of this research in identifying exogenous and dispersed ethnic minorities and individuals.

The concept of minority developed in western literature considering the historiography and demography of minorities of the west, and is potentially married with terms like people, ethnicity, race, culture, religion, physical characteristics and other traits.<sup>46</sup> Importation and efforts to supplant those principles developed in west to specific minorities in Africa yield inconsistency between the principles and the reality of minorities and hence minorities’ plights are left uncovered.<sup>47</sup>

At least three main arguments are clung to minority rights protection. The first argument raised against the formal recognition of minority rights is the idea that protection of minority right is superfluous to democracy.<sup>48</sup> Since individual rights are the hallmark of democracy which encompasses group rights, protecting minority groups’ rights separately is redundant. Secondly, minority rights are incompatible to individual rights because group rights may be important to human dignity, however in the case where the group rights conflict with individual rights, the latter generally prevail.<sup>49</sup> Donnelly further argues that there are collective rights but not collective human rights for the latter principles cannot defend the existence of a group, than its individual members.<sup>50</sup> And the third argument is that minority protection thwarts unity and stability, and stimulates secessionists.<sup>51</sup>

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<sup>45</sup> Institute for the Study of Ethiopian Nationalities Establishment, Proclamation No. 236/1983, *Negarit Gazeta* 42<sup>nd</sup> Year No. 7, The Provisional Military Administrative Council, Addis Ababa, 23<sup>rd</sup> March, 1983.

<sup>46</sup> Rehman, p. 14. See also N.kly, p. 32.

<sup>47</sup> ታዲሰ ተስፋ፡ በአለም አቀፍ ሕግ የአናሳ ሕዝቦች መብት ጥበቃ ችግሮችና መፍትሔዎች፡ የኢትዮ-ጅያ ብሔራዊ የምርጫ ቦርድ ማኅተሚያ ቤት፡ ገፅ 11፡ ትርጉም የራሴ፡፡ (hereafter cited Taddesse).

<sup>48</sup> Deon Geldenhuys and Johann Rossouw, *The International Protection of Minority Rights*, A special report compiled for the F W de Klerk Foundation in August 2001, The FW de Klerk Foundation, Cape Town, 2004, p. 6, (hereafter cites as D. Geldenhuys and J. Rossuw).

<sup>49</sup> Freeman, 2002, p. 121.

<sup>50</sup> Ibid.

<sup>51</sup> Deon Geldenhuys and Johann Rossouw, p. 6.

In addition, Sieghart contends that the concept of minority rights is the result of ‘right-inflation’ that is extension of the concept of human rights to ill-defined causes and subjects.<sup>52</sup> He further argues, all human rights meant to protect individuals who are weak subject to operation, prosecution, exploitation, and deprivation – minority by those who are strong – majority, hence no need to differ minorities.<sup>53</sup>

The US political scientist Timothy Sisk argues that simple majoritarian democracy creates special problems in deeply divided societies, in which the ballot box excludes minorities permanently from the political power.<sup>54</sup> In such societies, competition in election is often ‘a contest for ownership of the state’ by which democracy creates the structural dominance of majority rather than with freedom of participation. The renowned Canadian political philosopher Will Kymlicka responds that to treat people as individual in ethnically divided societies as traditional standards of human rights do is a pretext for minority injustice which exacerbates ethnic conflicts.<sup>55</sup> In the third place, minority rights and national unity are mutually reinforcing rather than being mutually exclusive, for protection of minority in multinational society strengthens unity and develops common patriotism.<sup>56</sup>

Lastly, the weakness of international law to craft legally binding and accepted definition of minority let the commentators of the subject have different definition; in turn, it encourages the states to stick to unilateral appreciation of the concept that leads to ignore minorities’ rights protection.<sup>57</sup>

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<sup>52</sup> Paul Sieghart, *The Lawful Rights of Mankind: An Introduction to International Legal Code of Human Rights*, Oxford University Press, Oxford, 1985, p. 168.

<sup>53</sup> Ibid.

<sup>54</sup> Deon Geldenhuys and Johann Rossouw, p. 7.

<sup>55</sup> Ibid.

<sup>56</sup> Akhatar Majeed, *et.al.* “Building on and Accommodating Diversity”, Theme Paper presented in 4<sup>th</sup> International Conference on Federalism, held in New Delhi between 5 and 7 November 2007, in Ronald L. Watts and Rupak Chattopadhyay, (ed.), *Unity in Diversity: Learning from Each Other* Vol. 1, Forum of Federations, Viva Books Plc, New Delhi, p.10.

<sup>57</sup> Aberra Degefa, *The Scope of Rights of National Minorities under the Constitution of the Federal Democratic Republic of Ethiopia*, Series on Ethiopian Constitutional Law Vol. 1, Faculty of Law Addis Ababa University, AAU Printing Press, Addis Ababa, 2008, p. 19. (hereafter cited as Abera).

Therefore, many states are trying to deny minorities their rights by taking advantage of these existent conceptual problems.<sup>58</sup> In general, as the minority concept is complicated with the above mentioned problems, the plights of exogenous minorities, dispersed within the majorities are left out of the conceptual framework; this, practically, has placed them on the periphery with strong alienation from every aspect of their life.

## **B. Minority Defined**

In spite of the fact that the concept of minorities is an old issue and presently enjoys international prominence, due to the complex conceptual problems discussed above, little has been done to formulate an authoritative and generally acceptable definition of a 'minority'. Hence, the states and their multinational organizations like UN and EU were not inspired to look the special interests of a particular group within the broader national population.<sup>59</sup>

In addition, scholars of the subject are not in consensus with the need to define the term 'minority'. To some, the term is self-evident; a definition is not necessary or useless or waste of time.<sup>60</sup> To other writers, like Malcom N. Shaw, defining the term 'minority' is important to identify the subject that qualifies for the rights of minorities enshrined in human right documents such as Art. 27 of ICCPR; and short of definition open a Pandora-box of unilateral interpretation by states, organizations or groups manipulating the system to the injustice of minorities.<sup>61</sup> In the middle lies the position that, since the term minority is married with terms like people, ethnicity, race, culture, religion, physical characteristics and other traits and minorities created in different form, shape and size,<sup>62</sup> postulating a defining clause may not encompass such complex issues of minorities.

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<sup>58</sup> Rehman, p. 10.

<sup>59</sup> Deon Geldenhuys and Johann Rossouw, p. 5.

<sup>60</sup> Aberra, p. 19.

<sup>61</sup> Malcom N. Shaw, 'The Definition of Minorities in International Law', in Yoram Dinstein and Mala Tabory (ed.), *The Protection of Minorities and Human Rights*, Kluwar Academic Publisher, USA, 1992, p. (hereafter cited as N. Shaw, 1992).

<sup>62</sup> Rehman, p. 10.

However, relatively recently, international human rights discourse has made its own many efforts to define the term ‘minority’.<sup>63</sup> Under the auspicious of UN human rights machinery, to fill the conceptually void, Francesco Capotorti, Special Rapporteur of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities,<sup>64</sup> (hereafter the Sub-Commission) in 1979 defined ‘minority’ as:

*‘A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members – being nationals of the State possess ethnic, religious or linguistic characteristics differing from those of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language’.*<sup>65</sup>

Mr. Jules Deschênes, formerly a Canadian member of the Sub-Commission, also define ‘minority’ as:

*‘a group of citizens of a state, constituting a numerical minority and non-dominant position in that state, endowed with ethnic, religious or linguistic characteristics which differ from those of the majority of the population, having a sense of solidarity with one another, motivated, if only implicitly, by collective will to survive and whose aim is to achieve equality with the majority in fact and law’.*<sup>66</sup>

Even though the two definitions are famous and carry some value within the UN, they are not immune from critics. The main challenge is whether it is easy task to identify the world minorities styled in many differences with the pigeonhole objective and subjective criteria set in the above definitions.<sup>67</sup> Being citizens or nationals of a state, numerically inferior in non-dominant position; and having ethnic, religious or linguistic characteristics compared to the rest

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<sup>63</sup> Aberra, p. 19.

<sup>64</sup> A subordinate body of the UN Commission on Human Rights (currently Human Right Council).

<sup>65</sup> Rehman, p. 15.

<sup>66</sup> Id., p. 18.

<sup>67</sup> Id., p. 15.

of the population in the state are the objective criteria.<sup>68</sup> Having a sense of solidarity towards preserving their distinctiveness by their collective will is subjective criterion.<sup>69</sup>

Many writers of the subject raised many defects of the definitions based on the two criteria. Thornberry argues that the definitions exclude non-nationals, immigrants, refugees, sexual deviant groups, such as gay, lesbians and other.<sup>70</sup> This problem happens for the definitions follow the scope of Article 27 of ICCPR which mentions only linguistic, ethnic and religious minorities.

The other criticism is that elements of ‘numerically inferiority and a non-dominant position’ are restrictive.<sup>71</sup> The direct assumption in the defining clauses is that, the ‘rest of the population’ is majority and dominant, but those groups that are not numerically inferior and in a non-dominant position (subjugated majority) are left out of the reach of minority rights.<sup>72</sup> Professor Palley notes that it is the question of power or powerlessness of the political machinery (the main factor in sociologists view) that makes a group which is substantial in number, minority.<sup>73</sup>

The questions of power or powerlessness and non-dominance or dominance, on the other hand, are subject of other factors like legitimacy, democracy or otherwise. Hence, defining minority in relation to power dominance makes being minority as temporary status similar to refugee status and statelessness, which does not coincide with the laws meant to protect minorities.

Asbjørne Eide, who was the Chairperson of the UN Working Group on Minority, tries to solve such problem by defining ‘minority’ as; “any group of persons resident within a sovereign State which constitute less than half of the populations of the national society and whose members share common characteristics of an ethnic, religious or linguistic nature that distinguish them

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<sup>68</sup> Kristin Henrard, *The Interrelationship between Individual Human Rights, Minority Rights and the Right to Self-Determination and Its Importance for the Adequate Protection of Linguistic Minorities*, *The Global Review of Ethnopolitics* Vol. 1, no. 1, University of Groningen, The Netherlands, September 2001, pp. 41 & 42. (hereafter cited as Henrard, 2001); See Abera, pp. 28-33.

<sup>69</sup> Ibid.

<sup>70</sup> Thornberry, 2001, p. 8.

<sup>71</sup> Rehman, pp. 15 & 16.

<sup>72</sup> Thornberry, 2001, p. 8, Henrard 2001, p. 42.

<sup>73</sup> Rehman, p.16,

from the rest of the population”.<sup>74</sup> However, in some multiethnic states like Ethiopia it is difficult to ascertain clear minority-majority relationship based on Eide’s definitions for no ethnic or linguistic group accounts for more than half of the total population. Hence, each would become minorities compared to the aggregate of others.

Reference to ‘the rest of the population of a State’ seems that the definitions of minority only take into consideration sovereign State in which minority and majority can be easily identified.<sup>75</sup> However, the group of people which expects the same right and status exist in regions, provinces or sub-states in a state. Typically, devolution of state based on ethnic affiliation and language within territories like Ethiopia creates ethno-linguistic minorities within the regions. Hence, The Parliamentary Assembly of Council of Europe has recommended that the definition of minority can also apply in the regional level of member states of EU.<sup>76</sup>

In ethnic federalism, particularly when transformed from unitary state structure, a group of persons are detached from their mainstream ethnic group and are trapped within the other ethnic groups because of historical or social phenomena. For instance, Dutch speaking persons in French speaking territories and *vice versa* in Belgium, English-speaking persons in French-speaking province of Québec and *vice versa* in Canada, Oromos in State of Amhara, Amharas in State of Oromia in Ethiopia are some of the examples. Neither the concept nor the laws of minority recognize and protect the rights of such dispersed or exogenous ethnic minorities and individuals.

Generally, the concept of minority is fenced with multifaceted problems and the attempts to define the term ‘minority’ exacerbate the problem. In this writer’s opinion, the situation of minority imperatively requires a comprehensive and consensual definition that enables to protect practically all forms, sizes and shapes of minorities.

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<sup>74</sup> Id., p. 19.

<sup>75</sup> Henrard 2001, p.42

<sup>76</sup> Parliamentary Assembly, Council of Europe, Recommendation 1201(1993), On an Additional Protocol on the Rights of National Minorities to European Convention on Human Rights, 1993.

### **C. Classification of Minority**

Even though Article 27 of ICCPR limits its protection to three types; linguistic, ethnic and religious minorities, the term ‘minority’ embraces several types of minorities.<sup>77</sup> There is no difference in types of rights accorded to the three mentioned and thus classifying them as different group is worthless.<sup>78</sup> As a part of minority concept, there is no common denominator to the types of minorities. The Sub-Commission devised difference between “historical”/“classical” or “voluntary” or “involuntary” minorities based on historical and geographical events which gave rise to minorities.<sup>79</sup> Another attempt is made to classify minorities in general term as ‘national minorities’, ‘immigrant minorities’ and ‘subgroup minorities’.<sup>80</sup>

#### **i) National Minorities**

It is the most common and early recognized type of minorities in which the state practices are abstracted to international minority protection.<sup>81</sup> Peculiarly, its members are identified as nationals of the state who display ethnic, religious or linguistic characteristics different from the rest of the population.<sup>82</sup> Members are committed to preserve their culture, traditions, language and religion. National minorities are the subject of existing international instruments of minority protection.<sup>83</sup> Culture, religion and language are the key distinguishing features of national minorities. Kurds in Turkey, Swedes in Finland, Germans in Belgium and Italy, Serbs in Bosnia-Herzegovina, French in Canada, and Tamils in Sri Lanka are some of examples to this category.<sup>84</sup>

#### **ii) Ethno-cultural Minorities**

In the second category of minority are often immigrants and refugees, and their descendants living for long time in the country other than their origin.<sup>85</sup> Members of Ethno-cultural minorities identify themselves from the rest of the population in such characteristics as race, culture or

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<sup>77</sup> D. Geldenhuys and J. Rossuw, p. 5.

<sup>78</sup> N. Kly, p. 35.

<sup>79</sup> Ibid.

<sup>80</sup> Id., p. 20.

<sup>81</sup> Ibid.

<sup>82</sup> Art.1 of Recommendation 2001, cited above note 76.

<sup>83</sup> D. Geldenhuys and J. Rossuw, p. 6.

<sup>84</sup> Ibid.

<sup>85</sup> N. Kly, p. 20.

religion, so they are termed as Ethno-cultural minorities.<sup>86</sup> Among other examples, the Turks in Germany, Indians and Pakistanis in Britain and Mexicans in the United States are some.<sup>87</sup>

### **iii) Indigenous Peoples**

Indigenous peoples share all identifying features of national minorities; in addition, compared to other, they are the original inhabitants of their country before the majorities settled.<sup>88</sup> The San in South Africa, Aborigines in Australia, Maoris in New Zealand, Red Indians in the United States and Inuit in Canada are cases in point.<sup>89</sup> Indigenous peoples claim more than minority protection, they are mostly peoples affected by colonialism; however, because domination and marginalization inflicted by the majority settlers, minority rights protection includes indigenous peoples.<sup>90</sup>

There is also another category of minority which is controversial than the above mentioned to include in the regime of minority. It is named as subgroup minorities and its elements are not still defined but generally referred as segments of dominant groups such as homosexuals and the poor.<sup>91</sup> However, neither of these types of minorities like the definitions discussed above includes exogenous ethnic minorities as special types of minorities in their mention.

## **D. The Place of Exogenous Minorities in the Definition and Types of Minority**

Exogenous ethnic minorities and individuals can be seen into two styles. If the configuration such persons is ethnically viewed taking example, Amharas, numerically is far greater than some indigenous peoples in states of Benishagul-Gumuz and Harai People while they form substantial segment in other states.<sup>92</sup> In individual base, persons from every identified ethnic group are dispersed in the country some of them may, as Assefa states above, do not like to associate with any ethnic group either to indigenous or non-indigenous but rather they want to be recognized only as individual citizen in the Country. Since the polity is structured as indigenous ‘Nations,

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<sup>86</sup> D. Geldenhuys and J. Rossuw, p. 6.

<sup>87</sup> Ibid.

<sup>88</sup> Aberra, p. 39.

<sup>89</sup> Ibid.

<sup>90</sup> Thornberry, 2001, p. 331.

<sup>91</sup> N. Kly, p.21.

<sup>92</sup> Assefa, 2008, p. 30.

Nationalities and Peoples’ and there is no ready pigeonhole to accommodate them, so they form exogenous ethnic minorities as non-indigenous individuals from different ethnoses of the Country. Thus, the fact that being exogenous – individuals or groups separated from their kin or “mother” ethnic group and dispersed – living within territories of the indigenous ethnic groups form exogenous ethnic minorities and individuals. From these groups, Amhara constitutes the largest proportion (see Table I).

The definitions and types of minority set subjective and objective criteria following the content of Article 27 of ICCPR., the objective criteria: ‘being citizens of a state’, ‘numerically inferior’, ‘non-dominant position’ and ‘having ethnic, religious or linguistic characteristics compared to the rest of the population in the state’, do not include our exogenous ethnic minorities and individuals. Firstly, the exogenous minorities have no common linguistic, ethnic and religious characteristics since they are drawn from different linguistic, religious and ethnic groups of the Country. But independently, some like Amhara, Oromo and others have common ethnic and linguistic nature. Conversely, all commonly share the nature of non-indigenes, non-contingency in defined territory and dispersion within majority indigenous ethnic groups.

Secondly, in their numerical position, in some states as said earlier they are far stronger than some indigenous groups while in other states they are inferior having substantial number. Hence, the ‘numerically inferior’ element is not uniformly matched.

Thirdly, the comparison with ‘rest of the population in the state’ is not applicable in a polity ethnically decentralized like Ethiopia where minorities may exist at any lower level of structure. The ‘rest of the population in the state’ does not show the population size of different ethnic groups in region or zone. Therefore, the common characteristics of exogenous ethnic minorities are not perceived by the objective criteria in the attempted and established definitions and types of minority.

The subjective criterion, a ‘sense of solidarity towards preserving their distinctiveness (culture, traditions, religion or language) by their collective will’, does not refer to exogenous minorities, since exogenous ethnic minorities are not from the same language, ethnic origin and religion,

and are not expected to have solidarity on their differences. Even members of the same ethnic group are also suffering from hate-speech like '*neftegna*', 'remnants of the past colonizer' and 'settlers'. N. Kly puts 'in the societies with prevailing negative attitudes of majority towards the minority, members of minorities are fearful to make any declaration of their ethnic origin.'<sup>93</sup> Others may not want to associate with any ethnic group. However, exogenous ethnic minorities and individuals have common interest of equal recognition and protection of their individual and group identity and human rights.

In concluding this sub-topic, the definitions and types which are controversial are not fully appreciating exogenous ethnic minorities and individuals in their discussion and categorization of minorities. Only the fact that exogenous ethnic minorities and individuals are "citizens" of the state coincides to defining clauses.

## **2. Exogenous Minorities in International Laws Concerning Minorities**

In seventh century, Arab Caliph entered into a treaty with the Byzantine Emperor, undertaking to allow freedom of worship to Christians in consideration of taxpaying; and a few centuries later, in 994, an agreement was concluded between the Emperor of Constantinople and the Russian Prince Igor, in protecting Orthodox Church residing in the Russian territory.<sup>94</sup> However, in Christian West, the notable evidence of minority rights dates back to the treaty of Vienna, signed in 1606 by King of Hungary and the Prince of Transylvania, which accorded to the Protestant minority free exercise of religion.<sup>95</sup> A number of treaties were concluded incorporating provisions relating to the rights of religious minorities among European states during seventeenth and eighteenth centuries.<sup>96</sup>

The nineteenth century came with multifold changes to the development of minority rights. The Christian Western Europe confined bilateral agreements on religious rights of religious minorities changed to multilateral treaties including Muslim and Eastern states on religious (both

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<sup>93</sup> N. Kly, p.34

<sup>94</sup> Fernand de Varenes, *Language, Minorities and Human Rights*, International Studies in Human Rights, Martinus Nijhoff Publishes, Kluwer Law International, The Hague, The Netherlands, 1996, p. 24. (hereafter cited as de Varenes, 1996)

<sup>95</sup> N. Kly, p.46. Rehman, p. 32.

<sup>96</sup> Ibid.

Christians and Muslims), ethnic and linguistic minorities as to their civil and political rights.<sup>97</sup> The prominent example to this effect is the Vienna Congress signed in 1815 by Austria, France, Great Britain, Portugal, Prussia, Russia and Sweden which contains provisions granting the civil and political rights of religious and national minorities.

de Varennes, in his book “*Language, Minorities and Human Rights*”, identifies the inter-war period as the ‘minorities treaties era’ for a number of minorities treaties were concluded between European states.<sup>98</sup> The aftermath of the war, appalling to atrocities and abuse of individual and group rights needed to lay a firm foundation for a lasting peace. Hence, the victorious particularly the then US president Woodrow Wilson was highly contended to incorporate issues of minorities and self-determination in the Covenant of League of Nations.<sup>99</sup> Nonetheless, the final version of the Covenant failed to contain any provision relating to minorities mainly because of the fears of the impact on principle of state sovereignty.<sup>100</sup> However, the League of Nations devised the system of series minority treaties to the very contemporary need of re-establishing the legal order and re-drawing of the political geography of Europe.<sup>101</sup> N. Kly puts the nature of these minorities treaties compared to religious minority focused treaties pre WWI, were emphasized on the rights of ethnic and linguistic minorities.<sup>102</sup> In their substantive contents these treaties contained equal treatment and non-discrimination, the right to citizenship, civil and political rights, the right to minorities to establish and control their own institutions; and positive duties on the state parties to protect minority rights such as, proportional funds for the institutions that enable minorities to exercise their rights satisfactorily, funding minorities school in their mother tongue languages and so on.<sup>103</sup>

Moreover, the League established international and national obligations. Nationally, member state should incorporate provisions concerning minorities in their constitutional set-up. Internationally, no modifications to the relevant treaty provisions were possible without the

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<sup>97</sup> Id., p. 47. Thornberry, 2001, p. 30.

<sup>98</sup> de Varennes, 1996, p. 26.

<sup>99</sup> Reheman, p. 38.

<sup>100</sup> Ibid. de Varennes, 1996, p. 26.

<sup>101</sup> Ibid.

<sup>102</sup> N. Kly, p. 48.

<sup>103</sup> Ibid.

consent of the majority of the League Council.<sup>104</sup> In addition, the Council had the so-called Minorities Committee which entertain petition of minorities and the Permanent Court Justice who had power to give final decision when difference arose between the governments concerned or members of the Council, the Court also provided advisory opinion on the interpretation of the minorities treaties.<sup>105</sup>

The League Minority System worked confined to smaller states of Eastern and Central Europe and open Great Powers unduly interfere to the sovereignty of smaller. Only those ‘privileged’ minorities to kin-states were protected.<sup>106</sup> Nazi Germany and Fascist Italy exploited the minority issue to their own expansionist ambition which led to the Second World War.<sup>107</sup> Moreover, the Great European power inconsistent with the idea of self-determination and minority rights oppressed people of Africa and Asia. These and other facts cause the demise of League of Nations with its efforts of minority protections.

This juncture is not only meant to narrate the history of minorities within eventual historical frames, but highly interested to find any experience of exogenous ethnic minorities’ protection in order to abstract lessons for the research’s exogenous ethnic minorities and individuals of the present Ethiopia. Firstly, the minorities of Europe discussed above were and exogenous ethnic minorities in Ethiopia are the result of change in governments and territories after wars. While minorities in Europe were created by drawing and re-drawing of the political maps of Europe, the exogenous ethnic minorities of Ethiopia are the result of change of the State internal structure from unitary to ethnic federalism.

Secondly, the minority treaties were mostly signed between states in which peoples were divided by international boundaries or dissected region and minorities in some state were majorities in other contracting party, the latter States might assert in their co-nationals.<sup>108</sup> For instance, the Congress of Vienna in 1815 provided ‘The poles who are ... subjects of Russia, Austria and

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<sup>104</sup> Reheman, p. 40.

<sup>105</sup> Ibid.

<sup>106</sup> Kristin Henrard, *Devising an Adequate System of Minority Protection: Individual Human Rights, Minority Rights and the Right to Self-determination*, Martins Nijhoff Publishers, The Hague, 2000, p. 7. (hereafter cited as Henrard, 2000).

<sup>107</sup> Ibid.

<sup>108</sup> Thornberry, 2001, p. 1.

Prussia, shall obtain a Representation and National Institutions, regulated according to the degree of political consideration, that each of the Governments to which they belong shall judge expedient and proper to grant them' to preserve the Polish nationality. Hence, pragmatic wisdom necessitated minorities' protection by rights and duties of contracting parties, such as intervention and declaration of war by kin-state when its co-national minority rights were endangered.<sup>109</sup> And in the regime of League of Nations, the League served as additional access to minorities. Therefore, the constituent units the Federation in the present Ethiopia should take the trend to built interstate relation and agreement concerning their respective exogenous co-ethnic minorities and the center also safeguard exogenous ethnic minorities and individuals directly.

The issues of minority immediate after World War II are controversial. N. Kly has positively noted in his book entitled "*International Law and the Black Minority in the U.S.*" the full process of recognized political, civil and cultural rights of ethnic and linguistic minorities in international law developed after World War II.<sup>110</sup> He had this position in light of the continual growth of interstate minority treaties in the continent of Europe. For others like Thornberry, much of the period after the World War II elbowed aside the minorities issue because it appeared to raise too many problems, the response to which did not command international consensus.<sup>111</sup> The great fashion at the end of the World War I was international protection of minority through abundant treaties, conferences, and League of Nations activities, however after World War II the fashion become obsolete.<sup>112</sup>

The idea to build a new world order gave priority to "peace, order and stability" and the experience of League of Nations with minorities of Europe had not seen well, rather it had contribute to the War which would also disrupt the elements of new order.<sup>113</sup> Bruegel put this effect '[a]fter the Second World War the slogan was no longer "protection of minorities" but

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<sup>109</sup> Id., pp. 33-35; The demand for intervention by six European Powers indicated in a Protocol of 1877 for the fulfillment of the promise in the treaty of Paris of 18 56 concluded between Austria, France, Great Britain, Prussia, Russia, Sardinia and Turkey and the war waged by Russia were formally based upon Article IX of the Treaty of Paris.

<sup>110</sup> N. Kly, p. 48.

<sup>111</sup> Thornberry, 2001, p. 5.

<sup>112</sup> Ibid.

<sup>113</sup> Rehman, p. 43.

“protection from minorities”...’<sup>114</sup> There was conspicuously clear shift to less threatening rhetoric of individual human rights from the advocacy of highly suffering minorities for the assumption that the issues of the latter would cease in the former. However in reality, 14 million Germans were displaced from Poland, Czechoslovakia, and Hungary partly by the Allied Powers under inhuman treatment and complete disposition of their property; and most bitterly, two millions were perished in the process.<sup>115</sup> At the same time the Allied were prosecuting the Nazis at Nuremberg on the charge of forcible deporting French and polish minorities from annexed territories.<sup>116</sup> In addition, Africans and Asians in whatever style: individually or in group as minority or states were suffering under colonialism by the victorious.

However, the states of the world continued protection minorities in the fashion of interwar period. To cite one from many,<sup>117</sup> a Memorandum of Understanding was initialed in London in 1954, concluded between Italy, the United Kingdom, the United States and the ex-Yugoslavia provided unhampered rights to ethnic minorities: Yugoslavs in Italy and Italian in the ex-Yugoslavia.<sup>118</sup>

On the other hand, in the UN framework, Dinstein finds only two rights in international laws are pertain to minorities: the right to physical existences (prohibition of genocide) and the right to ‘Persons belonging to ethnic, religious or linguistic minorities’ enshrined in Article 27 of the ICCPR.<sup>119</sup> The right of Self-determination<sup>120</sup> is subject to controversial interpretation in relation to minorities since the rights holders are ‘peoples’ and it fenced by national unity and territorial integrity, the sacred Principles and Purposes of the UN Charter.<sup>121</sup> Equality and non-

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<sup>114</sup> Ibid. Cf J. W. Bruegel, ‘A Neglected Filed, the Protection of Minorities’ 4 RDH, 413, 1971, p. 413.

<sup>115</sup> Ibid.

<sup>116</sup> Ibid.

<sup>117</sup> The treaty between the Austria and Italy in 1946; The Treaty between Bulgaria, Finland, Hungary, Italy and Romania in 1947 and The Treaty of Osimo between Italy and Ex-Yugoslavia in 1976 are also some.

<sup>118</sup> N. Kly, p.49.

<sup>119</sup> Thornberry, 2001, p. 11.

<sup>120</sup> The Common Art. 1 of ICCPR and ICESCR.

<sup>121</sup> Thornberry, 2001, p. 11.

discrimination<sup>122</sup> and other individual rights which have group orientation, such as, the right assembly and association are at the other front.<sup>123</sup>

The right to existence is a fundamental right for only the living can claim other rights. In terms of individualistic and collectivities debate, the International Convention on the Prevention and Punishment of the Crime of Genocide<sup>124</sup> makes a clear distinction. For individuals the right to existence means the essence of life which is protected by ‘the right to life’ and ‘crimes against humanity’; whereas, for minorities the right to existence is not exclusively to their physical existence but would also include the existence of a culture, religious, linguistic, a shared sense of history and common destiny, without which the minorities would lose its distinctiveness.<sup>125</sup> Indeed, the Genocide Convention has no mention to the term minorities, a national, ethnical, racial or religious group are protected.

The Genocide Convention has contained only physical, biological and cultural genocides in its definition of term ‘genocide’ under article II. Hence, minorities from the collectivities of the Convention, the life and culture of a group are the prominent element of the protection. However, the systematic cleansing or assimilation of culture of exogenous and dispersed minorities and individuals are out of the preview of the Convention.

Hence, the time of Second World War and aftermath was the worst fortune of exogenous minorities and individuals ever known in human history. The Jewish dispersed in the continent of Europe were cleansed by Nazi attack, and the remnants exodus to their home land Zion from everywhere, in reverse, the fourteen million Germans were displaced from various regions of Europe. In the Indian Sub-Continent sixteen million Hindus and Muslims were uprooted and

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<sup>122</sup> Arts. 1(3), 13, 55 and 76 of the UN Charter signed on 26 June 1945, in San Francisco, at the conclusion of the United Nations Conference on International Organization, and came into force on 24 October 1945. And it is the basic principle of International Bills of Rights came after wards.

<sup>123</sup> Thornberry, 2001, p. 125.

<sup>124</sup> International Convention on the Prevention and Punishment of the Crime of Genocide, General Assembly Resolution 260 A (III) adopted on 9 December 1948, Entry in to Force: 12 January 1951. It is the first convention after the UN Charter.

<sup>125</sup> Rehman, p. 51; Thornberry p. 56.

expelled from their home and a million were perished in the process of partition of Pakistan and India.<sup>126</sup>

However, in the second half of twentieth century the UN came to realize that it cannot remain indifferent with the issue of the minority that contributes to cause internal and international disputes.<sup>127</sup> Thus, the UN Sub-Commission in its study of minorities, identified the origins of minorities, *inter alia*, those ‘minorities may formerly have been or may still be, a regional or scattered group which, though bound to the predominant group by certain feelings of solidarity, has not reached even minimum degree of assimilation with the predominant group’.<sup>128</sup> It further suggested that the solution to such minorities is to grant autonomy or self-government or lesser share of power, perhaps only enough to acknowledge their existence within the largest population.<sup>129</sup> Therefore, this the only area where exogenous ethnic minorities and individuals can be recognized similarly as scattered minorities, but not necessarily it would appreciate all the elements of exogenous ethnic minorities of this study.

### **3. Exogenous Minorities under Article 27 of ICCPR**

Even though the UN deliberately excludes minorities from the Universal Declaration on Human Rights (UDHR),<sup>130</sup> the most important provisions related to minorities in international laws comes under Art. 27 of ICCPR, which reads:

*‘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 their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.’*

Freeman summarizes the problems raised on this article by the writers as: (1) it applies only to those states in which minorities exist encouraging the state to deny the existence of minorities in their territory; (2) it recognizes the rights of persons (individuals) belonging to minorities, not minorities (groups) as such; (3) it imposes only a duty of non-interference with the individual

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<sup>126</sup> Rehman, p. 44.

<sup>127</sup> Thornberry, 2001, p. 1.

<sup>128</sup> *Definitions and Classification of Minorities*, UN Doc E/CN. 4/Sub.2/85, para.24.

<sup>129</sup> *Ibid.*

<sup>130</sup> UN General Assembly Resolution 217 A (III) adopted on 10 December 1948.

rights of such persons, but not positive duties to help the minorities.<sup>131</sup> This research also adds a question; does it apply to exogenous ethnic minorities and individuals?

The *travaux préparatoires* of and the *General Comment No. 23*, which was given by the *Human Rights Committee* on Art.27 of ICCPR, would help in evaluating the said problems. The preliminary draft of the ICCPR had no mention to minorities for the issue of minorities as collective rights were decided to be dealt separately through the study of Commission on Human Rights and its Sub-Commission.<sup>132</sup>

Accordingly, the Sub-Commission came with proposals for protection of minorities; one as draft protocol to ICCPR for the protection of ‘the ethnic, religious, and linguistic traditions and characteristics of minorities’, whereas, another proposed ‘since the teaching of minority languages and their use before the court were not addressed by the UDHR and the draft ICCPR, there should be a further study on the subject.’<sup>133</sup> However, the Sub-Commission lastly decided a minorities’ article in the ICCPR, in the form of provision: ‘Ethnic, religious and linguistic minorities shall not be denied the right to enjoy their own culture, to profess and practice their own religion, or to use their own language.’<sup>134</sup> The Sub-Commission replaced the term ‘minorities’ by ‘persons belonging to such minorities’ to signify the right holders in the law are individuals, not minorities. On the other hand, the phrase ‘in community with the other members of their group’ was included in order not to lose the group identity completely.<sup>135</sup> The Commission on Human Rights heard different amendments from its member states, but only a Chilean representative’s inclusion of ‘In those States in which ethnic, religious or linguistic minorities exist’ aiming to exclude ‘States of Immigration’ and to discourage ‘new’ minorities which may distort the states stability and territorial integrity was accepted to feature the final text of Art.27.<sup>136</sup>

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<sup>131</sup> Freeman, 2002, p. 121.

<sup>132</sup> Thornberry, 2001, p. 149.

<sup>133</sup> Ibid.

<sup>134</sup> Ibid.

<sup>135</sup> Ibid.

<sup>136</sup> Id., p, 150

The *General Comment* does follow the position *travaux préparatoires* as to debate whether Art.27 refers to individuals' right or group right of minorities. The Committee underlines that 'Although the rights protected under Art. 27 are individual rights, they depend in turn on the ability of the minorities group to maintain its culture language or religion'.<sup>137</sup> It comments the provision as it imposes positive duty on the states to safeguard the persons in exercising the rights from others persons encroachments, to protect the identity of minorities and ensuring the survival and continued development of the culture, religious and linguistic rights of concerned minorities.<sup>138</sup> However, it is difficult to read the positive duty of state apparently from the Art.27. The Comment also reveals the enjoyment of the rights enshrined in the article does not distort the sovereignty and territorial integrity of a state, however, the cultural rights (as the way of life) of indigenous communities constituting a minority need territorial autonomy in order to use of land resources, as fishing or hunting or other and the right to live within.<sup>139</sup>

The Comment further observes that the article establish and recognize distinct rights of culture, professing and practicing religion and using languages by individuals belonging to minorities which are not covered by other articles of the Covenant. This article does not substitute other rights of the Covenant, such as self-determination, non-discrimination and equality provided under Arts. 1, 2(1), 26, and other civil and political rights of ICCPR which are common to all individuals irrespective whether they belong to minorities or not.<sup>140</sup> Since, the provision is not sufficient to deal with the whole issues of minorities, the UN was obliged to adopt in 1992, a 'Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities'.<sup>141</sup> The Declaration tries to elaborate the spirit and fill the gaps of Art. 27. Conversely, it shows that the only binding provision on minorities rights Art.27 holds general terms difficult to implement in intricate and perplexing styled minorities of the world.

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<sup>137</sup> UN General Comment No. 23, Human Rights Committee, U.N. Doc. CCPR/C/21/Rev.1/Add.5(1994), para, 6.2.

<sup>138</sup> Id., para. 6.1, 6.2 & 9.

<sup>139</sup> Id., para. 3.2 & 7.

<sup>140</sup> Id., para. 1, 2, 3.1 & 4.

<sup>141</sup> UN General Assembly Resolution 47/135 adopted on 18 December 1992.

The case of exogenous ethnic minorities does not differ from the fate of general minorities perceived under Art. 27. As a result, the provision does not identify the subjects of the rights whether members of minorities enjoy them in individual base or collective base; rather it compromises in between and which right prevails where the two conflicting is still unanswered. The minorities style as indigenous or exogenous, dispersed or territorial contingent, etc. are systematically overlooked.

Secondly, the rights provided in under Art. 27 are limited to culture, religion and language while the other rights of minorities are complemented by other human rights provisions of the Covenant. For instance, the right to be elected and participate in public affair is left to both minorities and majorities, where the latter can permanently win in pluralistic democracy. Indeed, it reaffirms the experience many states of minor rights for minorities. Therefore, specification and implementation of the rights enshrined in the article and other legitimate rights of minorities is handed to the mercy of State Parties depending on their recognition of minorities.

Exogenous ethnic minorities of and individuals of Ethiopia can use the provision at least for bargaining their rights of enjoying culture, professing and practicing religion and using languages for Ethiopia ratified the Covenant and is an integral part of the law of the latter. Once again, other rights cannot be claimed based on the provision of Art.27.

#### **4. Exogenous Minorities: Experiences of Multiethnic Federations**

The concept of federalism, though USA origin, has got a great acclamation by many states<sup>142</sup> contemporarily due to its manifold purposes: conflict resolution, convenience in administration of vast territory and diverse population and local empowerment as well as political, economical and social benefits.<sup>143</sup> Particularly, multinational or ethnic federalism provides minorities the right to equitable political representation within the majority, the right to preserve language and

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<sup>142</sup> From 129 world states under UN 30 states constitute federal state including Democratic Republic Congo, Iraq and Sudan, which are in internal conflict and have not strong federal constitutions.

<sup>143</sup> Ronald L. Watts, *Comparing Federal Systems*, (2<sup>nd</sup> ed.), Montreal, McGill-Queen's University Press, 1999, p. 2 & 4.

culture and the right to self-government and control over resources.<sup>144</sup> Ethiopia through the 1995 FDRE Constitution joins formally to the world federations. However, it is not immune from potential dangers of fragmentation and conflicts which may weigh less or otherwise than the benefits.<sup>145</sup>

In their philosophy of federating a polity based on history, political ideology and population style, federations differ in their structure *inter alia*, as mono-national or multi-national/multi ethnic.<sup>146</sup> Mono-national federalists view the prime function of federalism as being to unite people living in different political units, who nevertheless shared a common language and culture.<sup>147</sup> Multi-national or multi-ethnic federalists, by contrast, advocate federation to unite people who seek the advantages of membership of a common political unit, but diverse in descent, language and culture.<sup>148</sup> Hence, the former totally negates minority protection or differential treatment of groups in their constitutional order, otherwise, only if the center and constituting units (majorities) feel and agree to do so, minorities will be privileged at the whim of the majorities like affirmative action, evidenced by Aboriginal Peoples in Australia and Red Indians in USA.<sup>149</sup> On the other hand, ethnic federations devise self-rule in territorial autonomy structured in their constitutions for minority.

Still the territorial autonomy is inimical to territorially dispersed ethnic minorities which attempts to preserve their distinctive markers out of their ancestral home land. Being dispersed and exogenous they neither have striking political power nor cultural legitimacy to demand exclusive political administrative units within the federal polity'.<sup>150</sup> And the only remedy to

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<sup>144</sup> W. Kymlicka, "Emerging Western Models of Multination Federalism: Are They Relevant for Africa?" in David Turton (ed), *Ethnic Federalism: The Ethiopian Experience in Comparative Perspectives*, Eastern African Studies, Addis Ababa University Press, 2006, p. 32.

<sup>145</sup> Menaasie Haile, *The New Ethiopian Constitution: Its Impact upon Unity, Human Rights and Development*, 20 Suffolk Transitional Law Review, 1996, p. 12.

<sup>146</sup> John McGarry and Brendan O 'Leary, *Federation as a Method of Ethnic Conflict Regulation*, Forum of Federations, [www.forumfed.org/html](http://www.forumfed.org/html) assessed on 9/21/2009 12:51 PM. Argentina, Australia, Austria, Brazil, Germany, Mexico, UAE, USA and Venezuela are National /Mono-National federations, while Belgium, Bosnia, Burma, Canada, Czechoslovakia, Ethiopia, India, Malaya, Malaysia, Nigeria, Russia, Republic of South Africa, St. Kitts-Nevis, Switzerland and Serbia-Montenegro are multiethnic federations.

<sup>147</sup> Ibid.

<sup>148</sup> Ibid.

<sup>149</sup> Ibid.

<sup>150</sup> T. k. Ommen, "Nation Building and Diversity", Subtheme Paper presented in 4<sup>th</sup> International Conference on Federalism, held in New Delhi between 5 and 7 November 2007, in Ronald L. Watts and Rupak Chattopadhyay,

enjoy their distinctive rights is by returning to their homeland, as experienced by Jewish, otherwise assimilation.<sup>151</sup> However, Belgium and Canada develop a mixture of “extra-territorial” or “personal” and territorial federalism to solve this problem to some extent.<sup>152</sup> These are few federations set a system by which exogenous ethnic minorities and individuals are incorporated in ever growing federal nation-building and fell where they reside home beyond their minority rights.

Belgium is a divided country into a French-speaking (Wallonia) southern part and a Dutch-speaking (Flemish/Flanders) northern part, where the two main language groups are not of equal size; roughly, 60 per cent of the Belgians speak Dutch, 40 per cent speak French, and 0.6 per cent speaks German.<sup>153</sup> The Belgian Federation consists of three extra-territorial Communities and three territorial regions. The three Communities are the French Community, the Flemish Community, and the German-speaking Community, while Walloon, Flemish and Brussels are territorial regions.<sup>154</sup> Moreover, the polity is divided into four linguistic regions: the French-speaking Region, the Dutch-speaking Region, the bilingual Region of Brussels-Capital, and the German-speaking Region by which the jurisdiction of the communities are defined.<sup>155</sup> Each territorial region comprises lower administrative units termed as provinces.<sup>156</sup> The Flemish community exercises its powers in the Flemish region and in Brussels, and the French community exercises its powers in the Walloon region and in Brussels. The German-speaking community also received autonomous status and exercises its powers in the German-speaking areas of Walloon Region.<sup>157</sup>

In general, in all federal government posts, the regional and communal governments are represented proportionally by concession, not by majority and powers are fairly decentralized

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(ed.), *Unity in Diversity: Learning from Each Other* Vol. 1, Forum of Federations, Viva Books Plc, New Delhi, p.26.

<sup>151</sup> Id., p. 29

<sup>152</sup> Poirier, p. 51.

<sup>153</sup> Kris Deschouwer, *The Kingdom of Belgium*, Forum of Federations, [www.forumfed.org/html](http://www.forumfed.org/html) assessed on 9/21/2009 12:51 PM.

<sup>154</sup> Ibid.

<sup>155</sup> The Constitution of Kingdom of Belgium Arts.1- 4, [www.servat.unibe.ch/law/icl/be\\_index.html](http://www.servat.unibe.ch/law/icl/be_index.html) accessed on November 15,2009 , 4:00PM.

<sup>156</sup> Id., Art.5.

<sup>157</sup> Ibid.

among the center, the regions and the communities. The regions receive powers that can be organized on a territorial basis such as land use, agriculture, environment and transport, whereas the communities receive powers related to individuals such as culture and language.<sup>158</sup> Hence, the federation in Belgium has tripartite governments (double federation): the center, the regions and the communities.<sup>159</sup>

Both kinds of minorities, territorially confined minorities and dispersed minorities are protected by the system. For instance, French speaking minorities in the federation protected by territorial autonomy of Walloon and extra-territorial French community in the regions of Walloon, Brussels and some municipalities peripheral to Brussels in the Flemish region. In the same fashion, Dutch speaking minorities in Brussels are protected by the extra-territorial protection of the Flemish Community in Flemish region and in Brussels region.

Brussels is bilingual capital region of the Dutch speaking minorities and francophone majorities, in which the French and the Flemish communities can organize services in their language and anyone can have access in their power of competence.<sup>160</sup> The exogenous German speaking minorities are protected by self-rule of German speaking community in Walloon region. However, the communities have no reach to their own entire dispersed language speaker; they are restricted by the law and it is one of the drawbacks of Belgian federation in protection of minorities because of the disagreement between the two major linguistic groups.<sup>161</sup> The *Belgian Linguistic Case* in which the French Speaking groups in Flemish region are debarred from state funded schools in their language is the case in point.<sup>162</sup> Though the Constitution clearly ensures the free use of language, the language laws oblige government institutions to use the language (or languages) of a region in their communications with its citizens. Individuals may be required to use a specific language only if they hold a public position; for example, civil servants in local

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<sup>158</sup> Poirier, p. 51

<sup>159</sup> Ibid.

<sup>160</sup> Ibid.

<sup>161</sup> Kris Deschouwer cited above note. 153. This is why the Belgium has not yet ratified the European Frame Work Convention for the Protection of National Minorities.

<sup>162</sup> *Belgian Linguistic Case (No.2)*, (1980) 1 EHRR 252.

government must be bilingual if they have contact with the public in Brussels. There is no regulation, for instance, governing how shop owners may erect public signs.<sup>163</sup>

The protection of exogenous ethnic minorities and individual rights partially abstracts some lesson from the Belgian territorial and extra-territorial federalism techniques. Basically, the inter-regional cross-cutting of French and Flemish communities and German communities within Walloon region are some to be acclimatized for the study exogenous ethnic minorities and individuals. However, in substantive matters a trend should be sought from other federation before a new at least theoretical mechanism is proposed by the research.

The Canadian federation offers another system for such mixed configured population. It has been largely affected by the country's linguistic diversity, centered on the French-English relationship, and its regional and ethno-cultural diversity. Reflecting the historical presence of two language communities, Canada has two official languages, French and English. English is the mother tongue of more than 60 per cent of Canadians and French of about 24 per cent mostly concentrated in Québec province, immigrants, approximately 14 per cent of Canadians have other mother tongues; and almost 1 million people in Canada are aboriginal origins.<sup>164</sup>

The aboriginal people both clustered in their traditional land and their high population dispersed in urban settings, such as Québec and British Columbia provinces contemporarily assume power extra-territorial law-making up on cultural autonomy.<sup>165</sup> In the words of Poirier, 'concretely, this means that the self-governing institution can legislate with regard to individuals who resides on the group's homeland, but also with regards to those who are connected the community but who do not habitually reside in the community',<sup>166</sup>

In Canada, other segment of the population, Francophone Québec people are credited for the development of minority protection and to reframe the Canadian constitutional framework who

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<sup>163</sup> Ibid.

<sup>164</sup> David R. Cameron, *Canada*, Forum of Federations, [www.forumfed.org/html](http://www.forumfed.org/html) assessed on 9/21/2009 12:51 PM.

<sup>165</sup> Poirier, p. 51

<sup>166</sup> Ibid. This case signifies the research word – exogenous aboriginal minorities and individuals.

struggle up until secession.<sup>167</sup> Francophone Québécois have asymmetrically greater autonomy in Québec province where 85 per cent of them reside. However, Poirier contends that unlike Aboriginal extra-territorial community self-rule, a million francophone Canadians live outside Québec scattered throughout Canada have no minority rights room.<sup>168</sup> While some commentators argue that the bilingual official languages provided by the Constitution and Official Languages Act is designed to provide protection and services to linguistic minorities both in Québec and in the rest of Canada.<sup>169</sup> In addition, the bilingual facility in federal cities and in Québec and New Brunswick provinces; and minority language education right enable Anglophone and Francophone communities the protection of dispersed minorities in Canada.<sup>170</sup>

Lessons which we should abstract from the above federations are so important for the human rights of exogenous ethnic minorities and individual trapped among indigenous people or 'Nations, Nationalities and Peoples'. First, the postulating bilingual and trilingual official languages of Canada and Belgium respectively, which Ethiopia lacks even one, and bilingual working languages in the region of Brussels in Belgium, and in federal cities and provinces of Québec and New Brunswick in Canada open the gates to other rights. These linguistic facilities help the exogenous minorities who are outside their linguistic regions to enjoy their cultural rights, right to education in their languages and participation in public administration.

Second, the Community system of Belgian Federation that links dispersed ethnic minorities with their 'mother' ethnic groups having territorial self-government provides a technique of check and balance between the constituting units of the federation as to their protection of minorities.

Third, the grant of self-rule dispersed German speaking minorities in the Walloon Region of Belgium and the Aboriginal Peoples in Canada is a remarkable framework for such kind of minority rights.

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<sup>167</sup> Richard Simeon, *Federalism and Decentralization in Canada*, Forum of Federations, [www.forumfed.org/html](http://www.forumfed.org/html) assessed on 9/21/2009 12:51 PM

<sup>168</sup> Poirier, p. 40.

<sup>169</sup> Simeon, cited above note 167.

<sup>170</sup> Ibid.

## Chapter Two

### Exogenous Ethnic Minorities in Ethiopia and General Description of Sources of Data

This chapter of the research tries to see the emergence and development of the present heterogeneity of the ethnic population in making the exogenous ethnic minorities of Ethiopia and the research area, Harar. It also links the theoretical bases of the research to the practical data by providing general descriptions of sources of primary data collected from the research area.

#### 1. Exogenous Ethnic Minorities in Ethiopia

Interaction of different ethnic and religious groups to dominate one another through their languages, religion and territorial extensions constitutes basic tenets of Ethiopian history.<sup>171</sup> Ethnicity and religion played a central role in early and medieval Ethiopia.<sup>172</sup> The transfer of power politics from Aksumite kingdom to its successor dynasties of Agew; Shewa, Gojjam and Gondar (together called Amhara); Tigray and to the later Yijju Oromo after and the Oromo expansion to *ancien regime* or historic Ethiopia was the tread of ethnic interaction. The religious wars within the Christian highland Kingdom and the intermittent wars between the Christian highland Kingdom and the east and south low land Muslim Sultanates which were culminated in the war of Ahmed Ibn al Ghazi or *Ahmed Gragn* (Ahmed the left handed in Amharic) were the second prong of the then Ethiopia.<sup>173</sup> While ethnicity is welcomed to lay the foundation of the present political system of ethnic federalism, the latter is surfaced from the state consciousness. Nonetheless, it played central role in the state past governance and would be a cohesive element cross-cutting intensified ethno-linguistic diversities.<sup>174</sup>

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<sup>171</sup> John Markakis, *Ethiopia: Anatomy of Traditional Polity*, Shama Books, Addis Ababa, 2006, p. 20. (hereafter cited as Markakis 2006). See GebreAb Barnabas, *Ethnic and Religious Policies of the Federal Democratic Republic of Ethiopia*, the Proceedings of First National conference on Federalism, Conflict and Peace Building, organized by Ministry of Federal Affairs and German Technical Cooperation, Addis Ababa May 6 - 7, 2003, Ministry of Federal Affairs, 2004, p. 200 – 201.

<sup>172</sup> See Medhane Tadesse, *Religion, Peace and the Future of Ethiopia*, the Proceedings of First National Conference on Federalism, Conflict and Peace Building, organized by Ministry of Federal Affairs and German Technical Cooperation, Addis Ababa may 6 - 7, 2003, Ministry of Federal Affairs, 2004, p. 273.

<sup>173</sup> Ibid.

<sup>174</sup> Assefa, 2008, p. 12.

In modern history, the modernization and centralization process is another historical event in making heterogeneous, particularly dispersion and intermixing of individuals from different ethnic origin within the sculptured Empire. Therefore, the briefing of basic historical events in making exogenous ethnic groups and individuals in Ethiopia will follow.

#### **A. A Brief History of Ethiopia in Making Exogenous Ethnic Minorities**

The Aksumite Empire which flourished on the northern part of the plateau comprises Cushite and Semite inhabitant of northern Ethiopia.<sup>175</sup> It contained numerous people: Gaze, Agame, Sign, Ava, Zigrine, Agave, Beja, etc. lived in both sides of the Red Sea up to south ward crossing Nile.<sup>176</sup> With the rise of Islam in Arabia and the rebellion of northern Beja people, the Aksumite kingdom forced to retreat south ward and succumbed to demise.<sup>177</sup> This south ward movement became a fashion of the Christian highland kingdom throughout Ethiopian history.<sup>178</sup> The Agew came to power with help of Shewa, the southern frontier.<sup>179</sup> Shewa which took the power since 1270 A.D became the strongest and most stable Solomonic dynasty<sup>180</sup> incorporated large territories to the east, west and south inhabited by diverse peoples, Islam and Christians, Oromo and Amhara, Somali and Afar etc.<sup>181</sup> Amharic language has been serving the palace since then following Ge'ez and Agew languages which had served the offices of the Aksumite and Agew dynasties respectively.<sup>182</sup>

The second historical event that makes the present diverse ethnic configuration is the Muslim invasion led by Ahmed Ibn al Ghazi. It was Jihad or holy war against the Christian highland Kingdom, to halt the back and forth attack and domination of the latter since the time of Emperor Amade Sion (1314 - 1344).<sup>183</sup> The army of Ahmed comprised the Afars, Somalis, Adals and

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<sup>175</sup> Markakis, 2006, p. 27.

<sup>176</sup> Sergew Hable Sellassie, *Ancient and Medieval Ethiopian History to 1270*, Haile Sellassie I University, Addis Ababa, 1972, p. 63.

<sup>177</sup> Id. 219.

<sup>178</sup> Markakis, 2006, p. 27.

<sup>179</sup> Sergaw Hable Sellassie, p. 265.

<sup>180</sup> A legendary based decent kingdom from King Menelike I the Son Queen of Sheba of Ethiopia and king Solomon of Israel and legitimacy kings was given if they alleged the lineage.

<sup>181</sup> Markakis, 2006, p. 34

<sup>182</sup> Sergaw S.Hable Sellassie, p. 291.

<sup>183</sup> Walelign Emiru, *Ethiopia through the Second Millennium: Critical Assessment*, Ethio Tikur Abay Printing Press, Addis Ababa, 2006, p. 129; Markakis, 2006, p. 29.

other Southern Muslim Sultanates headquartered in Harar. The war continued for more than a decade (1527- 1543), created a new image to homogenously Christian Abyssinians. Islam and other ethnic groups of east and south could manage to enter in the center of highland Christian Kingdom.

Thirdly, the Oromo, taking the advantage of weakness of highland Christian Kingdom and Muslim powers, overrun the territories of both powers advanced into three ways in 16<sup>th</sup> century.<sup>184</sup> On the south-eastern side, the Arusi invaded shewa and paved the way for other group moving towards Tigray. While the second group moved to the western side Gibe region stretching up to Abbay River, the third group moved to eastern plateau towards Harar.<sup>185</sup> According to Donald N. Levine, in his book entitled “*The Great Ethiopia: The Evolution of a Multi-ethnic Society*” the present configuration of Oromos in Ethiopia was the result of 16<sup>th</sup> century Oromo movement which removed the indigenous peoples such as Dawaro, Bale, Fatigar, Shewa, Damot etc from their territories.<sup>186</sup> The Oromo played a very significant role in making of multi-ethnic-empire state and development of strong political landscape.<sup>187</sup>

Modernization and centralizations process in the modern history of Ethiopia started by Tewodros II and accomplished by Menelike II in the 2<sup>nd</sup> half of 19<sup>th</sup> century is responsible for the formation of the present heterogeneous society with diverse ethnic groups.<sup>188</sup> More importantly, the process of unification and implementing administration in the conquered areas needed the garrison move from north to south, mainly the Shewan Amhara and Oromo. Due to an opening of large opportunities in fertile and resourceful areas of the south and applauding administrative machinery, individuals of the above mentioned ethnic groups moved in their daily life. Moreover, supplanting a system of centralized and integrated bureaucracy under a monarchy intensified the movement of individuals particularly those were loyal to the system during Emperor Haile Sellassie I. The Dergue also opened the last historical point in creation of

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<sup>184</sup> Markakis, 2006, p. 30

<sup>185</sup> Ibid.

<sup>186</sup> Donald N. Levine, *The Great Ethiopia: The Evolution of a Multi-ethnic Society*, University of Chicago Press, Chichago and London, 1974, p. 71.

<sup>187</sup> Markakis, 2006, p. 32.

<sup>188</sup> Merera, 2003, p. 60.

exogenous ethnic group and individuals. Accordingly, the resettlement and villagization of peasants of north to the fertile lands of south was the case in point.<sup>189</sup>

However, the present historians and political scholars and elites do not agree with the interpretation of history in making of present Ethiopia. For some, the present Ethiopia is the creation of centralization after 1850s, and the process is termed as either ‘national oppression’ or ‘colonization’. On the other hand, some say, Ethiopia is an ancient state descended from early Aksumite kingdom and the later reunification and modernization should be seen as ‘nation-building’.<sup>190</sup> The impact of viewing history in different perspective poses difficulties in the life of exogenous ethnic groups. Ethnic displacement of Amharas and destruction of their property in Bedeno, Arba Gugu and Gara Muleta and the ongoing conflicts between ethnic groups and exodus to their mother state are the effects.<sup>191</sup> The Federal and states’ constitutions’ disdain to recognize and protect these ethnic groups is conspicuously seen at the Federal and state level which will be discussed next.

## **B. Minorities under the Transitional Government of Ethiopia (TGE)**

After the demise of the Derge, the victorious TPLF convened its allies, national liberation movements and other political organizations or as it attires the name “peace loving and democratic forces” who participated in the toppling of the Dergue. The Conference held in Addis Ababa from July 1 – 5 setup a new political structure through Transitional Government of Ethiopia (TGE) by adopting Transitional Period Charter.<sup>192</sup> The new framework it brought in the constitutional settings of Ethiopia was the rights of ‘Nations, Nationalities and Peoples’ to self-determination.<sup>193</sup>

The rights of ‘Nations, Nationalities and Peoples’ to self-determination encompass three prongs.<sup>194</sup> First, it provides the right to preserve identity, to promote culture and history and to use language and have them respected. This enables the holders of the rights to distinct identity

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<sup>189</sup> Merera, 2003, p. 80.

<sup>190</sup> Merera, 2006, p. 120.

<sup>191</sup> Assefa, 2008, p. 1.

<sup>192</sup> The Transitional Period Charter of Ethiopia, *Negarit Gazeta*, 50<sup>th</sup> year No. 1, Addis Ababa, July 22<sup>nd</sup> 1991.

<sup>193</sup> Art. 2. of the Transitional Period Charter of Ethiopia.

<sup>194</sup> *Ibid.*

from other. Secondly, after having distinct identity, each ‘Nation, Nationality or People’ has the right to administer their own affairs within their own defined territories and participate within the center based on their freedom and fair and proper representation. In other words, the holders of the rights have the right to develop in to self-government within or without central government based on their will. Lastly, if they do not feel comfort within the central governments, they can exercise the right to self-determination through independence or secession.

Even though, the Charter built the TGE with Council of Representatives and Council of Ministers, mainly from national liberation movements,<sup>195</sup> which aimed at drawing up a draft constitution, it lays fundamental dimension in Ethiopian history by introducing right of ‘Nations, Nationalities and Peoples’ which in turn neither the past had experienced nor the new Constitution would derogate from.

The Charter without providing any meaning for the terms “nation”, “nationality” and “people”, envisaged local and regional administration should be formed following nationality line. Accordingly, Proclamation No. 7/1992 came in to place to establish National/Regional Self-Governments based on nationality.<sup>196</sup> The Proclamation identified 64 ‘Nations, Nationalities and Peoples’ indiscriminately without referring which of them constitutes nation or nationality or people. In doing so, the Proclamation tried to define nation and nationality and minority nationality. “Nation” or “Nationality” was defined as a people living in the same geographical areas and having a common language and a common psychological makeup of identity, whereas, “Minority Nationality” was also defined as “a nationality or people which cannot establish its own *Wereda* Self-Government because of small number of its population.”<sup>197</sup> Proclamation No.11/1992 employed the same definitions to both cases respectively.<sup>198</sup> But, Proclamation No.111/1995 provides a new definition to “Minority Nationality” as “a community determined

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<sup>195</sup> Art. 6 of The Transitional Period Charter of Ethiopia.

<sup>196</sup> National/Regional Self-Governments Establishments Proclamation No. 7/1992, *Negarit Gazeta*, 50<sup>th</sup> year No. 2, the Transitional Government Council of Representatives, Addis Ababa, 14<sup>th</sup> January, 1992.

<sup>197</sup> Id., Arts. 2(6) and (7).

<sup>198</sup> Art.(3) and (5) of Proclamation No. 11/1992, A Proclamation to Provide for the Establishment of Establishment of the National Regional and Wereda Councils Members Election Commission, *Negarit Gazeta*, 51<sup>st</sup> year No. 6, the Transitional Government Council of Representatives, Addis Ababa, 8<sup>th</sup> February, 1992.

by Council of Representatives or its successor, to be of a comparatively small size of population than that of other nations/nationality.”<sup>199</sup>

The given definitions were not helpful; rather they obscured the meaning of the terms. For one reason, the terms “nation, nationality and peoples” were used to define one another. Second, the terms were joined by conjunction ‘or’ – as “nation or nationality” and “nationality or People”. However, the numerical element and distinctive characteristics of common language and common psychological makeup coincide (not necessarily) with minority definition given by Capotorti and Deschênes in previous chapter.

Exogenous ethnic groups and individuals dispersed in the past political settings of Ethiopia were not considered by the TGE both in its Council of Representatives and Charter and other laws. Even though the very first provision of the Charter clearly made reference to individual human rights based on UDHR, the group rights of ‘Nations, Nationalities and Peoples’, practically, the rights of indigenous ethnic groups to form self-governments as per Proclamation No. 7/1992 set aside the former. Hence, exogenous ethnic groups and individuals were totally marginalized from the transitional process which had resulted with flaws of their human rights. The ethnic conflicts and exodus pointed above most of which happened during the transitional period were some of the worst cases to this effect.

## **C. Minorities under the FDRE**

### **i. The Status of Exogenous Ethnic Minorities in FDRE Constitution**

The EPRDF was highly interested to support the systems came out of bullet by ballot by adopting a constitution. Thus, the TGE Charter under Art.10 provided the establishment of Constitutional Commission by the Council of Representatives to draft a constitution and submit the draft to the Council. The Commission was mainly staffed with the members of EPDRF dominated Council in order to make the constitution loyal to the incumbent regime.<sup>200</sup> After having adopted the draft Constitution, the Council presented it to the public for discussions. The

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<sup>199</sup> Art. 2(3) of Proclamation No.111/1995, A Proclamation to Make the Electoral Law of Ethiopia, *Negarit Gazeta*, 54<sup>st</sup> year No. 9, the Transitional Government Council of Representatives, Addis Ababa, 23<sup>rd</sup> February, 1995.

<sup>200</sup> Aberra, p. 92.

public discussions were strictly controlled by the EPDRF.<sup>201</sup> Then, the Constitutional Assembly was elected as per final draft constitution to ratify the draft and it came into force as of 21<sup>st</sup> August, 1995.

Many commentators argued that the political climate surrounding constitutional making was not willing to handle any one having views opposing to the ruling party, hence, a dozen of opposing parties did not participate.<sup>202</sup> Moreover, the election of Constitutional Assembly since it followed the ethnic based restructured regions (*Klillis*) of the TGE, the exogenous ethnic minorities and individuals could not participate in the constitutional making. Thus, the system chained from TGE to FDRE did not accommodate exogenous minorities and individuals. The most historical blameworthiness is, aware of the ethnic attack targeted to exogenous ethnic groups in Bedeno, Arba Gugu and Gara Muleta during the transitional period, the framer of the Constitution failed to insert any scheme of protection in the Constitution.

‘Nations, Nationalities and Peoples’ are the central pillars of the FDRE Constitution. The preamble opens with “*We, Nations, Nationalities and Peoples of Ethiopia*” to signify the fact that the owners and the authors of the Constitution are those group of population fit with terms. In addition, sovereign power and the right to self-determination in the Constitution reside in ‘Nations, Nationalities and Peoples’.<sup>203</sup> In order to materialize the sovereign power and the right to self-determination of ‘Nations, Nationalities and Peoples’, the Constitution restructures the old-aged unitary polity to federal state along ethnic lines. Hence, those ‘Nations, Nationalities and Peoples’ which were regions (*killil*) in TGE transformed to federating states in the Constitution. Minase Haile, depict this fact as “TPLF divides the unity of Ethiopia into nine tribal homeland-styled “states” by constitution.”<sup>204</sup> Accordingly, while the eight states the federation were regions of TGE, only those regions of southern ‘Nations, Nationalities and Peoples’ are merged to form Southern Nation, Nationalities and Peoples State (SNNPS).<sup>205</sup>

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<sup>201</sup> Ibid.

<sup>202</sup> Id. 93.

<sup>203</sup> Arts. 8 and 39 of FDRE Constitution.

<sup>204</sup> Minasse Haile, *Copmaring Human Rights in two Ethiopian Constitutions: the Emperor’s and “Republic’s”- Cucullus Non Facit Monachum*, CARDOZO J. OF INT’L & COMP. LAW Vol. 13, 2005, p. 10.

<sup>205</sup> See Art. 3 of Proclamation No. 7/1992 and Art. 47 of FDRE Constitution.

In addition, the Constitution under Art 39 (5) defines the terms ‘Nations, Nationalities and Peoples’ indiscriminately as “a group of people who have or share a large measure of a common culture or similar customs, mutual intelligibility of language, belief in a common or related identities, a common psychological make-up, and who inhabit an identifiable, predominantly contiguous territory.”

The basic elements to be ‘Nations, Nationalities and Peoples’ are ‘common culture or custom’, ‘common language’, ‘belief in common identity’, ‘common psychological make-up’ and ‘identifiable and contiguous territory’ identify indigenous ethnic groups to fit with. For example, the Oromo in present Oromia region, the Amhara in Amharas region, the Tigry in Tigray region, the Afar in Afar region, the Somali in Somalia region or those ethnic group having lower extent territory within regions like the Oromo and Agew ethnic groups having special zones in Amhara regions and many ethnic groups in SNNPS are those ethnic groups that can be termed as ‘Nations, Nationalities and Peoples’. However, those individuals from different ethnic groups in common territory like in Addis Ababa and Dire Dawa and those individuals from an ethnic group dispersed across territories of other ethnic groups such as Amharas out of Amhara region together called “exogenous ethnic groups and individuals” which cannot fit with the sculptured term ‘Nations, Nationalities or Peoples’. Since the FDRE Constitution has no citizens without ‘Nations, Nationalities and Peoples’, it denies the existence of exogenous ethnic groups within the “Nation, Nationalities and Peoples”, hence, their human rights are also set aside, such as the bundle of rights under the right to self-determination.

Without defining the terms, the FDRE Constitution employs the phrase ‘minority Nationalities and Peoples’ in Article 54(2) and (3) in order to give them special representation of not less than 20 seats in the HPR. It seems that the Constitution recognizes that from ‘Nationalities and Peoples’ some are minorities. These minorities are those ethnic groups which are identified as ‘Nations, Nationalities and Peoples’, but inferior in their number to exercise their right to participate in Federal HPR by winning the first-past-the-post electoral system within an electoral district.

The Constitution takes this lesson from TGE Council of Representatives. The then Council, during the election of members of Constitutional Assembly, tried to address all ethnic groups identified in country. However, the electoral districts holding each more than hundred thousand inhabitants could not enable them be elected those ethnic groups neither more than 100,000 population nor more than 50 per cent plus one inhabitants in an electoral constituency.<sup>206</sup> Thus, the Council requested the National Electoral Board of Ethiopia (NEBE) to identify such ethnic groups. Accordingly, NEBE identified totally 33 ‘Nationalities and Peoples’ to this effect.<sup>207</sup> However, the Council decided only 22 ethnic groups having 10,000 and above population can be represented in Constitutional Assembly and they should have special constituencies in the national election while the rest could be represented in regional councils.<sup>208</sup> The List of minorities having seats in HPR is attached to this paper (Annex-I). Hence, the FDRE Constitution provides the representation of ‘minority nationalities and peoples’ continuing the experience of its adoption in Constitutional Assembly. Still such protection of minorities does not extend to the exogenous ethnic minorities or other indigenous minorities who have met the minimum threshold.

**ii. Exogenous Ethnic Minorities in the Constitutions of States**

Christophe Van der Beken in his article *Ethiopia: Constitutional Protection of Ethnic Minorities at the Regional Level* divides the states of FDRE in to four groups based on their ethnic composition. The first category consists of the states of Oromia, Amhara, Tigray, Afar and Somalia in which their ethnic groups numerically dominate their respective regions.<sup>209</sup> In this category, each of these regions has substantial ethnic minorities. For instance, in Oromia and Afar states 12.20 per cent and 10.92 per cent of their respective populations are ‘non-indigenous’ or exogenous ethnic minorities and individuals. Of which, Amhara share the 7.22 per cent and 5.22 per cent of the respective regions’ population. Whereas, the Amhara, Tigray and Somalia

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<sup>206</sup> የአናሳ ብሔረሰቦች በሕገ-መንግሥት ጉባዔ አወካከል እንዲያጠና የተወካዮች ምክር ቤት ያቋቋመው ጊዜዊ ኮሚቴ ሪፖርት፡ 18/ 05/ 86 ዓ/ም፡ ገጽ፡1-6፡፡

<sup>207</sup> Ibid; Interview with Ato Daniel Seifu, the head of Geographical Information System of National Electoral Board of Ethiopia, who was a member of a Committee of NEBE in identifying minorities, on June 13<sup>th</sup>, 2009, 9:10 – 11:45PM.

<sup>208</sup> Ibid.

<sup>209</sup> Van der Beken, p. 6.

states hold 0.64 per cent, 2.67 per cent and 2.80 per cent exogenous ethnic minorities and individuals in their respective population (see Table I).

In comparing their constitutional arrangements, the Amhara and Tigray state constitutions do not deny the existence of other ethnic groups in the states. The preambles of both constitutions recognize the diversity of population by making opening phrases “*We, the people of Amhara National Regional State*” and “*We, the people of Tigray National Regional State*”.<sup>210</sup> The Amhara State Constitution under Art. 8 states that the sovereign power of the State is reserved neither to the major ethnic group Amhara exclusively, nor to it jointly with other ethnic groups in the region: Agewes (Himra and Awi), Argoba and Oromo, but to “*the people of Amhara Region*”. The same subjects can exercise such power by the right of self-determination including secession in the State as well.<sup>211</sup> The Constitution designs special representation to minority nationalities and peoples in the Regional Council and nationality self-administration to Himra, Awi and Oromo peoples within the Region.<sup>212</sup> Surprisingly, the text of the Constitution has no mention to “Amhara ethnic group” distinctly in which the Regional State named after. While other states constitutions give prominence to their own ethnic groups (compared to other ethnic groups in their region) as indigenous, having sovereign power, having the right to self-determination, etc., the Revised Amhara National Region Constitution does not see Amhara as distinct nation or nationalities or people which is an indigenous group having sovereign power and the right to self-determination.

The states of Oromia, Afar and Somalia in their constitutions,<sup>213</sup> on the other hand, deny the existence of other ethnic groups in their respective regions. Even though, the State of Oromia has 3.3 million ( 12.20 per cent) of non-Oromo exogenous ethnic groups and individuals, it entirely talks about only the 87.80 per cent Oromo People as if it is purely homogenous. On the other

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<sup>210</sup> The Revised Amhara National Region Constitution approval proclamation No. 59/2001, *Ziker Hig*, 7<sup>th</sup> year No. 2, The Council of The Amhara National Regional State, 5<sup>th</sup> December, 2001, Bahir Dar (hereafter cited as The Revised Amhara National Region Constitution). The Revised Tigray National Region Constitution approval proclamation No. 45/2001, *Negarit Gazeta Tigray*, 10<sup>th</sup> year No. 2, The Council of The Tigray National Regional State, 6<sup>th</sup> December /2001, Mekele (hereafter cited as The Revised Tigray National Region Constitution).

<sup>211</sup> Art.39 of The Revised Amhara National Region Constitution.

<sup>212</sup> Art. 48(2) and 73 of The Revised Amhara National Region Constitution.

<sup>213</sup> The Enforcement Proclamation of the Revised Constitution of 2001 of Oromia Region No. 46/2001, *Megeleta Oromia*, The *Caffee* of The Oromia National Regional State, 8<sup>th</sup> year No. 6, Finfine, July 12<sup>th</sup> 2000.( The Revised Oromia National Religion Constitution).

hand, the Amhara Region constitutional arrangement accommodates different ethnic groups which constitute on aggregate 8.52 per cent of the total population. The Revised Oromia Regional State Constitution opens with “*We the Oromo People*”, and the sovereign power, the right to participate in public administration and self-determination including secession are all together rest on “we”.<sup>214</sup> The same is true for the constitutional arrangements of Afar and Somalia.

As a result, the comparison of the 1994 and the 2007 census reports reveals the increasing of homogeneous majority ethnic groups in their territory. Accordingly, in the State of Oromia, the composition of Oromo ethnic group which was 85.00 per cent in 1994 increases to 87.00 in 2007, with 2 per cent increment of homogeneity in 13 years time. While the Amhara ethnic group in State of Oromia which was 9.10 per cent in 1994 decreases to 7.22 per cent in 2007.<sup>215</sup>

The Constitution of Tigray National Region structures a very strange framework. Though it recognizes the existence of other ethnic groups in its preamble, it reserves the sovereign power of the region to the Tigray People.<sup>216</sup> On the other hand, the right of self-determination including secession is given to the “*Tigray Nation and Irob and Kunama Nationalities*” with emphasis is given to Tigray ethnic group. In addition, it does grant neither special representation in Regional Council nor self-administration within the region to the Irob and Kunama ethnic groups.<sup>217</sup> The questions follow here is that how can an ethnic group exercise the right to self-determination including secession peacefully without self-administration and what is the benefit of recognition of diversity in the preamble of the Constitution if does not yield special representation in the system it designs.<sup>218</sup>

The second group consists of the states of Benishangul Gumuz and Gambela. These states are characterized by no single ethnic group numerically dominant but two ethnic groups jointly. In Benishangul Gumuz State, the Benishangul (Berta) and Gumuz are the two major ethnic groups

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<sup>214</sup> The preamble, Arts. 8, 39 and 48 of The Revised Oromia National Region Constitution.

<sup>215</sup> CSA, 2008; CSA, 1995.

<sup>216</sup> Art.8 of The Revised Tigray National Region Constitution.

<sup>217</sup> Art.39 of The Revised Tigray National Region Constitution.

<sup>218</sup> However, in practice the Irob and Kunama Nationalities has special representation and self-administrative unit which the Constitution does not envisage.

cover 25.90 per cent and 21.11 per cent of the population of the State respectively.<sup>219</sup> While Shinasha, Mao and Como are other ethnic groups which amount 7.59 per cent, 1.90 per cent and 0.96 per cent of the population respectively.<sup>220</sup> Exogenous ethnic groups and individuals hold 42.53 per cent in which Amhara and Oromo ethnic groups individually share 21.25 per cent and 13.32 per cent respectively.<sup>221</sup> In Gambela, the Nuer and Anuak are major ethnic groups which constitute 46.65 per cent and 21.17 per cent of the region's population respectively and Mejenger, Opo and Como are other ethnic groups less than 5 per cent of the total population.<sup>222</sup> On the other hand, exogenous ethnic groups and individuals share 27.85 per cent; individually Amhara and Oromo constitute 8.42 per cent and 4.83 per cent respectively.<sup>223</sup>

The two states recognize the heterogeneity or diversity of ethnic groups in their respective regions. The constitutions of both regions start by opening phrase "*We, the nationalities and peoples*", but this does not imply that other exogenous ethnic groups and individuals in the regions are accommodated in the system for more than two ethnic groups are identified as endogenous in the regions. While the Constitution of Benishangul Gumuz makes reference to "*We, the nationalities of Berta, Gumuz, Shinashia, Mao and Como and other people residing in the region*" in the fourth paragraph of its preamble, the Constitution of Gambela give meaning to "*We, the nationalities and peoples*" as "*We Anuak, Nuer, Mejenger, Upo and Como nationalities*" in the fourth paragraph of its preamble.

A clear normative differential treatment among different ethnic groups is designed by the constitutions of both regions. The Constitution of Benishangul Gumuz provides that the indigenous nations and nationalities of the Region are Berta, Gumuz, Shinashia, Mao and Como, however recognizant to other peoples living in the Region.<sup>224</sup> The Constitution of Gambela with the same sprit to marginalize exogenous ethnic groups and individuals stipulates that the constituent members of the Gambela Peoples Regional State are Anuak, Nuer, Mejenger, Opo

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<sup>219</sup> CSA, 2008, pp. 98 – 100.

<sup>220</sup> Ibid.

<sup>221</sup> Ibid.

<sup>222</sup> CSA, 2008, pp. 102 – 104.

<sup>223</sup> Ibid.

<sup>224</sup> Art.2 of The Revised Benishangul-Gumuz National Region Constitution.

and Como nationalities.<sup>225</sup> From these, Anuak, Nuer, Mejenjer are the three major ethnic groups having their own nationality administration zones.<sup>226</sup> However, Art. 36(3) of the Constitution of Gambela impose a duty on nationality administrative zones to enable minority nationalities and peoples to form their own self-administration *Kebele* – lower administrative unit and their representation in zones and the State administrative bodies. However, whether such scheme is designed to accommodate exogenous minorities or endogenous minorities of Opo and Como which are not structured as nationality administrative zones is not clear. But, one can conclude that exogenous ethnic groups either in aggregate or individually like Amhara and Oromo are not numerically inferior to Mejenjer to arrest them in *Kebele* level, nor they are entitled separate zones. Hence, the scheme is meant to incorporate the minority nationalities and peoples refer to Opo and Como nationalities which constitute less than 1 per cent the population, but endogenous.

The same position is reflected in provisions providing the sovereign power and the rights to participate in public administration and self-determination, which are vested to the indigenous ethnic groups in both constitutions. The constitutions of Benishangul Gumuz and Gambela provide that the ultimate power of their respective Regional State is granted to “*The Peoples of the Benishangul Gumuz Regional State*” and “*The Peoples of Gambela Peoples Regional State*” respectively, excluding exogenous ethnic groups and individuals.<sup>227</sup> Similarly, the right to self-determination in both regions is reserved to their respective indigenous ethnic groups as “*The Rights of Indigenous Nations, Nationalities of Benishangul Gumuz*” and “*The Right of Nations, Nationalities and Peoples of Gambela.*”<sup>228</sup>

The constitutional setup of the states of Benishangul Gumuz and Gambela Peoples do not recognize exogenous ethnic groups of the regions. Particularly, exogenous ethnic groups are excluded from the right of self-determination and the right to participate in public affairs. Nonetheless, due to a shortage of qualified endogenous staff and the continued use of Amharic as

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<sup>225</sup> Art. 36 of The Revised Gambela National Region Constitution.

<sup>226</sup> Art. 76 of The Revised Gambela National Rigion Constitution.

<sup>227</sup> Art .9 of both The Revised Benishangul-Gumuz National Region Constitution and The Revised Gambela National Region Constitution.

<sup>228</sup> Art. 39 of both The Revised Benishangul-Gumuz National Region Constitution and The Revised Gambela National Region Constitution.

a regional working language in both states of Benishangul Gumuz and Gambela, more than 70 per cent of public servants are exogenous ethnic groups.<sup>229</sup> The *Benishangul Gumuz case*<sup>230</sup> is best litmus to this point.

The famous case was raised by the exogenous ethnic groups in Benishangul Gumuz State. The case arose in the State and visited the tables of National Electoral Board of Ethiopia (NEBE), Council of Constitutional Inquiry (CCI) and lastly the House of Federation (HoF).<sup>231</sup> Firstly, the case was instigated by the decision of the State and NEBE that barred the individuals of exogenous ethnic groups from candidacy for regional and national election for the reason that they did not speak at least one of the languages of the endogenous ethnic groups. The decision of NEBE is based on the then Electoral Law (Proclamation No. 111/95) which stipulates under its Art. 38 the candidate for regional and national election must be able to speak at least one of the vernacular of indigenous groups of the regional state. Thus, the claimants, among other things, challenged the constitutionality of the Electoral Law, in light of the constitutional right to vote and to be elected which outlaw discrimination based on language enshrined in Art. 38 of the FDRE Constitution. Besides, the claimants raised *inter alia*, recognition as distinct ethno-national group having special administrative unit and self-determination and fair representation in the Region and Federation, otherwise return to their kin-states where their language and culture would be protected.<sup>232</sup>

Ignoring the other claims which were more important issues to exogenous ethnic groups including those in other regions had they been addressed, both CCI and HoF entertained only the question of right to vote and to be elected.<sup>233</sup> While the CCI recommended in deciding the unconstitutionality of the Electoral law by majority 6:2, following subtle way, the HoF decided that if a person speaks the working language of the state (which may or may not be the language of endogenous ethnic group<sup>234</sup>), he/she can be a candidate, without facing the question of

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<sup>229</sup> Van der Beken, p. 6.

<sup>230</sup> Decision of House of Federation on 'Constitutional Dispute Concerning the Right to Elect and Be Elected in Benishangul Gumuz Regional State', 13<sup>th</sup> March 2003.

<sup>231</sup> Getachew, 2008, p. 12.

<sup>232</sup> *Id.*, p. 13.

<sup>233</sup> *Ibid.*

<sup>234</sup> For most of the Ethiopian History, Amharic was used as official language of the Country. The coming into force of EPRDF has changed the case dramatically; hence the regions have power to choose their own working

constitutionality directly.<sup>235</sup> However, the decision of HoF is reflected in The Amended Electoral Law of Ethiopia Proclamation, Proclamation No. 532/2007.<sup>236</sup> Accordingly, Article 45 (1) (b) of the same provides that ‘any person shall be eligible for candidature where he/she among other criteria, is versed in the working languages of the Regional State or the area of his candidature.’

The decision of HoF reaffirmed that ethnic federalism which Ethiopia is following, is not designed to accommodate the exogenous ethnic groups, even to a lesser position than the indigenous/endogenous ones.

The third category of the Federation is the southern Nations, Nationalities and Peoples Region (SNNPR). The Region is particularly featured as the region of enormously diverse ethnic groups. Not less than 65 ethnic groups are identified in the region.<sup>237</sup> From these only Sidama, Gurage, Welaita, Hadiya and Gamo have population of more than one million.<sup>238</sup> Thus, there is no single ethnic group which has strong majority over the other. There are about 709, 246 (4.71 per cent) exogenous ethnic groups in the Region, of which Amhara constitute 420, 243 (2.79 per cent).

The Revised Constitution of 2001, of the Southern Nation, Nationality and Peoples Regional State<sup>239</sup> states the subjects and the owner of the Constitution are “*We, the Southern Nations Nationalities and Peoples*” without referring and capitalizing one or more ethnic groups; neither it characterizes ethnic groups as indigenous or non-indigenous. The sovereign power, the right to self-determination and the right to participate in public administration are also vested to the same.<sup>240</sup> The minority nationalities and peoples have special representation in the State Council.<sup>241</sup> The text of the Constitution is not helpful to identify whether exogenous ethnic

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language, where Amharic remain the working language of the Federal Government and the chosen in some region.

<sup>235</sup> Getachew, 2008, p. 16.

<sup>236</sup> The Amended Electoral Law of Ethiopia Proclamation, Proclamation No. 532/2007, *Federal Negarit Gazeta*, 13<sup>th</sup> year No. 54, The Federal Democratic Republic of Ethiopia House of Peoples’ Representatives, Addis Ababa, 25<sup>th</sup> June, 2007.

<sup>237</sup> CSA, 2008, p. 87.

<sup>238</sup> *Id.*, p. 18.

<sup>239</sup> The Revised Constitution, 2001, of the Southern Nation, Nationality and Peoples Regional State No. 35/2001, *Debub Negarit Gazeta*, 12<sup>th</sup> November, 2001, Awassa, (hereafter cited as The Revised Constitution of Southern Nation, Nationality and Peoples Regional State).

<sup>240</sup> Art. 8, 39 and 50 of The Revised Constitution of Southern Nation, Nationality and Peoples Regional State.

<sup>241</sup> Art. 50 (2) The Revised Constitution of Southern Nation, Nationality and Peoples Regional State.

groups are incorporated in the subjects and beneficiaries of the Constitution. In addition, the meaning employed to terms ‘Nations, Nationalities and Peoples’ in common Article 39 of the FDRE Constitution and the State Constitution is prone to criticism that the criteria *inter alia*, of common language and culture and contiguous territory are inimical to exogenous ethnic groups and individuals in order for them to exercise the rights of ‘Nation, Nationalities and Peoples’.

The Revised Constitution of Southern Nation, Nationality and Peoples Regional State follows strictly the textual structure of the Federal Constitution. This is because of the similarity between the Federation and the Region’s population composition – few large but many small ethnic groups and bicameral parliamentary system. Exogenous ethnic groups are represented in neither of the houses.<sup>242</sup> From these one can deduce that the “*nations, nationalities and peoples*” in the Region refer exclusively to its endogenous ethnic groups.<sup>243</sup>

Even though there is lack of a constitutional obligation thereto, in some generous zones and *weredas* representation of endogenous minorities in zonal and *wereda* councils extends to accommodate exogenous ethnic groups.<sup>244</sup> Surprisingly, this incorporation of exogenous ethnic groups does not strictly follow territorial principle which is a very pillar of the Federation. But non-territorial principle serves where it is found difficult to identify ethnic groups within confined territory. It is also taken as a cure to ethnic conflicts and tensions in an intricate ethnicity.<sup>245</sup> About 4 Zonal Councils and a Special *Woreda* Council provide representation to Amhara and Oromo ethnic groups. Accordingly, in zonal councils of Gurage (1Amhara), Dehub Omo (3 Amharas), Sheka (2 Amharas and 1Oromo) and Bench Majji (2 Amharas) and in Derashe Special *Woreda* (5 Amharas and 1 Oromo) are the cases in point.<sup>246</sup> Such accommodation of exogenous ethnic minorities by non-territorial principle is a lesson to be taken by other states and the Federal Government.

Van der Beken’s category of FDRE states lastly rest on the case of Harai people’s State which the research will discusse in the following topics and chapters in detail. In general, the ethnic

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<sup>242</sup> Van der Beken, p. 17.

<sup>243</sup> Ibid.

<sup>244</sup> Id., p. 25.

<sup>245</sup> Ibid.

<sup>246</sup> Ibid.

Federation of FDRE has ignored normatively exogenous ethnic minorities and individuals who do not fit with the sculptured pigeonholes of ‘Nations, Nationalities and Peoples’. This idea is reflected in the states’ constitutions. Particularly, the states’ constitutions exclude exogenous ethnic groups and individuals from the Federation. For instance, a group of 990 individuals of Opo ethnic group has representation in the HoF, for State of Gambela recognize it as indigenous ethnic group. Whereas, millions are not entitled because of lack of recognition by the states in which they reside.

#### **D. Exogenous Ethnic Minorities in Harar**

##### **i. History in making Harar and its Exogenous Minorities**

Menelike’s conquest of the Walled-City of Harar in 1887 and the change of government in 1991 by EPRDF with its new unprecedented restructure of the polity as both events are cited in the preamble of the current Constitution of the Harari People’s State, are the historical stepping stones of Harar. Thus, the history in making Harar and its exogenous ethnic groups and individuals can be seen in three phases: Harar before and after the conquest of Emperor Menelike and Harar during and after 1991.

Harar as the Emirates kingdom of Adal dates back to 9<sup>th</sup> century A.D, which had reached its zenith under Ahmed *Gragn* and the kingdom started to disintegrate after his death in the battle with highland Christian kingdom.<sup>247</sup> Even though, *Gragn*’s nephew Nur in 1567/8( to avenge the death of *Gragn*) and Amir Ali ibn Daud (1647-62) revived the Muslim Kingdom, successive plunder by the nomadic Afars, Somalies, and the Oromo attack declined the State and took it to 1875 Egyptians occupation.<sup>248</sup> Thus, it had changed from militant kingdom in to city-state of trade, culture and Islam propagation confined within stone wall.<sup>249</sup> The glaring points in this era was the cultural heritages within and of the stone Wall called – *Jugal* (as traditionally called and built by Amir Nur which encircled the City to guard the Kingdom from any attack). In addition, the relation between the Hararis and the surrounding Oromos changed from intermittent conflicts

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<sup>247</sup> Richard Caulk, *Harar in the 19<sup>th</sup> Century and the Loss of its Independence*, A Paper Prepared for the Interdisciplinary Seminar of the Faculties of Arts and Education, H.S.I.U., 1968, p. 3. (Addis Ababa University Archives) (hereafter cited as R. Caulk,1968)

<sup>248</sup> Ibid.

<sup>249</sup> Ibid.

to peaceful integration of trade and Islamization. While the Oromos provided consumption and export products like grains, hides, cotton, gold, slaves, coffee, ivory to the City, the latter served as transit market (having coins for medium of transactions) and religious place to and from Zeila, Berbera and Aden allowing in only Muslims from outside; including foreigner merchants from far Arabs checked at the gates of the Wall.<sup>250</sup>

These two important events: the Walled-City State of Harar with its affluent cultural heritages and the age-old relationship between Harari and surrounding Oromo peoples, are well accepted by the change of political landscape in 1991 and after for granting it statehood. This aimed at revitalizing both events by clearing other historical events and peoples.

Menelike of shewa was aware that the Egyptian expansion from Massawa to Zeila and then to Harar in 1875 was a desire to change his cross topped crown with a crescent decorated turban.<sup>251</sup> After Egyptian withdrawal in 1885 because of their internal and African (Sudan) rebellion, the European powers Italy, France and Britain had very strong interest on the Horn and Harar.<sup>252</sup> Menelike began to march to Harar, after partly agreeing and partly disobeying the Emperor Yohannes IV. Along the march Menelike wrote to Amir Abdullahi calling on him to become his vessel in Harar. However, the latter replied to war by organizing the Somalis and the buffer zone Oromos which lead to his defeat at *Chelenqo*. Menelike then handed Walled-City of Harar peacefully except for change of the central mosque to church for the vow he made to Abdullahi before a war after the latter sent Muslim dress, a turban, a carpet for prayer and message, saying “you will be my master when you are a Muslim”.<sup>253</sup>

The conquest of Menelike brings a fundamental change in the life of persons living in Harar since then. First, it spoils the purely Harari and Oromo population with garrison deployed and

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<sup>250</sup> Richard F. Burton, *First Footsteps in East Africa: An Exploration of Harar*, (ed.) Vol. II, Isabel Burton, Dover Publication, Inc. New York, 1987, pp. 1- 44. Captain Sir Richard Burton was an Englishman member British Indian Company, who is the first man of Europe to Harar, he entered the Walled-City under a guise of An Arab merchant wearing Muslims’ religious clothes, as European were not then allowed into the City.

<sup>251</sup> R. Caulk, 1968, p. 9.

<sup>252</sup> E. Sylvia Pankhurst, “Harar Under Egyptian Rule”, (ed.) in E. Sylvia Pankhurst, *Ethiopian Observer*, Journal of Independent Opinion, Economic, History and The Arts, Special Issues on Harar, Vol. II, No.III, March 1958, p. 58. (Addis Ababa University Archives).

<sup>253</sup> Ibid.

administrative body and others followers from other ethnic groups, mainly Amharas and Shewa Oromos.<sup>254</sup> Secondly, the Walled-City which was the headquarters of Muslim education and propagation in East Africa, was forced to bear and remain with Christianity, the religion of the newcomers, and its worst form was the conversion of the main mosque to church.<sup>255</sup>

Harar under the Duke Ras Mekonnen ( a nephew of Menelike) and later as the birth and training place of Emperor Haile Sellasse I (the son of Ras Mekonnen and later Governor of Harar) and Mengistu Hilemariam respectively had taken the attention and became the center of government institutions next to the Capital, Addis Ababa.<sup>256</sup> This further increased the ethnic diversity of the City, due to centralization and modernization, individuals migrated from other place in search of better life.

## **ii. Harar Post 1991**

The time after May 1991 opens another era for Harar, neither complete independence nor unified like before and after Menelike's conquest, but in between. Harari Nationality was among the transitional national self-governments established by the TPLF led Transitional Government pursuant to Art. 3(1) of Proclamation No. 7/1992 as Region (*killil*) Thirteen. Even though the Proclamation made all regions subordinate to Central Transitional Government, it further subjected Region Thirteen (Harar) and Region Fourteen (Addis Ababa) to the accountability of the Central Transitional Government while the detail relation was left to future laws<sup>257</sup> and the special interests of and political rights of the Oromos in both regions were reserved.<sup>258</sup>

Therefore, no one guessed the status of Region Thirteen (Harar) in the coming constitution envisaged by the TGE unlike the other Regions. Hence, the TGE Council of Representatives nominated a Committee to conduct the study and propose a solution. Thus, the Committee came up with a solution that the Region would be restructured as the Region with Harari Nationality Council, in which the representation of other ethnic groups living in the Region (exogenous

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<sup>254</sup> Ejetta Feyessa, *Newcomers and the Peoples of Harar in the early 20<sup>th</sup> Century*, A Paper Prepared for the Confrance on Harari Studies Organissed by the Historical Societies of Ethiopia, June 1975, p. 2.

<sup>255</sup> Ibid.

<sup>256</sup> Ibid.

<sup>257</sup> In Practice no law was promulgated to this effect.

<sup>258</sup> Arts. 3(3) and (4) of Proclamation No. 7/1992.

ethnic groups) would also be decided. However, the Council of Representatives found the proposal was unacceptable and it formed another Committee of 7 persons,<sup>259</sup> who are the architects of the system which excludes exogenous ethnic groups, to study the case of Region on its 95<sup>th</sup> Regular Session held on June 23<sup>rd</sup> 1994.<sup>260</sup> In the meantime, the FDRE Constitution was ratified by Constitutional Assembly on December 8<sup>th</sup> 1994 which would come in to force on August 21<sup>st</sup> 1995 came with Harari People's State among the nine states. Thus, the second Committee works were limited to the internal structure of the State and its representation in the Federal Government. The *travaux préparatoires* of the provision is silent to reason out the Constitutional Assembly took this position while the study was going on by the Council of Representatives.

Having seen the steadfast change, the Committee proposed on the structure of Harari People's State and its representation in the Federal Houses, which the Council of Representatives decided by approving it with minor modification on its 102<sup>th</sup> Regular Session held on March 15<sup>rd</sup> 1995.<sup>261</sup> Later the Revised Constitution of Harari People's State<sup>262</sup> espouses it.

Accordingly, the previous *Hundene Wereda* having 17 rural and 19 urban *kebeles* with total population of 129,345 persons became and remains Harari People's State.<sup>263</sup> The population size of the rural *kebeles* was 65,721, of which Oromos were 86 per cent.<sup>264</sup> The urban population had 76, 402 persons in which Amharas were 47,917 (63 per cent). The urban setting was further subdivided into 7 *kebeles* within the Wall – *Jugal* in which Hararis are majority and 12 *kebeles* of exogenous ethnic groups outside *Jugal* in which Amharas are majority.<sup>265</sup> Proclamation No.

<sup>259</sup> Ato Kefeli Wedajo (the Chairperson) from Ethiopian National Democratic Organization (ENDO), Dr. Gebreab Bernabas (the Secretary) (EPRDF), Ato Tadele Dufera (EPRDF), Ato Muhamed Yesuf from Afar Liberation Front (ALF), Ato Buh Hussein from Issa and Gurgura Liberation Front (IGLF), Ato Nersedin Muhamed from Harari National League (HNL) and Ahmed Hassen (EPRDF)

<sup>260</sup> የሐረሪ ሕዝብ ክልል በፈ.ደ.ራል ደረጃ አወካክልና የወስጥ አስተዳደሩን አወቃቀር በሚመለከት የመፍተሌ ሀሳብ ለማቅረብ የተቋቋመ ጊዜዊ ኮሚቴ ሪፖርት፡ መጋቢት 1987 ዓ. ም.፡፡ (hereafter cited as The Committee Report)

<sup>261</sup> የሐረሪ ሕዝብ ክልል በፈ.ደ.ራል ደረጃ አወካክልና የወስጥ አስተዳደሩን አወቃቀር በሚመለከት የተወካዮች ምክር ቤት ወሳኔ፡ መጋቢት፡6፡1987 ዓ.ም፡102ኛ መጽበኛ ስብሰባ፡፡ (heareafter cited as the Decision of the Council of Representatives of TGE, 102<sup>th</sup> Regular Session)

<sup>262</sup> The Revised Harari People Regional State Constitution approval proclamation No. 47/2004, *Harar Negari Gazeta*, 9<sup>th</sup> year No. 1, The Council of Harari People Regional State, 10<sup>th</sup> October, 2004, Harar, (hereafter cited as The Revised Harari People's State Constitution).

<sup>263</sup> The Committee Report, annex 1 & 2.

<sup>264</sup> Ibid.

<sup>265</sup> Ibid.

57/2008 restructures the 36 *kebeles* to sub-*kebeles* under 9 *kebeles* of which 6 are urban and 3 are rural.<sup>266</sup>

The Revised Harari People's State Constitution adopting the decision of Council of Representatives on the Committee proposal, opens with the phrase, "*We, Nations, Nationalities and Peoples of Harari People's Regional State*". Unlike other states constitutions, it recognizes the diverse ethnic configuration of the states using the terms similar to the text of FDRE Constitution. Thus, next to SNNPR, Harari People's State forms the smallest Ethiopia in its diverse ethnic groups.

The preamble of the Constitution, however, gives emphasis to the Harari and Oromo ethnic groups. Its uncommonly designed system of governance starts by holding the sovereign power of the State to the numerically inferior Harari ethnic group.<sup>267</sup> By the same fashion, the Constitution under its Article 39 provides the right to self-determination up to secession only to Harari ethnic group. The Constitution forms a law making body having highest power of the State, officially termed as Harari People Regional State Council. The Council has two sub-bodies: the Peoples Representatives' Assembly and Harari National Assembly.<sup>268</sup>

The Council has 36 seats, of which 22 from the Peoples Representatives' Assembly and 14 from Harari National Assembly.<sup>269</sup> The fourteen seats of Harari National Assembly are reserved for Hararis in and out of the State.<sup>270</sup> On the other hand, the 22 seats of Peoples Representatives' Assembly are again divided into two major districts in which 4 seats are reserved for electoral districts within *Jugal* and 18 seats are from rural and urban electoral districts out of *Jugal*.<sup>271</sup> One can see that extremely unique inequitable representation in the Council, neither the experiences of minority rights nor democracy justify. Accordingly, Hararis which comprises 8.65 per cent of the population hold 18 of 36 seats of the Council equally with the rest 91.35 per cents of the population (actually even the latter is handed by Oromos (56.41 per cent)). Any person who can

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<sup>266</sup> Proclamation to Restructure and Delimit Kebele Administrations, Proclamation N0.47/2008, *Harar Negari Gazeta*, 12<sup>th</sup> year No.7, The Council of Harari People National Regional State, Harar, January 2008.

<sup>267</sup> Art. 8 of The Revised Harari People's State Constitution.

<sup>268</sup> Art. 49 of The Revised Harari People's State Constitution.

<sup>269</sup> *Ibid.*

<sup>270</sup> Art. 50 of The Revised Harari People's State Constitution.

<sup>271</sup> *Ibid.*

speak the regional working languages Harari and Oromic can compete for the seats of Peoples Representatives' Assembly. Actually, the matrix designed results the composition of the Council to be 18 seats for Hararis and 18 seats for Oromos.

The Harari National Assembly has constitutional powers to make laws concerning language, history and culture of Harari People and to implement the right to self-determination enshrined in the Constitution.<sup>272</sup> Whereas, Peoples Representatives' Assembly has only a power to initiate drafts of economic and social development strategies, tax laws and fiscal budgets like a committee in the Council.<sup>273</sup> It also accompanies the former in their joint sessions of the Council. Neither it has separate law making power to the population it represents nor does it check the legislations issued by the Harari National Assembly.<sup>274</sup> As a result, the actual power is running by the manipulation of Hararis.

At this juncture, one can infer that post-1991 Harar becomes alien to its exogenous ethnic groups. In spite of their numerical strength in the region they are blocked from partaking in the making of the State. Hence, the operative system is designed to serve those who made it. Key Harari officials argued that the Statehood given to historic Harar in the FDRE and the structure of the Regional Government enables the Harari People to preserve its history, culture, identity and develop their language and the human rights of its members in the way rectifying the past injustice inflicted upon it.<sup>275</sup> However, the restructure which is made without participation and protection of exogenous ethnic groups and individuals has resulted to an "elevated" minorities rule over majorities.

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<sup>272</sup> Art. 59 of The Revised Harari People's State Constitution.

<sup>273</sup> Art. 58 of The Revised Harari People's State Constitution.

<sup>274</sup> Ibid.

<sup>275</sup> Interview with wizro Shekuria Ahmed, the deputy Speaker of Harari National Assembly, on October 21, 2009, 11- 12 AM.

## 2. General Description of Sources of Primary Data

Apart from the analysis of laws and observation of facts, data for the research are obtained from interviews and questionnaires. The questions are designed to solicit information on civil and political and socio-economic and cultural rights (see Annex-II). The interviews are conducted with 20 heads of the Federal Offices and the Harari People's State. Two officials are from National Electoral Board of Ethiopian: Department of Information Communication Technology and Department of Geographical Information System. In the Harari People's State, 14 Government officials are interviewed. Interviews are also conducted with 3 heads of religious institutions and 1 EPRDF representative in the region.

**Table 2.1 – Questionnaire Respondents' Profile**

Variables	Items	Ethnic groups					Total	
		Amhara	Oromo	Gurage	Others	Harari	In No.	In (%)
Sex	M	86	45	30	22	11	<b>194</b>	<b>67.36</b>
	F	51	18	10	5	10	<b>94</b>	<b>32.64</b>
Religion	Christian	133	37	38	23	0	<b>231</b>	<b>80.21</b>
	Muslim	3	24	2	2	21	<b>52</b>	<b>18.06</b>
	Others	1	2	0	2	0	<b>5</b>	<b>1.73</b>
Age	20-30	96	43	25	17	14	<b>195</b>	<b>67.71</b>
	31-40	24	12	12	6	4	<b>58</b>	<b>20.14</b>
	41-50	10	6	3	3	2	<b>24</b>	<b>8.33</b>
	51 & above	7	2	0	1	1	<b>11</b>	<b>3.82</b>
Educational Background	Reading/ writing	1	1	6	1	0	<b>9</b>	<b>3.12</b>
	Elementary	6	4	5	2	1	<b>18</b>	<b>6.25</b>
	High school	51	23	18	7	9	<b>108</b>	<b>37.50</b>
	University/ College	79	35	11	17	11	<b>153</b>	<b>53.13</b>
Occupation	Government	40	31	5	10	8	<b>94</b>	<b>32.64</b>
	Private	46	15	21	7	7	<b>96</b>	<b>33.33</b>
	Others	51	17	14	10	6	<b>98</b>	<b>34.03</b>
Years stay in Harari People's State	< 5	10	7	8	4	3	<b>32</b>	<b>11.11</b>
	5-10	15	9	7	4	3	<b>38</b>	<b>13.19</b>
	11-15	5	4	5	7	3	<b>17</b>	<b>5.90</b>
	16 & above	107	43	20	17	14	<b>201</b>	<b>69.79</b>
<b>Total</b>	<b>In No.</b>	<b>137</b>	<b>63</b>	<b>40</b>	<b>27</b>	<b>21</b>	<b>288</b>	<b>100</b>
	<b>In (%)</b>	<b>47.57</b>	<b>21.87</b>	<b>13.89</b>	<b>9.38</b>	<b>7.29</b>		

The respondents of the research questionnaires are very diverse in ethnicity, religion, age, sex educational background, occupation and staying in Harar. Of which the ethnic diversity based on ethnic composition of the population Harari People's State is the main framework and focus of the research. As can be seen in the above table, 288 persons are addressed. The ethnic composition of the respondents is 137 (47.57 per cent) Amharas, 63 (21.87 per cent) Oromos, 40 (13.89 per cent) Gurages, 21(7.29 per cent) Hararis and 27 (9.38 per cent) individuals from other ethnic origin. Exogenous ethnic groups and individuals (Amhara, Gurages and others) form 204 (70.84) while the Oromos and Hararis are given the rest 29.16 per cent for the purpose of comparison.

Sex wise, 194 (67.36 per cent) of the respondents are males while the rest 94 (32.64 per cent) are females. This shows good participation of females, though they are not as numerous as males. The randomly distributed questionnaires throughout ethnic diversity do not make any preference to sex, rather the figure display the status of female participation in patriarchal socio-economic life of the research area.

In terms of religion, most of exogenous ethnic minorities and individuals are from Christians and they constituent 231(80.21 per cent) of the respondents. All Harari People and the surrounding rural Ormos are Muslims. The topography Harrar in light of its ethnic configuration forms a concentric circle where Hararis inhabit in the center circle within the *Jugal* Wall. While the Amharas, Gurages and others inhabit the middle circle, the Oromos inhabit outer circle. Taking the coalition of political parties of the OPDO and HNL in the State government, the State is *defacto* 'Muslim State'. This may also have negative ramification on the religious freedom of exogenous ethnic minorities and individuals which will be discussed in the next chapter.

In relation to age, the majority of the respondents fall under 20 to 30 age range. Where the age of respondents is increasing, the lesser their tendency to fill the questionnaires; even after they take the questionnaires they fail to fill and return for fear of bad consequences would follow in their integrated fortunes. The other reasons for such figure are the demographic feature of the country is basically young population and the most resentful segment of exogenous ethnic minorities and individuals concerning the research questions is this category. Hence, 195 (67.71 per cent)

respondents are from the age range of 20 to 30; 58 (20.14 per cent ) are from the age range of 31 to 40 and the age ranges 41 to 50 and above 51 cover 24 (8.33 per cent) and 11(3.82 per cent) respectively.

The educational background of the respondents covers all possibilities ranging from ability of reading and writing to graduates or students of University or College. Accordingly 153 (53.13 per cent) of the respondents are students or graduates of University or Collage while individuals having High School and Elementary School education level constitute 108 ( 37.50 per cent) and 18 (6.25 per cent) of the respondents. In addition, 9 (3.82 per cent) individuals who have reading and writing ability participate in research questionnaires. And the benefit of having majority of literate respondents enables the questionnaires to be well understood and responded.

Employment variables distribute equally over respondents. Individuals employed in government, private and others (including NGOs workers and unemployed) share 94 (32.64 per cent), 96 (33.33 per cent) and 98 (34.03 per cent) of the total size respondents respectively.

Informants' dwelling times in the research area is one of the significant variables which vary the respondents understanding of the questionnaires. Individuals have been living 16 years and above in the City of Harar are assumed to know the social, political and economical changes of the State since 1991. And this group of the respondents is supposed to provide clear information concerning the research question and practical situation. Hence, 201 (69.79 per cent) of the respondents are individuals who have been living in the area 16 years and above. Other 32 persons (11.11 per cent) fall under the age ranges of less than 5 years; while 38 persons (13.19 per cent) fall under the age range 6 to 10 years, 17 persons (5.90 per cent) fall under the age range of 11 to 15 years.

## Chapter Three

### Civil and Political Rights of Exogenous Ethnic Minorities in Harari People's State

#### 1. The Rights of Nations, Nationalities and Peoples

##### A. The Subjects of the Rights

The FDRE Constitution has chained many human rights under the pool of the rights of 'Nations, Nationalities and Peoples', which are dealt in various international human rights documents independently. Every right has the right holder and substances or benefits it gives to the former. Hence, who are "Nations, Nationalities and Peoples" is the first question before inquiring as to what are the rights of "Nations, Nationalities and Peoples" which a curious mind logically asks.

"We, the People" is the common introducing phrase in many of the world state constitutions even those having ethnic diversity to refer citizens.<sup>276</sup> However, the FDRE Constitution opens its text with a phrase "We, Nations, Nationalities and Peoples". In addition, the magic number 39 carries an article for the right of nations, nationalities and peoples both in the Federal and all states constitutions. It also defines 'Nations, Nationalities and Peoples' as "a group of people who have or share a large measure of a common culture or similar customs, mutual intelligibility of language, belief in a common or related identities, a common psychological make-up, and who inhabit an identifiable, predominantly contiguous territory."<sup>277</sup> Surprisingly, the state constitutions have employed the same definition to their respective subjects (or ethnic groups). For instance, the Harari People's State Constitution defines the Harari People as "a group of people who have or share a large measure of a common culture or similar customs, mutual intelligibility of language, belief in a common or related identities, a common psychological make-up, and who inhabit an identifiable, predominantly contiguous territory."<sup>278</sup> Thus, such indiscriminate use of the three different terms makes it difficult to know which ethnic groups constitute 'Nations or Nationalities or Peoples'.

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<sup>276</sup> For instance, "We the People" the Preambles of US Constitution and the Constitution of India; "We, the Swiss People and Cantons" in the preamble of Federal Constitution of the Swiss Confederation; etc.

<sup>277</sup> Art. 39(5) of the FDRE Constitution.

<sup>278</sup> Art. 39 (6) of the Harari People's State Constitution.

There are some references that the FDRE Constitution employs the term ‘people’ for different subjects. While Article 47 uses the term ‘people’ as ‘*States of Harari People*’ and ‘*State of Gambela Peoples*’ to denote Harari ethnic group and Anuak, Nuer, Mjenger and Opo ethnic groups respectively, on the contrary, the whole citizens together are termed as ‘people’ in Article 43 as “*the Peoples of Ethiopia as a whole, and each Nation, Nationality and People*”. Still the Constitution does not identify which of the ethnic groups correspond to the terms ‘nation’ and ‘nationality’.

The House of Federation, which has the power to interpret the Constitution and to decide on the issues concerning the ‘Nations, Nationalities and Peoples’, on the other hand, classifies 69 ethnic groups as ‘Nations’ and ‘Nationalities’ which form the House. Accordingly, the major ethnic groups; Oromo, Amhara, Tigray, Somali and Afar are termed as ‘Nations’, whereas, the other ethnic groups including those ethnic groups which are identified as ‘people’ by the Constitution are termed as ‘Nationalities’.<sup>279</sup> The criteria of HoF to classify the some ethnic groups as ‘nation’ while others as ‘nationalities’ is not clear. If numerical threshold is considered, the numerical position of Gurage, Sidama, Welaita and Hadiya are far greater than Afar but they are not qualified the status of ‘nation’. The constitutions of the state have also a different approach. Some like Amhara, Oromo, Somali and Afar call themselves as ‘people’ in their respective constitutions, while others call themselves as ‘nationalities’ or ‘peoples’ or jointly ‘nationalities and peoples’.

Therefore, there is no clear and commonly accepted meaning of ‘Nation’ ‘Nationality’ and ‘People’ in the FDRE. The sculpture of ethnic groups as ‘Nation, Nationality or People’ has discriminated the citizenry in different compartment. Particularly, it sets the exogenous ethnic groups outside the sculptured compartments for they do not fit the defining criteria of ‘Nation, Nationality or People’. This in turn results in discriminatory treatment of their human rights, which will be discussed hereunder.

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<sup>279</sup> Nations, Nationalities and Peoples of Ethiopia, available at <http://www.ethiobar.net/English/hofed/hofmemdb.html>, accessed October 5, 2009.

## B. The Rights to Self-determination up to Secession

Self-determination has the subject of vast literature both as a political concept and, as a legal right.<sup>280</sup> As a legal right, the development of human rights is not immune from incorporation of the right to self-determination, yet the concept of self-determination is staffed mainly with the tension in maintaining a balance between stability and integrity of a state and freedom of groups who have been dominated under others in the state.<sup>281</sup> Hence, the common Article 1 of ICCPR and ICESCR devotes itself in providing for the right to self-determination. In regional level, the Final Act of Helsinki of the Conference on Security and Cooperation in Europe (CSCE)<sup>282</sup> and the African Charter on Human and Peoples Rights of 1981<sup>283</sup> also incorporate the right to self-determination.

The international community however in principle accepted the right to self-determination as fundamental human right, its practical application has not detailed and left to individual states. Still its incorporation of secession lacks clarity for the right to self-determination is limited to peoples under colonial or alien rule to enable them freely determine their political status and peruse their economic, social, and cultural development.<sup>284</sup>

The FDRE Constitution inscribes the right to self-determination under Article 39. Many commentators argue that the inclusion of the right to unconditional self-determination including secession in present political landscape of Ethiopia has been coined from experiences of ex-USSR which brought about its disintegration and the same results the disintegration of the ex-Yugoslavia and Somalia is alarming similar risk to Ethiopia.<sup>285</sup> Whereas, the framers reject their opponents argument as arrogant and anti-democratic saying ‘the right to self-determination as enshrined in the Constitution rectifies historical unjust relationships; prevent the brick of violence and conflicts and cause to promote shared interests.’<sup>286</sup> Fasil summarizes the arguments as “no right enshrined in the Constitution has been more hotly debated within society than [self-

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<sup>280</sup> Bereket Habte Selassie, *Self-Determination in Principle and Practice: the Ethiopian-Eritrean Experience*, Vol. 29 Columbia Human Rights Law Review, 1997-1998, p. 93. (hereafter cites as Berket).

<sup>281</sup> Ibid.

<sup>282</sup> Id., p. 95.

<sup>283</sup> African Charter on Human and Peoples’ Rights, OAU Doc. CAB/LEG/67/3 Rev. 5, 1981.

<sup>284</sup> Common Art. 1 of ICCPR and ICESCR.

<sup>285</sup> Fasil, p. 154.

<sup>286</sup> Ibid.

determination] (*emphasis added*). It has aroused passions and conjured visions of Ethiopian State or, alternatively, of a better managed new Ethiopian depending on the protagonists' attitude."<sup>287</sup>

Since the Federal Constitution guarantees the right to self-determination to 'Nations, Nationalities and Peoples', and for no nations, nationalities and peoples or ethnic groups directly subject to the federal government, the state constitutions under Article 39 adopt the right according to their context. Accordingly, as one of the ethnic groups and having its own state, the Harari People incorporates the right to self-determination in its Constitution as a right exclusively reserved to Harari People and set to be implemented by the Harari National Assembly of the State Council.<sup>288</sup>

The right to self-determination is not a single right but a bundle of integrated rights that applicable to minority and majority ethnic groups or exogenous and indigenous ethnic groups or states and their individuals. Accordingly, the right to self-determination encompasses the right to making and developing identity, the right to use language and promote culture and history, the right to self-government and the right to secede.<sup>289</sup> Hence, it comprises political, economical, social and cultural aspects.<sup>290</sup> They will be discussed next in their order of importance.

#### **i. The Right to Develop ones Language and Culture**

Language, culture and history are the *sin qua non* marking factors that make individuals identity distinct from other fellow individuals. Individuals having common language, culture and history form a distinct ethnic group and, *inter alia*, their numerical strength or weakens compared to others in multicultural society makes the group either majority or minority. If the laws and practices do not protect the language, culture and history of an ethnic group, the ethnic group would be relegated and assimilated to those whose language, culture and history are protected. Even though everyone and persons belonging to minorities have such rights to enjoy in community with the other members of their group under international human rights laws,<sup>291</sup> the FDRE Constitution under Art. 39(2) guarantees them to only 'Nations, Nationalities and

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<sup>287</sup> Ibid.

<sup>288</sup> Arts. 39 and 59 (7) of the Revised Harari People Regional State Constitution.

<sup>289</sup> Common Art. 1 of ICCPR and ICESCR and Art. 39 of the FDRE and the states constitutions.

<sup>290</sup> Fasil, p. 154.

<sup>291</sup> See Art. 15(1) (a) of ICESCR; Art. 27 of both UDHR and ICCPR.

Peoples'. Similarly, the Revised Harari People Regional State Constitution gives these rights to Harari ethnic group having only 8.65 per cent of the Region's population.<sup>292</sup> Neither the Oromos (56.41 per cent), who are politically chained to share power, nor exogenous ethnic groups and individuals constituting 35 per cent of the population of the region have these constitutionally guaranteed rights.

Linguistically, the FDRE Constitution provides under the right to self-determination the right to speak, to write and to develop language.<sup>293</sup> In addition, it recognizes all languages are equal and allows state to choose their working languages.<sup>294</sup> Accordingly, the Revised Harari People Regional State Constitution selects *Afan Oromo* and Harari language as working languages of the Region, while Amharic has been using as provisional working language until the Harari language become capable to run the offices. In addition, the Amharic version of the Region's Constitution has final legal authority where the versions of the two languages get inconsistency.<sup>295</sup>

There is also a project to develop Harari language in order to replace Amharic by the two working languages. Accordingly, the Harari National Assembly establishes Harari Language Academy which is responsible, among others things, to scribe alphabet, to prepare dictionary and to develop the language.<sup>296</sup> Thus, since 1999 the Academy has been working and the language is ready to use in the offices. Exogenous ethnic groups and individuals who cover about half of the civil servants (49.22 per cent) in 2008<sup>297</sup> are forced to speak either of the working languages. Even though the head of the Region's Civil Service Commission argues that the Commission will train exogenous ethnic groups in either of the two languages, the workers will be victim of

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<sup>292</sup> See Art. 39 (1) of the Revised Harari People Regional State Constitution.

<sup>293</sup> Art. 39 (2) FDRE Constitution.

<sup>294</sup> Art. 5 & 39 (2) FDRE Constitution.

<sup>295</sup> Art. 80 of the Revised Harari People Regional State Constitution.

<sup>296</sup> Proclamation to establish the Harari Language Alphabet and its Writing Style, Proclamation NO. 18/1999, *Harar Negari Gazeta*, 4<sup>th</sup> year No. 13, The Council of Harari People National Regional State, Harar, 30<sup>th</sup> August, 1999; Proclamation to establish the Harari Language Academy, Proclamation NO. 18/1999, *Harar Negari Gazeta*, 4<sup>th</sup> year No. 6, The Council of Harari People National Regional State, Harar, 23<sup>rd</sup> November, 1998.

<sup>297</sup> በሐረሪ ህዝብ ብሔራዊ ክልል መንግስት የሲቪል ሰርቪስ የ 2000 በጀት ዓመት የመንግስት ሠራተኞች የስው ኃይል ስታስቲክስ መረጃ፡ ጥር 2001፡፡

displacement to leave the Region because of working language replacement.<sup>298</sup> In addition, Proclamation NO. 13/1999 obliges business institutions to erect their advertisement boards in the working languages of Region. This will negate the right to work and to live of exogenous ethnic groups and individuals in the Region. Particularly, those non-Harari and non-Oromos, who are dependent on civil service and trade, shall choose either assimilation of their identity and language or to leave the Region.

Development and promotion of culture and history are other prongs of self-determination. Culture and history in the present political structure are the very elements that cause the statehood of Harar.<sup>299</sup> In this context, Harar is the mosaic of cultural heritages that was developed through its persistent historical Emirates. United Nations Educational, Scientific and Cultural Organization (UNESCO) records the Wall – *Jugal* with its fabulous gates and recently the whole life style of the Hararis within in the Wall as Living museum of international heritages.<sup>300</sup>

In addition, other cultural elements, such as construction style of traditional houses, in-Walled-City roads, mosques, tombs, ancient palaces, Arabic inscriptions, intangible tales, music, oral traditions, coins, etc. including dinner party with the Hyenas are confined in the Wall.<sup>301</sup> For the State and its Harari National Assembly are meant for preservation and development of Harari culture and history, different institutions and laws are established in the Region for such purpose.<sup>302</sup> There are also four museums: Harar National Museum, Harari People’s Cultural Museum, Arthur Rimboud Center and Sherif Harar City Museum (private) within the *Jugal*. Of which the private Museum tries to accommodate the previous Christian governors’ materials and literatures, while the other are exclusively Hararis. In addition, the institutions and the laws

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<sup>298</sup> Interview with Ato Bekri Abdulahi the Commissioner of the Civil Service Commission of Harari People’s State on October 21, 2009, 9:00 – 9:30 AM.

<sup>299</sup> Interview with wizro Shekuria Ahmed.

<sup>300</sup> Ibid.

<sup>301</sup> መፍቱህ ዘካሪያ አብዳላሂ ኑር፡ የከተማ ባህል መፍለቅያ ሐረርጃገል፡ በሐረሪ ህዝብ ብሔራዊ ክልል መንግስት የህዝብ አደደረጃጀት ባህልና ማህበራዊ ጉዳይ ቢሮ፡ ሐረር፡ 2000 ዓ. ም.፡፡

<sup>302</sup> To cite some, Proclamation NO. 14/1999, Proclamation to Preserve Books, Video and Audio Castes under Sport and Culture Bureau, Proclamation NO. 14/1999, *Harar Negari Gazeta*, 4<sup>th</sup> year No. 8, The Council of Harari People National Regional State, Harar, 23<sup>rd</sup> November, 1998; Proclamation NO. 21/1999, Proclamation to Establish Trust Office for Protection of Tangible and Intangible Heritages of *Jugal* Walled-City, Proclamation NO. 21/1999, *Harar Negari Gazeta*, 5<sup>th</sup> year No. 1, The Council of Harari People National Regional State, Harar, 8<sup>th</sup> October, 1999.

meant to protect Hararis' culture are not only responsible to preserve what is but also to restore to what was. As according to a key interviewee, there is a process to revitalize the Wall and other cultural heritages.<sup>303</sup>

The whole protection and ongoing efforts to protect their culture are not awful as one of the purposes of ethnic federalism is proliferating cultures, language, history and identity which were set to die in the past. However, ethnocentric move of protection, for instance in Harari people's State is employing a reverse discrimination of others' culture. For one, identification of cultural sites does not include those historical events and materials after Menelike's expansion of Harar. The Palace, Mausoleum and Monument of Duke Ras Mekonnen and other governors and their tools, which are found only in Harar, are not the subject of cultural protection. Rather, the State changes the names of some institution to indigenous ones; the change of Ras Mekonnen Hall to Amir Abdulahi Hall is an example. There is also a fear in the public that these historical things would be destructed.

Second, to the question: "Does your culture and history get protection in the Region?" 65 per cent of the respondents have said 'No', while 19.13 per cent have answered 'Yes' and the rest are reluctant to the question. From total exogenous ethnic group addressed 73.53 per cent have answered it negatively. On individual basis, out of 135 Amharas 100, from 59 Oromos 29, from 34 Gurages 29, from 23 others 21 and from 21 Hararis 2 have replied the same. Key informants say the revitalization and restoration of *Jugal* and the Walled-City is clearing non-Hararis from the sub-city and its end might be the change of the church to a mosque. These figures and fears show that the protection of culture in present Regional State of Harar is discriminatory that would in the long run assimilate exogenous ethnic groups to Harari identity.

## **ii. The Right to Self-government**

The right to self-government is another prong of self-determination, but it is alienated from the latter where it is given to the "residents"<sup>304</sup> of Addis Ababa. Addis Ababa has no rights of

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<sup>303</sup> Interview with Ato Eskender Abdrhman, the head of Social Security and Development Sector of Culture and Sport Bureau of Harari People's State (hereafter HPS), on October 13<sup>th</sup>, 2009, 9:10 – 9:45PM.

‘Nations, Nationalities and Peoples’ enshrined under Article 39, for its “residents” does not fit with the definition given in sub-Article 5 of the same. The right of every ‘Nation, Nationality and People’ to a full measure of self-government in FDRE Federation has two faces.<sup>305</sup> For one, it provides the right holders the right to establish institutions of government in identified contiguous territory they inhabit. Second, it provides the subjects equitable representation in state and federal governments. This scheme of government can be summarized as self-rule and shared-rule or ‘unity with diversity’. The adoption of such system to Harari People’s State, as discussed in the preceding chapter, is made by a Committee of TGE, neither by the Harari People nor by other population of the State. It negates principle of self-determination and the right of ‘Nations, Nationalities and Peoples’ enshrined in FDRE and the State constitution. If it had strictly followed the participation of all population of the State, the State government structure would have not been made the numerically inferior Hararis politically majority over the numerical majority.

Self-rule denotes establishment of legislative, executive and judicial institutions of their own in the State or lower administrative units within the state. The Federal Constitution recognizes this aspect of self-government of the states and to regulate and govern their concern by themselves.<sup>306</sup> In light to the Federal Constitution, the Constitution of the State establishes the three organs of the State which devolve from State Council to lower unit of administration- *Kebeles*. Accordingly, it setup the State Council having unusual, as we discussed in the above chapter, two assemblies.<sup>307</sup> From this council the judiciary and the executive get birth.<sup>308</sup> Having the three arms, the *Kebele* administrations are running. Unlike other states, there are no intermediate units of administration like *Wereda* or *Zone* in Harari People’s State for the State is too small to divide accordingly.

One of the questions the informants were asked was about their opinion regarding change of the past Harar from part of unitary state structure to autonomous state in the Federation. The

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<sup>304</sup> See Art.49 of the FDRE Constitution. It is a lesser setting of citizens naming “residents”- which include citizens and non-citizens; since the constitutional sculpture of citizens as ‘Nations, Nationalities and Peoples’ results those who cannot fit to this pigeonhole fall to be called “residence”, a citizen-minus status.

<sup>305</sup> Art. 39 (3) of the FDRE Constitution.

<sup>306</sup> Arts. 47 (2) and (3), 50 and 52 of the FDRE Constitution.

<sup>307</sup> Arts. 48, 49 and 50 of the Revised Harari People Regional State Constitution.

<sup>308</sup> Arts. 63(1), 71 (1) of the Revised Harari People Regional State Constitution.

respondents' feeling varies on the question. Accordingly, while 48.46 per cent of respondents acclaim it positively by saying "Very Good" and "Good", 54.86 acclaim it negatively by saying "Bad", "Medium" and "I don't care". This shows that there is no consensus on the statehood of Harar. Key informants say that Harar would better be a city under Federal Government like Addis Ababa and Dire Dawa for the protection of exogenous ethnic groups and individuals. Other argue that the crux of the problem is not being state or not, but the participation of exogenous ethnic groups in any structure would suffice to protect their rights. There are others who claim that it should have been a special zone with in the Oromia State. Many commentators pose question on statehood of Harar, while ethnic groups which have more than one million such as Sidama, Hadiya, Walyita and Gurage amalgamated with a State, as to how a People of fifteen thousand population becomes a state.<sup>309</sup> Does Hararis' history and culture justify the case more than others'?

Even though the State Constitution reserves the right to self-government to Harari People, its numerical inferiority obstructs the constitutional design not to be practicable. Hence, a coalition-party government between the Hararis and the Oromos has come to place. So far, the OPDO (Oromo People Democratic Organization) one of the members of EPDRF and the HNL, EPDRF affiliated party, are running the coalition.<sup>310</sup> The electoral law which imposes speaking of the working languages of the state to be a candidate of election and the fact that Harari and *Afan Oromo* are serving as bilingual working languages maintain the coalition between the two ethnic groups. Hence, the system outcasts other political parties which are either members or affiliates of EPDRF and opposition parties based on non-Harari and non-Oromo ethnic line.

As the Vice President of Harari People's State, Regassa Kefele, explains, the political coalition reaffirms the old-aged socio-economic integration between the two ethnic groups.<sup>311</sup> He further states that it guarantees that Amhara-based unjust domination of the past will not revive.<sup>312</sup> At present, offices are allocated to the two ethnic groups. Accordingly, while the President of the

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<sup>309</sup> Getachew, 2008, p. 8.

<sup>310</sup> Interview with Ato Muketar Ali, the Vice Speaker of Harari People National Regional State Council, on October 20<sup>th</sup>, 2009, 9:22 – 10:00 AM.

<sup>311</sup> Interview with Ato Regassa Kefele, the Vice President of Harari People's State, on October 20<sup>th</sup>, 2009, 10:00 – 10:30 AM.

<sup>312</sup> Ibid.

State is Harari, his deputy is Oromo; while the Speaker of the State Council is Oromo, his deputy is Harari; and while the President of the State Supreme Court is Harari, his deputy is Oromo. Other offices also follow this calculation.

The self-rule system of Harari People's State, driven by history tied ethnic groups of Oromo and Harari is excluding other exogenous ethnic groups. Thus, their human rights mainly the rights to maintain their identity, language and participate in public affairs collectively are at stake. Non-Hararis and non-Oromo individuals should assimilate and relegate their identities, culture and languages in order to take part in the State.

The other aspect of self-government within ethnic federalism like Ethiopia is equitable representation in the central/federal and state governments *i.e.* shared-rule. Assuming 'coming together' kind of federation,<sup>313</sup> the FDRE Constitution provides the right to equitable representation of 'Nations, Nationalities and Peoples' in the Federal and state governments. This can be attained by establishing specific rules and regulations of election and electoral districts.<sup>314</sup> Thus, the 'Nations, Nationalities and Peoples' form two Federal Houses: the House of Peoples Representatives (HPR) and the House of the Federation (HoF). The former has provided not more than 550 seats for 'Nations, Nationalities and Peoples'. Of which, not less than 20 seats are for those nationalities and peoples who cannot assume the seats in the House by regular competition of plurality of vote in an electoral district because of their numerical weaknesses.<sup>315</sup> HPR is legislative body and the highest authority of the Federal Government from which the executive and the judiciary get birth.<sup>316</sup> The latter is composed of 'Nations, Nationalities and Peoples' identified in the Federation without restriction. Hence, at present about 69 ethnic groups convene in the HoF.<sup>317</sup> These Houses enables them to exercise every legislative, executive and judiciary powers.

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<sup>313</sup> See Arts. 2, 46 (1) and 47(1) of the FDRE Constitution.

<sup>314</sup> Fasil, p. 156.

<sup>315</sup> Art.54 (2) and (3) of the FDRE Constitution.

<sup>316</sup> Arts. 50(3) and 47(1) of the FDRE Constitution.

<sup>317</sup> Art. 61 of the FDRE Constitution; Nations, Nationalities and Peoples of Ethiopia, available at <http://www.ethiopar.net/English/hofed/hofmemdb.html>, accessed October 5, 2009.

The right to equitable representation enshrined in the Federal Constitution is not only limited to the Federal Government but also it includes representation in the state governments. Since, states (except Afar, Oromia and Somalia) comprise and recognize ‘Nations, Nationalities and Peoples’, a kind of shared-rule within self-rule or self-rule which is constructed by shared-rule of the states is envisaged by the Constitution. Thus, the right to equitable representation opens to ‘Nations, Nationalities and Peoples’ additional access to state governments. More importantly, those ethnic groups who are not addressed by regular or special representation on the HPR can access the states’ councils. However, the Common Article 39 of the constitutions of the states does not copy this kind of representation from the Federal one.

The right to equitable representation in the Federal and state governments is reserved to ‘Nations, Nationalities and Peoples’ including large and small. Except the “residents” of Addis Ababa and Dire Dawa who have their own administration and representation in HPR (but not in HoF), exogenous ethnic minorities are curtailed from reach of the Federal and state governments. Hence, the whole running legal, political and economical machine excludes their participation.

As one of the ethnic groups which is named as ‘People’ in the FDRE Constitution, Hararis reserve the right to be represented in the Federal Government exclusively for themselves.<sup>318</sup> Accordingly, Harari People’s State is structured as one regular electoral constituency/district for HPR.<sup>319</sup> However, since Hararis are minority (15, 858 persons according to CSA report in 2008) that constitute less than 100,000 persons and less than 50 plus one per cent but greater than 10,000 persons compared to other ethnic groups of the State’s population, one special constituency within regular electoral district is formed for the minority nationalities and peoples representation as enshrined in Article 54 (2) and (3) of the FDRE Constitution (see Annex-I).<sup>320</sup> Thus, Harari People’s State has two seats in HPR, of which one is held by HNL representing of Harari people through the special minority representation scheme while the other is held by OPDO representing the Oromos through their majority in the regular constituency. The State is

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<sup>318</sup> Art. 39 (2) and (3) of the Revised Harari People Regional State Constitution.

<sup>319</sup> Intervie with Ato Masresha Selomon, Information and Communication Departments of National Electoral Board of Ethiopia, on June 11<sup>th</sup>, 2009, 9:00 – 4:00 AM.

<sup>320</sup> Ibid; the Decision of the Council of Representatives of TGE, 102<sup>th</sup> Regular Session.

represented in the second House by one representative of Harari People for the HoF has no numerical minimum threshold.

Surprisingly, the system designed to the right to equitable representation in the Federal and state governments is highly stretched to accommodate all indigenous ethnic groups; however, such scheme does not lend a space to accommodate exogenous ethnic group whether they are minority or majority. Therefore, exogenous ethnic groups which constitute about 35 per cent of the population of Harari People's State are not qualified to the Federal and the State governments and thereby to their legislative, judiciary and executive organs.

### **iii. Participation in the Right to Secession**

The right to secession is the ultimate extension and expression of the right to self-determination.<sup>321</sup> It has been a very debated right than any concept in the FDRE Constitution.<sup>322</sup> Secession is not only our society's debate but also the international community has not reached to consensus. The international community adopts self-determination, short of secession for the latter contradicts with principle of territorial integrity enshrined both in the UN Charter and the OAU Charter (replaced by Constitutive Act of AU).<sup>323</sup> Following the charters, the African Human and Peoples' Rights Charter and the ICCPR reaffirms the right to self-determination without secession. Whether the right to self-determination includes the right to secession or not remains open to the debate.<sup>324</sup> Moreover, Ethiopia, the country that was a leading advocate of the principle and founding member of the two aforementioned international organizations adopt secession as a right guaranteed by its Constitution which contradicts to the principle.

The Federal Constitution set "unconditional right to self-determination, including secession", but some argues an array of procedures under the Constitution by itself is a condition. For instance, what if the Federal government, particularly HoF failed to decide on the issue of secession, to prepare referendum and to transfer power? Is it the self-determination of the concerned 'Nation,

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<sup>321</sup> Fasil, p. 53.

<sup>322</sup> Ibid.

<sup>323</sup> Allen Buchana, *Federalism, Secession, and the Morality of Inclusions*, Arizona Law Review Vol. 37, 1995, p. 53.

<sup>324</sup> Ibid.

Nationality or People’, or allowing other to judge on others’ case?<sup>325</sup> In addition, all the states constitutions impose conditions on the right to secession. In doing so, the right to secession can be exercised where the concerned ‘Nation, Nationality or People’ is of the opinion that other rights of self-determination: the right to identity, culture and language and the right to self-government have been suspended, abrogated or abridged and hence could no longer be rectified while in unity.<sup>326</sup>

In the Harari People’s State, like other rights of self-determination, the right to secession is exclusively reserved to Harari People and its implementation is given to Harari National Assembly.<sup>327</sup> Neither the Oromo nor exogenous ethnic groups have a say on the right to secession of Harari People’s State. In addition, the Harari People’s State Council and the Peoples’ Representatives Assembly have no right take part in the implementation of secession. Hence, the non-Harari individual cannot vote on referendum.

The right to secession is territory and resource dependant. Thus, which district of the State is subject to secede? As we discussed earlier, the State has a concentric circle, where Hararis are in the center circle within the *Jugal* Wall, the Amharas, Gurages and others including some Oromos are in the middle circle of the urban outside the *Jugal* Wall and the Oromos are in the outer circle of rural *kebeles*. Leave alone the territories of exogenous ethnic groups and the Oromos in the State, the area within the *Jugal* cannot secede since the one cannot live without the other.

Saving the practical difficulty, the bizarre paperwork of the right to secession in the State’s Constitution is designed to make exogenous ethnic groups outside the system even though it highly concerns them.

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<sup>325</sup> Aberra, p. 145. See Art. 39 (4) of the FDRE Constitution.

<sup>326</sup> Common Art. 39 (4) of states constitutions.

<sup>327</sup> Arts.39 and 59(7) of the Revised Harari People Regional State Constitution.

## **2. The Right to Take Part in Public Affairs**

The right to participate in public affairs has multifaceted facilities which enable the citizens of a state to access to broad organs of government: legislative, executive and judiciary.<sup>328</sup> It mainly includes the right to vote and be elected, the right to form political and other organizations and the right to be seen equally, fairly and universally in an electoral policy. It is the hallmark of democracy and many writers coined it as a center of political rights.<sup>329</sup> This right is contained in international human rights documents mainly UDHR (Art. 21) and ICCPR (Art.25), and nationally the FDRE and the states constitutions inscribe it in their provisions. The subject matters encircling it are equal rights and equal opportunities of citizens and legitimate causes of limitation; and the mode of participation: either directly or indirectly through representatives, in secret ballot and on reasonable time intervals.<sup>330</sup> The laws also seek the spirit of regularity, freeness and fairness in an election.

### **A. The Right to Vote and be Elected**

An election is a basic political tool which allows the electorate to use their penultimate power to decide on who shall manage governmental affairs. It is the most constitutionally guaranteed right on which the test of democratic society rests.<sup>331</sup> The FDRE Constitution provides the right to vote and be elected to every Ethiopian, without any discrimination based on color, race, nation, nationality, sex, language, religion, political or other opinion or other status.<sup>332</sup> It tries to usher the rights thorough consecutive proclamations, of which The Amended Electoral Law of Ethiopia Proclamation No. 532/2007 is the recently operating one.

Accordingly, an Ethiopian, who attains 18 and above years of age and has been residing for at least 6 months within the electoral constituency, is eligible to be a voter.<sup>333</sup> Unlike the voters, candidacy of election is subject to more restrictive criteria. An Ethiopian can be a candidate if he/she (1) is 21 and above years of age; (2) is versed in the working language of the regional

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<sup>328</sup> Howard Davis, *Political Freedom: Associations, Political Purposes and the Law*, Citizenship and Law Series, Continuum, London and New York, 2000, p. 31.

<sup>329</sup> Ibid.

<sup>330</sup> See Art. 21 of UDHR, Art. 25 of ICCPR and Art.38 of FDRE and Harari People's State constitutions.

<sup>331</sup> Fasil, p. 151.

<sup>332</sup> Art. 38 of FDRE Constitution.

<sup>333</sup> Art. 33 (1) of Proclamation No. 532/2007.

state or the area of his/her intended candidature; (3) is a person whose right to vote and to be elected is not deprived; (4) has been regularly residing in the constituency of his/her intended candidature for two years till the date before of election or his/her birth place is within the constituency or has been regularly working for two years in the city or *wereda* where the constituency of his/her intended candidature within the city or *wereda*; and (5) has accepted and signed the election code of conduct to be issued by the National Electoral Board of Ethiopia.<sup>334</sup> However, the fourth criterion mentioned above is not required for persons who have been outside of the constituency on the duty or study leave; or who, having been previously elected in the constituency, is on duty.<sup>335</sup>

Moreover, the Electoral Law has made exclusionary provisions. A person who is proved incapable of making decision due to mental disorder; or serving a term of imprisonment passed by a court; or whose electoral right is restricted by law shall not be eligible for voting.<sup>336</sup>

The Harari People's State Constitution recognizes the Federal electoral policy with no modification its provision to the right to vote and to be elected, since the power to legislate electoral law is Federal jurisdiction.<sup>337</sup> However, the Electoral Law reserves local elections; election for the offices of zone, *wereda*, city, municipality, and sub-city and *kebele* to the states' jurisdiction.<sup>338</sup> Hence, the Harari People's State promulgates electoral law, Proclamation NO. 75/2008 to delimit members of *Kebele* councils (*kebele* administrations are the only lower unit in the State).<sup>339</sup>

Even though the Federal Constitution provides the internationally accepted principle of non-discrimination of citizens based on language from the cherished right to vote and to be elected, the Federal Electoral Law imposes that a candidate of election shall be versed in the working language of the regional state or the area of his/her intended candidature. This restriction excludes the non-indigenous or exogenous ethnic groups from election. Thus, since the working

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<sup>334</sup> Art. 45 (1) of Proclamation No. 532/2007.

<sup>335</sup> Art. 45(1) (e) and (2) of Proclamation No. 532/2007.

<sup>336</sup> Art. 33 (3) of Proclamation No. 532/2007.

<sup>337</sup> Arts. 51(15) and 55 (2) (d) of the FDRE Constitution.

<sup>338</sup> Art. 29 (4) of Proclamation No. 532/2007.

<sup>339</sup> Proclamation to Delimit Election of Members of Kebele Council, Proclamation NO. 75/2008, *Harar Negari Gazeta*, 12<sup>th</sup> year No. 8, The Council of Harari People National Regional State, Harar, February 8<sup>th</sup> 2008.

languages of Harari People's State are *Afan Oromo* and Harari, the non-Harari and non-Oromo ethnic groups are excluded from election that channel participation to public affairs. Conversely, the Harari Peoples' State Constitution provides the right to vote and to be elected for all Hararis within and outside the Region for seats of Harari National Assembly.<sup>340</sup>

In ethnically divided polity, the right to vote and to be elect is not only individuals' right to participation in public affairs but also the right to equitable participation and share the state power among ethnic groups. Even though the working language the Federal Government is Amharic, the language precondition of electoral policy does not consider it for candidates of Federal Houses. As a result, the Houses practically become the Babel Tower. In addition, if a candidate is not versed in Amharic, how is he/she supposed to draft, read, discuss on and approve draft laws? The system that excludes exogenous ethnic groups also backfires itself.

Moreover, the language criterion of election splits the two faces of a coin: the right to vote and the right to be elected. An important feature of this right is that – the right to vote and to be elected should not only be seen just as a 'right' but also as an 'opportunity' of every Ethiopian to participate in public affairs. In a political setup where ethnicity is the cornerstone, the individual right to vote means the right to see his ethnic group being represented.

To this end, the respondents are asked: "Do you have the right to vote in election of the public administrators of the region and its lower administrative units in Harari People's State?" 79.35 per cent of the respondents have answered 'Yes' while the others have said 'No'. This implies that the right to vote in principle is provided to all. However, as to its opportunity, the next question: "Do you have the right to be elected for the public administrators' position of the Region and its lower administrative units in Harari People's State?" 26.41 per cent respondents, mostly Oromo and Harari, have replied saying 'Yes'. Whereas, the other respondents, mostly exogenous ethnic groups (73.59 per cent) have replied by saying 'No'. The nay respondents were asked to explain the causes of their exclusion and they attributed it to ethnic discrimination (41.54 per cent), linguistic discrimination (25.60 per cent), absence of political parties they want

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<sup>340</sup> Art. 50(2) of the Revised Harari People Regional State Constitution.

(8.21 per cent) and other causes (16.90 per cent). Hence, the electoral system is seen as discriminatory among citizens based on their ethnic and linguistic origin.

In addition, the present electoral system of Ethiopia faces a problem of restructuring electoral constituencies. Following the FDRE Constitution's design of seats of HPR, the Electoral Law divides the country into permanent constituencies not more than 550 including the minority representation.<sup>341</sup> Even though, the Electoral Law perceives future re-arrangement in accordance with census results by taking the *weredas* as a basis without affecting State boundaries, the electoral system of NEBE is still following constituencies which were structured based on the 1984 population census and the then *weredas*.<sup>342</sup> The TGE, during the formation of ethnic based regions, only took a caution for the representation of 'Minority Nationalities and Peoples' within the previous constituencies, which the Constitution adopts later. And the indigenous ethnic groups run election in the constituencies. Hence, as we discussed in the above chapter, the previous *Hundene Wereda* in which the town of Harar and surrounding rural *kebeles* were administered was transformed to *Killil Thirteen* and then to Harari People's State. For electoral purpose, this *wereda* was one constituency and remains the same in which the majority Oromo ethnic group always wins the election; and a special representation minority of Harari ethnic groups within the constituency is considered. This electoral system disenfranchises exogenous ethnic groups from the right to vote and to be elected in the country in general and non-Hararis and non-Oromos in Harari People's State in particular. Special non-territorial or territorial constituencies which enable exogenous ethnic groups exercise the right to vote and to be elected should be designed.

The other enabling opportunity to the right to vote and to be elected is right to form political organizations and other associations.<sup>343</sup> Exogenous ethnic minorities cannot exercise collective political action through their own political organization and other pressure groups. In this regard, the ruling party EPDRF assigns the OPDO for the Oromos and the Harari People establishes HNL in order to open the way to exercise the right to participate in public affairs through the

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<sup>341</sup> Art. 20 of Proclamation No. 532/2007

<sup>342</sup> የአናሳ ብሔረሰቦች በሕገ-መንግሥት ጉባዔ አወካከል እንዲያጠና የተወካዮች ምክር ቤት ያቋቋመው ጊዜዊ ኮሚቴ ሪፖርት፡ 18/ 05/ 86 ዓ/ም፡ ገጽ፡1-6፡፡ Interview with Ato Daniel Seifu.

<sup>343</sup> Davis, p. 43.

right to vote and to be elected. A key informant, the head of EPRDF in the East *Hararge* Region states that even though exogenous ethnic groups, particularly the Amhara have significant numerical strength, they are not indigenous to be eligible to take part in public affairs of the State.<sup>344</sup> According to him, empowering them will revive the past Amhara-based dominance. The office of EPDRF with its members TPLF, OPDO, ANDM, and SEPDF in Harar is meant to mobilize their respective ethnic groups to give their vote either to OPDO or HNL against opposition parties.<sup>345</sup> This is a system of usurping ones cherished right to vote for others interest. Therefore, the right to participate in public affairs through the right to vote and to be elected in Harari People's State shows the FDRE marginalization of exogenous ethnic groups, which is started by non-recognition of the FDRE Constitution.

### **3. The Right to Equal Access to Justice and to Public Service**

The rights of access to justice and other public services are the rights of all human beings, which are neither the rights of 'citizen-plus' – such as the rights of 'Nation, Nationalities and Peoples' nor the rights of 'citizen-minus' – the right to vote (without the right to be elected) of exogenous ethnic minorities as we discussed above. Hence, they are entrenched in international and national human right documents.

#### **A. The Right to Access to Justice**

Persons seek justice from government organs, mainly from judiciary and quasi-judicial organs alleging that their rights are violated. The FDRE and Harari People's State constitutions provide 'everyone has the right to bring a justiciable matter to and to obtain a decision or judgment by, a court of law or any other competent body with judicial power'.<sup>346</sup> The purpose of inscribing such rights in the constitutions is to provide protection against actions inflicted by the state or other persons which deny access to the courts and other tribunals.<sup>347</sup> Most international human rights documents including UDHR and ICCPR bother about the issues of equal treatment of parties,

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<sup>344</sup> Interview with Ato Tarekegn Desalegn, the Head of Ethiopian Peoples' Democratic Front (EPRDF) in East Harage Region, on October 17<sup>th</sup>, 8:30 – 3:00.

<sup>345</sup> Ibid.

<sup>346</sup> Art. 37(1) of FDRE and Harari People's State constitutions.

<sup>347</sup> Johan de Wall, Iain Currier and Gerhard Erasmus, *The Bill of Right Handbook*, (4<sup>th</sup> e.d), Juta & Co. Ltd, 2001, p. 558.

fairness and publicity of hearings; and competency, independency and impartiality of the court and other tribunal, but not accessibility of courts and other tribunals.<sup>348</sup> The FDRE Constitution and the state constitutions should be credited for guaranteeing the right to access to justice in addition to the mentioned elements.

However, in a region where ethnic based appointment of personnel and selection of working language(s) which is not common proficiency of all subjects are effected, access to justice may be barred because of partiality of the judges or authorities and the language facility. Accordingly, the formal working language of Harari people's State are Harari and *Afan Oromo*. Even though Amharic is serving provisionally, the courts and other institutions are staffed with the Oromos and Hararis. These restrict the right to access to justice of non-Oromos and non-Hararis.

The key informant, the President of the Harari People's State Supreme Court, states that recruitment of lawyers and their appointment has no ethnic reference.<sup>349</sup> Only higher officials of the judiciary are expected to be so. He further states that the appointment of judges considers the nominees' high ethical moral standard in order to them be impartial between parties of different ethnic origin, and the language difference will be addressed by interpreter.<sup>350</sup> However, due to the working language criterion in recruitment and the appointment of judges conducted by the ethnically dominated Regional Councils, individuals of exogenous ethnic groups would not be expected to be recruited and appointed as judges. In addition, the constitutional base of governments' duty to provide interpreter is limited to only those of arrested and accused persons in criminal cases.<sup>351</sup> Even the Harari People's State Constitution does not give the interpreter facility to the accused persons.

Accordingly, from the informants in this research only 47 persons (16.32 per cent) have trust on the courts of the State. This is evident from their response to a question: 'where do you want to bring your case if your rights are violated?' Out of those having misgivings 60 per cent attributes the problem to ethnic and linguistic preference of the court, while corruption and other causes

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<sup>348</sup> See Arts. 8, 10 of UDHR and Art. 14(1) of ICCPR.

<sup>349</sup> Interview with Ato Elias Yahya, the President of the Harari People's State Supreme Court, October 14<sup>th</sup> 2009, 2:40 – 3:25PM.

<sup>350</sup> Ibid.

<sup>351</sup> See Arts.19 (1) (2) and 20 (7) of the FDRE and Harari People's constitutions.

entail 16.52 per cent and 20.86 per cent respectively. Since Oromos and Hararis are preferred, exogenous ethnic groups' rights to access to justice is at stake. In addition, when the working languages of the State start operating, the exogenous ethnic groups will suffer from additional cost of interpretation of their pleadings and to lawyers speaking the language of the court.

## **B. The Right to Access to other Public Services**

UDHR in Article 21 paragraph 2 has made a clear provision as 'Everyone has the right to equal access to public service in his country'. Similarly, both in Federal and state constitutions provide the citizens equal access to publicly funded social services.<sup>352</sup> It further imposes duty on the governments to allocate ever increasing resources to provide to the public health, education and other social services.<sup>353</sup> Regarding the practicability of the laws, the Harari people's State practice leaves a lot to be desired. To a question: "Does the State institution in which you are a head provide equal service among individuals of different ethnic groups?", all officials of the State interviewed have consciously given a politically postulated answer that the State is rendering fair and equally distributed services. To take one example, as to the provision of urban land to establish living house, and condominium that government is undertaking currently, 44.70 per cent of the target groups explain the State administration discriminates among the indigenous and exogenous ethnic groups. As said above, if exogenous ethnic groups are considered, a lesser quality of condominiums and unfavorable urban places has been given in order they take away from *Jugal* so as to implement the revitalization of living museum – Harar.

In addition, the investment permits, trade licenses, cultural protection and other public funded services are centered to Harari people by the pretext of affirmative action and indigenouness. Other public services will be discussed in the next topics and chapter.

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<sup>352</sup> See Art. 41 (3) of the FDRE and states constitutions.

<sup>353</sup> See Art. 41 (3) of the FDRE and states constitutions.

#### 4. Freedom of Thought, Conscience and Religion

The terms ‘thought’, ‘conscience’, ‘belief’, ‘opinion’ and ‘religion’ do not lend us self explanation rather they are interrelated and interchangeably used. The problem challenges the FDRE Constitution; Article 27 makes a heading “Freedom of Religion, Belief and Opinion” while its provisions state about freedom of thought, conscience, religion and belief. Similarly, the head of Article 29 is “Right of Thought, Opinion and Expression”; however, the provisions talk only about freedom of opinion and expression. This shows the poor drafting process of the Constitution.

Johan de Wall, (*et.al.*) in the book entitled ‘*The Bill of Rights Handbook*’ tries to identify the above terms.<sup>354</sup> Accordingly, a religion centers on the existence of deity and ritual activities. While the term ‘conscience’ envisages moral judgments, ‘thought’ simply signifies the application of human reason, to know what is right and wrong. On the other hand, while a ‘belief’ is not centered on deity and ritual activities like Agnosticism and Atheism, ‘opinion’ means a permanency of an idea, like rationalism, socialism, liberalism etc.

Most international human rights laws, particularly UDHR and ICCPR provide freedom of thought, conscience and religion. The essences of the right are to protect individuals’ freedom to have and adopt or change their religion and belief of their choice, and to manifest his/her religion or belief in worship, observance, practice and teaching, either individually or in community with others and in public or private.<sup>355</sup> These essences of the right are also adopted in FDRE and states constitutions.

In the country in which religions compete to dominate one another and the socio-political system of the state for example in Ethiopia, making the state secular and the above mentioned individual based rights to belief and religion and their limitations are not sufficient protection for religious groups, especially if they exist as minority. In addition, the protection of Article 27 of ICCPR for persons belonging to religious minorities to profess and practice their religion accompanied by individual rights of non-discrimination and equality do not protect group religious

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<sup>354</sup> Johan de Wall, Iain Currier and Gerhard Erasmus, p. 290.

<sup>355</sup> See Art. 18 of UDHR, Art. 18 (1) of ICCPR and Art. 27 of FDRE constitutions.

discrimination. Surprisingly, the FDRE Constitution adopts the spirit and carnal of international protection as it is, which fails to perceive and to protect in advances the present religious conflicts in different parts of Ethiopia.

As we discussed earlier, in Harari People's State almost all Harari People and the surrounding rural Ormos are Muslims. On the other hand, exogenous ethnic groups are Christians. Taking the coalition of political parties of the OPDO and HNL in the State government, the State is *defacto* 'Muslim State'. This has negative ramifications on the religious rights of exogenous ethnic groups.

Accordingly, the Chairperson of the Harar City Evangelical Churches Fellowship states that the Protestants are not exercising the religious freedoms as enshrined in the Federal and the State constitutions.<sup>356</sup> In practice, the right to establish religious institutions, worship buildings and funeral places in the name of religious entities are denied. He further says, the Protestant churches in the region are running under the guise of NGOs, they are not registered as religious entity like other religions in the Region.<sup>357</sup> The burning of churches and persecution of believers are common in rural *kebeles*, whose perpetrators are out of the reach of justice due to the reluctance of the system.<sup>358</sup> To conduct large audience conferences and ceremonies, a permit and security facility are provided if they approach under pretext of HIV combating campaign or other social services and promise to cover the police daily allowances.<sup>359</sup>

Assistant Secretary of Eastern Hararge Region of Orthodox Church, states that there is a tension between Orthodox believers and Muslims.<sup>360</sup> He has said, believers in the rural *kebeles* have repeatedly reported that there is a threat inflicted by Muslims. Even though, it has been reported to the State, the State has failed to take action.<sup>361</sup> In monthly and yearly sermons of *Medhaniale* Church (the Church which Menelike changed from Mosque), sound disruption from the nearby

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<sup>356</sup> Interview with Pastor Mesfen Beyene, the Chairperson of the Harar City Evangelical Christian Churches Fellowship, on October 23<sup>rd</sup> 2009, 3:10 – 45PM.

<sup>357</sup> Ibid.

<sup>358</sup> Ibid.

<sup>359</sup> Ibid.

<sup>360</sup> Interview with Megabi Addis Embakom , Assistant Secretary of Eastern Hararge Region of Orthodox Church on October 20<sup>th</sup> 2009, 8:20 – 8:40AM.

<sup>361</sup> Ibid.

Mosque is common. In addition the Christians fear that the State would change the church to its past status.<sup>362</sup>

In Muslim perspective, the President of The Council of Muslim Affairs of Harari Region states that the Regional Government is corporateive with Islam religion and protects their religious freedom; however, some facilities are not sufficient.<sup>363</sup> In Muslim ethics, the government should not be required to provide a worship place or building or funeral place, rather persons grant their farm land to this purpose. He further said, Orthodox believers in their monthly and yearly sermons at *Medhanialem* Church are gathering from every corner of the Region and the nearby cities to show their hegemony within the *Jugal* and they always disrupt nearby Mosque with high volume sound amplifiers.<sup>364</sup> He puts his fear that the tension between Muslims and Christians in place where the *Medhanialem* Church and the Mosque which are 200 meter apart would grow to worse conflict. From the State point of view, the Harari People's State Regional Justice Bureau establish common forum for major religions, however, it does not still alleviate the above tensions and promote religious tolerance.

To this effect, the research has presented a question: "Does your religion face any encumbrance in Harari People's State?" Out of the informants 34.84 per cent have answered saying 'Yes', while 65.16 per cent have answered 'No'. Further, the question follows: "If your answer in the above question is 'yes', whose members of a religion cause the problem?" Out of the 100 persons who have said 'yes' 60 per cent have answered Muslim; while those attribute to Orthodox and Protestant constitutes 16 per cent and 22 per cent respectively.

Therefore, one can conclude that the right to thought, conscience and religion in Harari People's State is being threatened. For one, the exogenous ethnic groups have been suffering from unequal treatment of the State. This is because the historic Harar State was Muslim Sultanate and the conqueror Menelike was Christian, and the exogenous ethnic groups are considered as the miscellany of the past injustice that should not be seen as applauding. Second, the tension

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<sup>362</sup> Ibid.

<sup>363</sup> Interview with Ato Azua Yesum, the President of the Council of Muslim Affairs of Harari Region, October 22<sup>nd</sup> 2009, 10:30 – 5:10AM.

<sup>364</sup> Ibid.

between the indigenous Muslims and the new comer exogenous ethnic groups, Christian, obstruct the free exercise of the freedoms of religion.

## **5. Freedom of Opinion and Expression**

The free flow of information, ideas, and opinions that enhances an autonomous and diversified media is bedrock of democratic order.<sup>365</sup> Hence, international and national human right documents provide protection of freedom of opinion and expression. These rights contain the right to hold opinion without interference; the right to freedom of expression including freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.<sup>366</sup> Freedom of expression is a wider rights that encompasses not only freedom of speech but also includes academic freedom and freedom of scientific research and artistic creativity; the right to displaying of posters, paintings, dancing, publication of photographs; and symbolic acts, such as flag burning, wearing of certain items of clothing and physical gesture.<sup>367</sup>

Freedom of expression is subject to more extensive limitation for respect of the rights and reputation of others and for protection of national security or public order or public health or morals. Propaganda of war, incitement of imminent violence and hate speech are some of the expressive conducts which are excluded from the freedom of expression.<sup>368</sup> It is beyond the aim and scope of this study to discuss all the issues of the right of opinion and expression.

One aspect of freedom of expression is the right to receive and disseminate information from and through public media. Accordingly, the FDRE Constitution provides ‘any media financed by or under the control of the state shall be operated in a manner ensuring its capacity to entertain diversity in the expression of opinion’.<sup>369</sup> In this regard, the Harari People’s State does not have a developed and modernized mass media to serve sufficiently the quest of information of the population. It has 6 hours daily radio broadcast, a News Paper per fifteen days and quarterly

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<sup>365</sup> Fasil, p, 130.

<sup>366</sup> See Art. 19 of UDHR and ICCPR and Art. 29 of FDRE constitutions.

<sup>367</sup> Johan de Wall, Iain Currier and Gerhard Erasmus, p. 311

<sup>368</sup> See Art.20 of ICCPR.

<sup>369</sup> Art. 29 (5) of FDRE constitution.

magazine.<sup>370</sup> Amharic, *Afan Oromo* and Harari languages are used proportionally in the media.<sup>371</sup>

This is the first room that recognizes exogenous ethnic minorities that enable them access to information through Amharic language in the State. However, the contents of the information do not concern the life of exogenous ethnic groups. While the media focus on dissemination of the culture of Harari people and surrounding Oromos, the exogenous ethnic groups individually as the Amhara, Gurage or other cultures are not the subject of the media. In this regard, from the informants who participated in the research 43.17 per cent of the informants, who are mostly the Oromos and Hararis, state that their culture and history have been presented by the mass media, whereas, 40.63 per cent of the informants, who are mostly exogenous ethnic groups has reported that their culture and history are not the subject of the mass media.

## **6. The Right to Association and Freedom of Assembly**

Freedom of association and assembly is integral to the notion of democracy.<sup>372</sup> The right to association allows individuals to form a corporate body which is bigger than themselves but less than their state for its benefit to promote particular issues of identity, such as ethnic, ideological, religious, political, economic, labor, social, cultural, or sporting.<sup>373</sup> On the other hand, freedom of assembly is right of individuals to come together in the form of political demonstration or rallies or meetings, marches, picketing, carnivals or festivals etc.<sup>374</sup> Freedom of assembly has a great importance to so-called discrete and insular minorities, those minorities owing to their numerical weakness unable to protect themselves or to advance their interests through ordinary representatives' democracy.<sup>375</sup> It provides a right to demonstrate and petition of their interests. These rights play multifaceted role of a society and they are restricted only to peaceful and lawful purpose.

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<sup>370</sup> Interview with Mohamed Shash, the Head of Harari People's State Mass Media Organization, on October 14<sup>th</sup> 2009, 11:30 – 12:00AM.

<sup>371</sup> Ibid.

<sup>372</sup> Carol, p. 101.

<sup>373</sup> Ibid.

<sup>374</sup> Ibid.

<sup>375</sup> Johan de Wall, Iain Currier and Gerhard Erasmus, p. 333.

The protection of the right to association and freedom of assembly is embodied in international and national human right laws. Accordingly, everyone is guaranteed the right to freedom of peaceful association and assembly with the others.<sup>376</sup> The interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others are common lawful reason to restrict the right to freedom of assembly and association.<sup>377</sup>

In Harari People's State there is no apparent restriction of the rights to freedom of assembly and association. Hence, 190 respondents (67 per cent) state that they have freedom of assembly and association, while the rest 94 respondents (33 per cent) have resentment to the practical operation of such constitutionally guaranteed rights. Accordingly 69.14 per cent of the latter have argued that even though there is a normative protection of the rights mentioned, the ethno-linguistic preference to Hararis and Oromos excludes them from exercising the right to assembly and association based on their ethnic line. Similarly, 30.85 per cent of them have reasoned the practical failure as inconvenience of bureaucratic procedures in permit and registration. The non-recognition of Protestants as a religious institute as we discuss above is the prime evidence.

Even though traditional social and economical associations, such as *edir* and *ekub* are not prohibited, which exogenous ethnic groups, individually Amharas, Gurages and Tigrians are exercising; the right to form political organization or other association having political lobbying power is reserved to the indigenous Hararis and Oromos. Most officials of the State interviewed have argued that permitting exogenous ethnic group to have their own political parties might be seen as representative democracy; however, it obstructs the protection of minority Harari People within their historic land. In addition, right to form political parties is an integral part of the rights of 'Nations, Nationalities and Peoples' of the FDRE Constitution, which are out of reach of exogenous ethnic groups.

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<sup>376</sup> See Art. 20(1) of UDHR, Arts.21and 22 of ICCPR and Arts. 30 and 31 of the FDRE constitutions.

<sup>377</sup> Ibid.

Therefore, the freedom to the right of association and assembly has additional restrictions to the exogenous ethnic groups, where only those social and economic associations which cannot threaten the hegemony of Harari People are the area of the rights.

## Chapter Four

### Economic, Social and Cultural Rights of Exogenous Ethnic Minorities in Harari People's State

This chapter examines some economic, social and cultural rights of the exogenous ethnic groups in Harari People's State. Particularly, it deals with the right to work both in public and private sector and the right to education: the right to primary education in their languages and the right to learn ones culture.

#### 1. The Right to Work and of Labour

Historically, the starting point of international protection of the right to work is the ILO.<sup>378</sup> It adopted international minimum standards of wide ranges of matters which now fall under the rubric of social and economic rights. They include, *inter alia*, conventions dealing with freedom of association, forced labour, minimum working age, hours of work, weekly rest, sickness protection, accident insurance, invalidity and old-age insurance and freedom from discrimination in employment.<sup>379</sup>

The UDHR had no choice than acclaiming the right to work and freedoms associated with it. Accordingly, it contains the right to work and the right to labour clustered in four areas.<sup>380</sup> The first category of rights contains the right to work, the right to free choice of employment, the right to just and favourable conditions of work and protection against unemployment.<sup>381</sup> The second category holds the right to equal pay for equal work without any discrimination.<sup>382</sup> While the third category provides the right to just and favourable remuneration, the right to form and to join trade unions is the last category.<sup>383</sup>

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<sup>378</sup> J. Steiner and P. Alston, 2000, p. 242; International Labour Organization was founded on April 11, 1919 associated with the League of Nations. It is the first Special Agency succeeded by the United Nations in 1946.

<sup>379</sup> Ibid.

<sup>380</sup> See Art. 23 of UDHR.

<sup>381</sup> Art. 23(1) of UDHR.

<sup>382</sup> Art. 23(2) of UDHR.

<sup>383</sup> Art. 23 (3) and (4) of UDHR.

Subsequently, ICESCR provides a more socialist concept of the duty of the state to create jobs for individuals which reflect the tension between the individuals' right to free choice of employment and the state duty to take measures to promote full measure and conditions that safeguard fundamental political and economic freedoms for the individuals.<sup>384</sup> Its binding provisions also detail the rights that are coined in general terms in the UDHR.

The FDRE Constitution and the Harari People's State Constitution adopt the two kinds of rights: the right to work and the right of labour.<sup>385</sup> They provide the right to work under economic, social and cultural rights as every Ethiopian's right to choose his or her means of livelihood, occupation and profession and engage freely in economic activity and to pursue a livelihood of his or her choice anywhere within the national territory.<sup>386</sup> In addition, the constitutions promise that the state has an obligation to design policies and undertake programs and public works which aim to expand job opportunities for the unemployed and the poor and, to increase opportunities for citizens to find gainful employment.<sup>387</sup> The promise is to both unemployed to create job for the opportunities and employed for better gainful employments.

On the other hand, the constitutions cherish the rights of labour separated from the right to work. The framers of the constitutions should be credited for this separate treatment of the rights which the International Bills of Rights failed to do so. Under the right to labour, the constitutions identify five kinds of labourers namely factory and service workers, peasant farmers, farm labourers, other rural workers and lower employment government employees.<sup>388</sup> The right of labour aims at improving the life and working conditions of the workers. In doing so, the right to labour guarantees the right to form associations such as trade union and other organization to bargain collectively against employers and aspects that affect their lives.<sup>389</sup> The workers have also the right to express their grievance, including the right to strike, and the right to equal payment for equal work is also under the right of labour.<sup>390</sup> In addition, the right further creates conducive environment through limitation of working hours, providing rest, leisure, periodic

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<sup>384</sup> Carol, p. 105.

<sup>385</sup> See Art. 41(1) and (2) and 42 of the FDRE and Harari People's State constitution.

<sup>386</sup> Art. 41(1) and (2) of the FDRE and Harari People's State constitution.

<sup>387</sup> Art. 41(6) and (7) of the FDRE and Harari People's State constitution.

<sup>388</sup> Art. 42 (1) (a) of the FDRE and Harari People's State constitution.

<sup>389</sup> Ibid.

<sup>390</sup> Art. 42 (1) (b) of the FDRE and Harari People's State constitution.

leave with pay, remuneration for public holydays as well as healthy and safe working environment.<sup>391</sup>

The protection underline the right to work as enshrined in the International Bills of Rights and the above said constitutions impose a duty on employers not to discriminate individuals access to work with unreasonable set of qualifications, particularly, in the context of FDRE, the Federal Government and member states cannot discriminate citizens in access to opportunities of work based on nationality, religions or sex.<sup>392</sup>

The right to work which means the right ‘freely to engage in economic activity and to pursue a livelihood anywhere in the national territory’ and the right of labour are applicable for both public and private sector employments. Access to work opportunities in Harari People’s State will be discussed below in the context of the above background.

#### **A. The Right to Work in Public Sector**

In developing countries where the governments gear the economic activity, job opportunities are granted by the same. However, the tiny State of the Federation – Harari People’s State, from 2004 to 2008 fiscal years on average has 3,983 persons as permanent based civil servants.<sup>393</sup> Compared to the whole population it constitutes a minor segment. In its ethnic composition, 1755(44.72 per cent) are Amharas, while 1051 (26.38 per cent) are Oromos and 933 (23.41per cent) are Hararis.<sup>394</sup> The other ethnic groups together cover 244 persons (5.49 per cent). In this research category, the indigenous ethnic groups constitute 49.79 per cent while exogenous ethnic groups constitute 50.21 per cent of the civil servants. This figure of composition has been achieved through continuous affirmative action to job opportunities and empowerment given to the indigenous ethnic groups.<sup>395</sup> In doing so, capacity building through professional development training in the country and abroad totally center to persons from Harai ethnic origin.<sup>396</sup>

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<sup>391</sup> Art. 42 (2) of the FDRE and Harari People’s State constitution.

<sup>392</sup> Fasil, p. 164.

<sup>393</sup> በሐረሪ ህዝብ ብሔራዊ ክልል መንግስት የሲቪል ሰርቪስ ከ1996 እስከ 2000 በጀት ዓመት የመንግስት ሠራተኞች የሰው ኃይል ስታስቲክስ መረጃ፡ ጥር 2001፡፡

<sup>394</sup> Ibid.

<sup>395</sup> Ibid.

<sup>396</sup> Ibid.

There is a real need of empowerment of the Hararis in the competition of access to work. However, the competition is not open to all individuals as the Harari People's State Constitution exclude the non-Hararis and non-Oromos from access to public work and job opportunities. Article 33 of the same clearly stipulates that any Ethiopian who can speak the working language(s) of the State has the right to engage in public and Government works. The provision apparently contradicts with the right to access to work enshrined in international human right laws and FDRE Constitution, even with the State Constitution itself. In addition, the affirmative action is empowering indigenous ethnic groups to substitute the existing majority of exogenous ethnic in the civil service in order to make the Region self-sufficient by its indigenous groups to run the offices.<sup>397</sup> Hence, the provisional working language - Amharic with its speaker aggrandizement in the civil service will be cleared in the near future.

In this respect, the target groups for this research were presented with the questions "Do you have the right to work in government offices in Harari People's State?" Accordingly, 38.48 per cent of the participants which are mostly indigenous ethnic group members have answered 'Yes' while 61.51 per cent which are mostly exogenous ethnic groups members have replied 'No'. All targeted Harais except two have answered as they have unfettered right to work. Further, the research inquired the causes of the exclusion of exogenous ethnic groups from the right to public work. Some 81.42 per cent attributed to ethno-linguistic preference of recruitment system while 18.56 per cent attributed for other causes such as membership of the ruling party and corruption.

Moreover, the right to labour as discussed above protects the employed workers. According to key officials, the exogenous civil servants have either to learn either or both of the working languages or they will be fired from their position.<sup>398</sup> This violates the right of labour as well as the right to identity and language. Though the process rectifies the past injustices that discriminate Hararis from the access to public work, however, concerning the exogenous minorities, it is a simple reversal of past discrimination through discrimination.

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<sup>397</sup> Interview with Ato Bekri Abdulahi.

<sup>398</sup> Ibid,

## **B. The Right to Work in Private Sectors**

The other area of job opportunities is private sector which includes mainly trade and investment. Harar historically is the city of trade and Islam, in which they are the two sides of a coin, served as a transit market to outside world via Zaila to the inland Shewa and southern Ethiopia.<sup>399</sup> It had a local currency issued by the City-State and persistently revised the rules of trade.<sup>400</sup> Since then the City-State Harar is the confluence of many foreign and inland traders. This vibrant center of trade pulled many exogenous ethnic groups to the city, mainly Amaharas and Gurages. Hence, trade is the substantial source of livelihood of the City.

The idea of private investment which was government owned has revived after 1991 of government change in the Country and in the Harari People's State.<sup>401</sup> Private investment is one of the very elements for transition and growth of a state out of poverty. Therefore, the present Government of Ethiopia launches free market economy in which investment is a hallmark. Accordingly, the Harari People's State established and has reestablished investment offices to run the regions investment. Thus, since 1995 to 2008 totally 522 projects are invested by private sector in the State. From which Hararis cover on average 67.40 per cent of the private investment.<sup>402</sup> As the concerned officials state the investment permit does not prefer ethnic origin of individual, however, investors seek additional facilities which the state unable to satisfy. Harries invest in from their self-esteem to develop their home land.<sup>403</sup>

However, 83.63 per cent of respondents generally put some problems to engage in private investment whether small or large scale including trade. Accordingly, unavailability of credit and saving facilities (17.36 per cent), inconvenient and bureaucratic trade license and investment permit (22.22 per cent) and others such as corruption and partiality to ethnic origin (45.14 per cent) are some of the problems of access to private sector works. In addition, 60 per cent of the

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<sup>399</sup> Abdurhman Y. Garad, *The City-State of Harar (1800-1850)*, Addis Ababa, National Library and Archives Department, 1978, p. 7.

<sup>400</sup> *Id.*, p. 6.

<sup>401</sup> Interview with Ato AbdulSelam Abdush, the Head of Investment, Mines and Energy Office of Harari People's State, on October 15<sup>th</sup> 2009, 9:15 – 4:00AM.

<sup>402</sup> *Ibid.* Investment, Mines and Energy Office of Harari People's State, Investment Assessment Activity 1995 – 2008 Report.

<sup>403</sup> *Ibid.*

targeted group have stated that there is no equal provision of trade and investment license in Harari People's State between Hararis and non-Hararis.

According to 203 respondents (70.49 per cent) the whole economic machinery including trade and investment license and small scale business institutions, which are directly or indirectly under government control, are meant for Hararis.

From the above figures one can see the present economic situation of Harari People's State which center to benefit the indigenous Harari People, even the Oromos owing to their rural agricultural economic base are not included in the small scale economic activities except individuals of large investments. Moreover, exogenous ethnic groups mainly Amharas and Gurages which are still dependant on trade in the City have no longer access to trade and investment.

Therefore, in present Harari People's State, the right to work and the right to labour both in public and private field which are highly protected by the International Bill of Rights and the FDRE Constitution are violated towards exogenous ethnic groups. The right to labour of individuals of exogenous ethnic groups in civil services set between death and deep blue sea, either to learn the working language(s) in short period of time or to leave their job. Learning of other language, saving its impact on identity and language rights, is difficult in adult age, leave alone at professional level. The future fate of these civil servants and their family would be worse, unless their kin-states or the Federal Government transfer them.

The right to work, free access to and choice of profession, trade and occupation in respect to individuals of exogenous ethnic groups are at stake. The state government's focus to Hararis bars the access to trade and investment of individuals from exogenous ethnic groups. Since persons of exogenous ethnic minorities who want to access to trade and investment are numerical strong compared to civil servants mentioned above neither their kin-states nor the Federal Government has solution but the State equal treatment of individuals the only solution.

## 2. The Right to Education

According to the UNESCO, education is summarized as “the entire process of social life by means of which individuals and social groups learn to develop consciously within, and for the benefit of, the national and international communities, the whole of their personal capacities, attitudes, aptitudes and knowledge.”<sup>404</sup> Informal educations begin within home where the child learns its first language and is socialized into parental and sibling relationships.<sup>405</sup> Informal teaching is the responsibility of the family, the community and religious institutions. The subject matter of this school is transmission of mother tongue, skills of daily life, social, culture, religion and moral values held by the particular community to younger generation.<sup>406</sup> On the other hand, formal education will refer teaching or instruction comprising the pre-primary, primary (elementary), intermediate (secondary), higher and adult level instruction<sup>407</sup> (the order and type of levels of formal education are country specific). The duty to teach formal education mainly lays on state.<sup>408</sup> The term education in human right documents refers formal education not informal one.

Accordingly, owing to its basis of human and state development, major four human rights instruments recognized and reaffirmed the right to education in some detail. These are UDHR, ICESCR, CRC (Convention on the Rights of Child)<sup>409</sup> and UNESCO Convention against Discrimination in Education of 1960.<sup>410</sup> The international community recognizes the right to education in a direct and specific articulation for the first time in the UDHR Article 26. The provisions treat education in the three main paragraphs. The first paragraph provides everyone’s right to every levels of education as elementary and fundamental, technical and professional and higher education. It also gives that elementary education compulsory and free and other levels

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<sup>404</sup> Art. 1(a) of the Recommendation Concerning Education for International Understanding, Co-operation and Peace and Education Relating to Human rights and Fundamental Freedoms 1974, cited from Douglas Hodgson, *The Human Right to Education*, Ashgate Publishing Company, England, 1998, p. 3. (hereafter cited as Hodgson).

<sup>405</sup> Hodgson, p. 3.

<sup>406</sup> Ibid.

<sup>407</sup> Id., p. 4.

<sup>408</sup> Ibid.

<sup>409</sup> The Convention on the Rights of Child on the Right of Child (CRC), adopted by the United Nation General Assembly resolution 44/25 of 20 November 1989.

<sup>410</sup> The Convention against Discrimination in Education, adopted by the General Conference of UNESCO on December 14<sup>th</sup> 1960.

shall be available and equally accessible to all.<sup>411</sup> The second paragraph set the purpose of education to ensure full development of the human personality and to the strengthening human rights and fundamental freedoms. In doing so, education shall promote understanding, tolerance and friendships among all nations, racial or religious groups.<sup>412</sup> The last paragraph protects the rights of parents to choose the kind of education of their children.<sup>413</sup>

The non-binding rights education provisions of the UDHR have been reaffirmed, amplified and made more detailed by latter ICESCR. Having made legally binding provisions state all rights enshrined under UDHR, in particular, ICESCR essentially imposes the duty on state to recognize right to education, improve the existing conditions of education to maximum of their available resources and progressive introduction of free education of secondary education.<sup>414</sup>

However much protection is provided by the aforementioned international human right documents, minority right to education in general and the right to education of exogenous ethnic minorities in particular are not protected by the mere individuals' right to education and non-discrimination among themselves. Hence, the Party States are obliged only to recognize and improve the existing conditions of education and not to discriminate among individuals and this results assimilation of minorities in sphere of formal education. The minority right to education by far requires positive action including special minority education in their mother tongue so as to know and develop their language and culture.

Though the UDHR and ICESCR refer the right to education to everyone, children are the main beneficiaries the right to education as a result, the CRC contains a number of provisions relating to education. Accordingly, the convention ensures that disabled child and juveniles have an effective access to and receive education and training.<sup>415</sup> More importantly Article 28 adopted those rights discussed above in the context of children. Particularly, it encourages the

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<sup>411</sup> Art. 26 (1) of UDHR.

<sup>412</sup> Art. 26 (2) of UDHR.

<sup>413</sup> Art. 26 (3) of UDHR.

<sup>414</sup> Art. 13 of IESCR.

<sup>415</sup> Art.23 (1) and 40(3) (b) of CRC.

development of different form of secondary education and regular school attendance and the reduction of drop-outs rates.<sup>416</sup>

In relation to minorities, the CRC ensures that education shall be aimed at developing of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own.<sup>417</sup> But, the Convention is not clear with the minority right to use their own language in education.

The Convention against Discrimination in Education seeks in particular to eliminate discrimination and to ensure equal treatment and equality of opportunity to education at all levels.<sup>418</sup> It basically provides protection against discrimination based on any distinction, exclusion, limitation or preference which nullifies or impairs equal treatment in education based on race, colour, sex, language, religion, political, or other opinion, national or social origin, economic condition or birth.<sup>419</sup> Articles 2 (b) and 5(1) (c) of the Convention clearly stipulate the establishment of separate educational institutions by linguistic and national minorities including the use or teaching of their language respectively.

The FDRE Constitution and the states constitutions have no direct and separate room for the right to education; even the right of children does not include the right of children to education. The Constitution approaches education as the State duty to allocate ever increasing resources to provide education along with other social services.<sup>420</sup> Individuals or groups right to education against the State can only be backed by recourse to international laws ratified by Ethiopia for the laws are integral part of the law of the land.<sup>421</sup> Hence, the Harari People's State Constitution is not expected to differ from the Federal one.

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<sup>416</sup> Art.28 (1) (e) of CRC.

<sup>417</sup> Art.29 (1) (c) of CRC.

<sup>418</sup> Hodgson, p. 47.

<sup>419</sup> See Art.1(1) of UNESCO Convention against Discrimination in Education of 1960.

<sup>420</sup> See Art. 41 (4) of the FDRE Constitution.

<sup>421</sup> See Art. 9 (4) of the FDRE Constitution.

### A. The Right to Primary Education in ones Language

In multilingual state, the language chosen to teach the school curriculum can be very sensitive issue to minority groups and as well equally politically controversial. It has been argued that if a minority group is denied access to education in its mother tongue because of the language is perceived as inferior and incompatible to academic works, that group will be significantly exposed to assimilation.<sup>422</sup> In addition, recent researches propose that teaching children in their mother tongues has educational advantage.<sup>423</sup> The right to use ones language as a medium of instruction in primary education in present Ethiopia is derived from the general language policy of the constitution and the right of 'Nations, Nationalities and Peoples'. The Constitution gives equal recognition to all language and the states to choose their respective working languages. Similarly, the right to speak, to write and its own language as a part of the right to self-determination are enunciated by the Constitution to every ethnic group that it identifies.

In Harari People's State, even though the working languages chosen are *Afan Oromo* and Harari and the right to self-determination is exclusively given to Harari People, Amharic continue as a medium of instruction of primary education along with *Afan Oromo* and Harari. Accordingly, there are 46 Government and Community primary schools, of which 20 are in urban and 26 are in rural.<sup>424</sup> In light of medium of instruction, all rural primary schools use *Afan Oromo* as medium of instruction while in urban the three languages are used in different schools. Accordingly, ten primary schools use Amharic, while *Afan Oromo* and Harri are used by four and three primary schools respectively. In addition, three primary schools use bilingual medium of instruction. *Afan Oromo* and Amharic serve alternatively in two elementary schools and Amharic and Harari in one.<sup>425</sup>

Unlike other social services, access to education is well opened to exogenous ethnic groups in the region through Amharic. Hence, the children of Gurages and other ethnic groups are forced to use either of the three. For instance, out of 72 respondents of Gurages and other ethnic groups

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<sup>422</sup> Hodgson, p. 101.

<sup>423</sup> Id., p. 104

<sup>424</sup> Harari Region Government and Community Schools, Resource Mobilization and Planning Process of Harari Education Bureau.

<sup>425</sup> Ibid.

all prefer Amharic as medium of instruction. Compared to Harari People (8.65 per cent) Gurages and other ethnic constitute 12.17 per cent of the population which is substantial number needs special school in their languages. As the vice head of Harari Education Bureau states, the State is unable to bear the financial cost of establishing primary schools for each ethnic groups residing in the Region.<sup>426</sup> He further points out that such right is given to Hararis for they are indigenous and the owner of the State. In addition, it does not only benefit the young generation easily understand the subjects of education in their language but also it makes revival of the culture and language of the People which were set to die the past governments. According to the states experiences, for instance, in Hungary, kindergarten and primary schools are established in villages where there are about 15 children of particular group<sup>427</sup> and the Indian Constitution provides that all religious and linguistic minorities have right to establish and administer education institution of their choice.<sup>428</sup>

The Minority Treaty between Principal Allied and Associated Powers and Poland of 1919 which obliged the Polish Government to provide minorities primary education in their language is another prime example.<sup>429</sup>

The access to primary education in ones language in Harari People's State is restricted to Harari, Oromo and Amhara ethnic groups. Compared to access to work and other civil and political rights discussed above, primary education has accommodated exogenous ethnic groups through Amharic. However, in a polity of intensified articulation of identity, a number of non-Amahras are forced to take Amharic as their medium of instruction. This however is not only the problem with Harari People's State, but also in other regions.

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<sup>426</sup> Interview with Ato Fendi Abdulsida, Vice Head of Harari Education Bureau, on October 9 11:25 – 12:00AM.

<sup>427</sup> N. Kly, p. 53

<sup>428</sup> Hodgson, p. 99.

<sup>429</sup> Id., p. 106.

## **B. The Right to Culture in Education**

The World Declaration on Education for All of 1990 succinctly states: “Literacy in the mother-tongue strengthens cultural identity and heritage”.<sup>430</sup> If schools do not teach minority languages, minorities develop negative impression that the educational system and the wider community do not accept and value their language and culture. Hence, mother tongue teaching, beyond educational values, is necessary to enable minority children to know about and appreciate their groups, history and culture to have their distinctiveness in the wider community.<sup>431</sup> As a result the languages and cultures of a particular group would be preserved from decay.

In present Ethiopia, culture and language are inseparable political frameworks. Consequently, the FDRE Constitution and its state constitutions are built on ‘Nations, Nationalities and Peoples’ – indigenous ethnic groups. Self-determination is the crux of the rights of these ethnic groups which in turn encompass the right to self-government, to speak, to write and their own languages and develop their culture. These rights empower the states to have their own primary education curriculum.

Accordingly, the Harari People’s State Education Bureau designs the Social Studies of the primary education of all children as the study of history and culture of the Harari People and its region.<sup>432</sup> While the class level is increasing, the scope of the Social Studies is getting wider and wider to the details of Harari People history and culture along with general overview of the ‘Nations, Nationalities and Peoples’ of the Federation. The children of exogenous ethnic groups have no access to their respective ethnic groups’ history, identity and culture. In addition, this condition forces them to acclaim the history and culture of Hararis as their own for they reside in. The focus to Harari People’s culture and history in the contents of syllabi of elementary education violates the individual right to equality in exercise of one culture and the exogenous groups right to preserve their culture, history and identity.

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<sup>430</sup> Id., p. 103.

<sup>431</sup> Ibid.

<sup>432</sup> Interview with Ato Fendi Abdulside; student text books Social Studies from Grade 1 to Grade 8 of Harari People’s State Educational Bureau.

To this specific sub-topic problems, the establishing primary education using the their languages as medium of instruction to those exogenous ethnic groups where their number warrants such as the Gurages and the Tigrains, and adopting the contents of Social Studies subjects of primary education of their kin-states collaborating with the latter are possible remedies. The financial cost of these schools can also be raised from the beneficiary ethnic groups, their kin-states and the Federal Government, if the Harari People's State fails to bear.

In sum, the economic, social and cultural rights of exogenous ethnic minorities in Harari People's States, particularly the right to work and of labour, and the right to education are at stake. The right to work and of labour has public and private sectors. In public sectors, the working language criterion curtails individuals of exogenous ethnic minorities from the right to access to work. The same language policy forces the existing civil servant individuals of exogenous ethnic either to speak or to leave their job. As some of the workers state, they will be displaced to a lesser position employment until their retirement. In private sectors, the partial treatment of the Hararis and corrupted and bureaucratic trade license and investment permit are the main flaws to the right to work.

The right to education is also affected by the language policy of the State. The non-Oromo, non-Harari, and non-Amhara children have no medium of instruction of their own languages and are practically assimilated to Amharic language. In the contents to the Social Studies subjects of elementary education, the Harari history, identity and cultures are the only incarnated elements. Thus, the right to know and preserve ones history, identity and culture of children of exogenous ethnic groups are relegated to Hararis culture and history.

## Conclusion and Recommendations

### A. Conclusions

This part of the research delivers conclusions of the findings of the study and prescribes the possible recommendations after a brief descriptive summary of the study. The origin of the problems of this study is the fact that the new political order of Ethiopia after 1991 highly focuses on ethno-linguistic rights of indigenous ethnic groups than non-indigenous groups and individuals. For this reason, the FDRE Constitution is not inclusive the non-indigenous or exogenous ethnic groups and individuals in the processes of its making and text. Hence, the Preamble of the FDRE Constitution does not commence with the traditional constitutional formula of ‘we the people’ but with ‘We the Nations, Nationalities and Peoples of Ethiopia’ which grants the indigenous ethnic groups a kind of a ‘confederate’ position.<sup>433</sup> Article 39 (5) of the same defines ‘Nation, Nationality, or People’ as ‘a group of people who have or share a large measure of a common culture or similar customs, mutual intelligibility of language, belief in a common or related identities, a common psychological make-up, and who inhabit an identifiable, predominantly contiguous territory.’ This defining clause can be summarized as to mean indigenous ethno-linguistic groups. The Constitution again structures the country to nine states on the same basis of settlement patterns, language, identity and consent of the people concerned. In addition, all sovereign power and the right to self-determination reside in ‘Nations, Nationalities and Peoples’<sup>434</sup>

The non-indigenous (or exogenous) ethnic groups and individuals are those persons belonging to ethnic groups that have been living in states to which they are not indigenous but moved in the more recent past.<sup>435</sup> The most historical phenomena in making exogenous ethnic minorities and individuals in Ethiopia are modernizations and centralizations of 2<sup>nd</sup> half of 19<sup>th</sup> century. Of which, Emperor Menelike’s successful modernizations and centralization is responsible for the formation of the present heterogeneous society with diverse ethnic groups.<sup>436</sup> The Emperor Haile Sellassie I’s policy of integrated bureaucracy under centralized monarchy intensified the movement of individuals particularly those who were loyal to the system was the continuation of

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<sup>433</sup> Assefa, 2008, p. 22.

<sup>434</sup> Arts. 8 and 39 of the FDRE Constitution.

<sup>435</sup> See Getachew, 2008, p. 9; Van der Baken, p. 10; Assefa, 2008, p. 30.

<sup>436</sup> Merera , 2003, p. 59; Baharu, 2002, p. 60

the process. The last historical point in creation of exogenous ethnic group and individuals is the Dergue resettlement and villagization of peasants of north to the fertile lands of south in addition to continued centralization.<sup>437</sup>

One of the 'Nations, Nationalities and Peoples' which form its own State by virtue of the Federal and the State constitutions is Harari People in which the numerical minority Harari People (8.65 per cent of population of the State) has exclusive sovereign power and the right to self-determination in the State. The People exercises these powers and rights through elected representatives and self-government. To this end, the Federal Electoral Law and the Harari People Regional State Constitution provides that the right to be elected is reserved to persons who can speak the working language of the State. The State has made *Afan Oromo* and Harari language the working languages of the State. Hence, the political machinery has been gearing by the Harari and Oromo ethnic groups (Oromos constitute 56.41 per cent of the population of the State) where the former has overriding power through its special legislative assembly within the State parliament. While the other non-indigenous or exogenous ethnic groups and individuals, who constitute 35 per cent, have no access to the State Council. This exclusion of exogenous ethnic groups and individuals is also reaffirmed by the fact that the EPRDF assignment of OPDO and HNL in the election competition of the Region.

Other civil and political rights are handicapped in serving the human rights of exogenous ethnic groups in Harari People's State. Since the exogenous ethnic groups do not enjoy the right of 'Nations, Nationalities and Peoples', the right to preserve ones identity through protection of language, history and culture, the right to self-governments and the right to participate in matters relating to secession overlook exogenous ethnic group and individuals even though their numerical strength requires. Due to the fact that more emphasis is given to indigenous ethnic groups, exogenous ethnic groups have only the right to vote, while the right to vote and to be elected is secured to the indigenous Hararis and Oromos. As the empirical analysis of the research shows, the same discrimination extends to other rights and freedoms, such as the right to access justice and other public service, freedom of thought, conscience and religion, freedom of opinion and expression and the right to association and assembly.

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<sup>437</sup> Merera, 2003, p. 80

The economic, social and cultural rights of exogenous ethnic minorities and individuals in Harari People's States, particularly the right to work and of labour, and the right to education are at stake. In public sectors, the working language criterion curtails individuals of exogenous ethnic minorities from the right to access to work. The same language policy forces the existing civil servant individuals of exogenous ethnic groups between devil and deep blue sea – either to speak the working language of the State or to leave their job. Others are displaced to a lesser position than their qualified status of employment until their retirement. In private sectors, the partial treatment of the Hararis and corrupted and bureaucratic trade license and investment permit are the main flaws to the right to work of exogenous ethnic minorities and individuals.

The right to education is also affected by the language policy of the State. The non-Oromo, non-Harari, and non-Amhara children have no medium of instruction of their own languages and are practically assimilated to Amharic language. In the contents to the Social Studies subjects of elementary education, the Harari history, identity and cultures are the only incarnated elements. Thus, the right to know and preserve ones history, identity and culture of children of exogenous ethnic groups are relegated to Harari culture and history.

Generally, exogenous ethnic minorities and individuals within the major ethnic groups are relegated to the status of second rate citizenship.<sup>438</sup> I brow the terms 'citizen minus' which Poirier uses in qualifying the status of French-speaking Canadian out of Québec<sup>439</sup> to describe exogenous ethnic minorities and individuals in Harari People's State.

The research has made recourse to find the recognition and protection of exogenous ethnic minorities and individuals in related literatures, experiences of some multinational federations and international human rights laws. The international human right laws which Ethiopia ratified and the FDRE and State constitutions adopt, are mainly individual rights based on human dignity, equality and non-discrimination. In widely entrenched individual rights, Art. 27 of ICCPR provides persons belonging to ethnic, religious or linguistic minorities the right to enjoy, their own culture, to profess and practice their own religion, or to use their own language.

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<sup>438</sup> Assefa, 2008, p. 31.

<sup>439</sup> Poirier, p. 42.

The individual human right protection enshrined in the above mentioned laws are blocked by the canopy of over emphasized rights of 'Nations, Nationalities and Peoples' from the reach of exogenous ethnic minorities and individuals, in which the former encompasses most of individual rights bundled under self-determination, such as the right to speak, to write, and develop one's own language, to express, develop and promote culture, to preserve history; the right to vote and be elected through the right to self-government and the right to participate in referendum for right to succession. This exclusion is also replicated by the sovereign power reserved to 'Nations, Nationalities and Peoples' to exercise it through their representative – the right to vote and be elected and through their direct participation – *plubstic* or referendum. Accordingly, the Harari People's State Constitution provides the right to self-determination and sovereign power exclusively to the Harari People, where other ethnic groups are excluded from. However, the right to self-government is shared to the Oromos in the Region.

The protection of Art. 27 of ICCR is limited to ethnic, linguistic or religious cohesive minorities. Since, exogenous ethnic minorities and individuals cannot be grouped in either of the markers of minorities of Art.27, the protection of the same has not squarely matched. The exogenous ethnic minorities and individuals in Harari People's State are from different ethnic groups, such as Amhara, Gurage, Tigray and individuals of other ethnic groups. Their common marking features are being non-indigenous and marginalized groups. They cannot claim the rights under Art. 27 together. However, an individual ethnic group like Amhara and others, where their numerical strength permits to enjoy the rights in community with other members of their group, can use Art. 27. Still Art. 27 is limited to language, religion and culture which cannot fully redress the problem of minorities. The same nature of exogenous ethnic minorities and individuals challenges the definition and classification of minority.

The experience of few multiethnic federations throws some, but not absolute, protection of exogenous ethnic minorities and individuals. Territorial and non-territorial autonomy of ethnic groups in Canadian and Belgian federations are the few models. The bilingual and trilingual official language facilities in Canada and Belgium respectively and the bilingual working languages in federal cities and in some provinces of Canada and in Brussels Region of Belgium

have provided their exogenous ethnic minorities the right to participate in public administration and the right culture and identity. However, these rights are not immune from some ethnic tensions in both federations. Non-territorial Community system which links dispersed French-speaking and Dutch-Speaking ethnic minorities with their ‘mother’ ethnic groups provides another forum for their respective exogenous ethnic to enjoy their rights through their community governments and it creates a technique of check and balance between the constituting units of the federation as to their protection of minorities. The self-rule autonomy of dispersed German speaking minorities in the Walloon Region of Belgium and the Aboriginal Peoples in Canada is a remarkable framework for such kind of minority rights.

## **B. Recommendations**

Generally, it is advisable that the Federal and the states’ political landscape should consider the problem before the violation of rights of exogenous ethnic minorities and individuals become worse. It can be resolved by various mechanisms ranging from constitutional recognition of exogenous ethnic groups and individuals within indigenous ethnic groups to practical participation of them in every level of government. By doing so, they can oversee the laws and institutions that affect their life in the way protecting themselves.

The introduction of non-territorial autonomy within the territorial ethnic autonomy in the present ethnic federalism of Ethiopia is at the apex of the solutions beyond the research area, Harari People’s State. The territorial autonomy of indigenous ethnic groups as enshrined in the FDRE and state constitutions serves to rectify the past injustices targeted to their culture, language, identity, self-determination and natural resources of their land and to decide their present and future relation with other ethnic groups which were chained together by force. On the other hand, the non-territorial autonomy of exogenous ethnic groups and individuals within the states of the indigenous ethnic groups serves to protect assimilation of their identity, language, culture and history of the same to the indigenous ethnic groups. It also enables them to participate in the states and Federal government organs and keep their rights from encroachments of indigenous ethnic groups.

In a polity having more than eighty ethnic groups, the grant of non-territorial autonomy to every ethnic group would not be possible; however, their numerical strength should be taken into consideration. For instance, Amharas out of the State of Amhara which is the highest exogenous ethnic group have significant number (4.1 million) to non-territorial autonomy. Accordingly, other exogenous ethnic groups should also be considered by setting minimum threshold.

Creating the cross-cutting ethnic communities which links the exogenous ethnic minorities and their 'mother' indigenous ethnic group and in which the former participate in the public administration of the latter by election while the latter protect the rights of its exogenous ethnic groups in cooperation with the host state is the other remedy. This also creates inter-state relation in the federation. For instance, the Harari People's State provides the right to be elected for all Harari exogenous minorities in Ethiopia for its regional council. If a bridge is built between the Oromos in Oromia State and exogenous Oromos in other states by creating cross-cutting community, the Oromia State Government can oversee the treatment of human rights of exogenous Oromos in host States. In addition, the exogenous ethnic groups can participate in public administration of both host and mother States. In addition this system enables the states to have inter-state relation for other purposes.

Non-territorial autonomy and cross-cutting communities enable exogenous ethnic minorities and individuals to enjoy the right to develop their language and culture, the right to self-government and participate in the right to secession of indigenous ethnic groups. In turn, self-government enables them self-rule to equitable representation in states and Federal governments. The right to vote and be elected with revision of electoral law and electoral constituencies accordingly should be implement.

In Harari People's State, the structure of the State Government should be revised to accommodate the non-Harari and non-Oromo exogenous ethnic minorities and individuals. In doing so, the Constitution of the Region shall be revised to give equal recognition and rights of all citizens in the State. This includes sharing of exclusively Harari owned sovereign power, the right to self-determination, and the coalition of OPDO and HNL in legislative, judicial and executive powers to other exogenous ethnic minorities. In doing so, proportional representation

(if the first past post election system clears the minority Harari People) of major ethnic groups such as Amhara, Gurage and Tigray should be introduced in the Region without dissociating granted representation of the Harari People. Hence, ANDM, SEPDF and other members of the EPDRF and opposition parties should participate to represent the non-Hararis and non-Oromos.

Even though a selection of one or more working language/s in multi-linguistic society is a thorny issue which benefit the speaker of the selected language/s and dysfunctional to the non-speaker, Amharic should be the third working language of the Harari Peoples State for two basic reasons. One, the highest exogenous ethnic minority in the State is Amhara ethnic group. Secondly, other exogenous ethnic groups and individuals had mostly moved to the indigenous peoples' territories in the political systems before 1991, when Amharic language was the only official language, they are well versed with Amharic language. In addition, Amharic language is used as alternative medium of primary education in the Harari People's State. The same reasons justify the use of Amharic as second language in other States for exogenous ethnic group right to access to public service. The language facility will provide the exogenous ethnic groups and individuals the right to access to justice and other public services and the right to work in public offices. Freedom of thought, conscience and religion, and freedom of opinion and expression will also be, in addition to other things, protected by the same facilities. It also provides them the right to be elected for the state and Federal governments by competing with the indigenous.

The over emphasis to Harari People through pretext of affirmative action in socio-economic and cultural life of ethnic groups should be moderated by looking and protecting others language, identity and culture. Resource allocation and development strategies of the states and Federal governments should consider exogenous ethnic minorities and individuals. Children's education in their mother tongue should also be granted to non-Harari, non-Oromo and non-Amharas, and the content of Social Study subjects should also revised to reflect and to make them know their respective history, identity and culture. The financial cost of such project can be covered by the beneficiary or the kin-ethnic groups or the Federal Government, if the host state unable to cover it.

The ethnic discrimination in the right to engage in private sectors such as trade and investment through the State officials' corrupted permit and license shall be corrected and accessible by all citizens without their ethnic preference.

Lastly, the FDRE Constitution shall be revised in defining its citizen as 'Nations, Nationalities and Peoples' under Art. 39 (5) and its provisions reserving the right to self-determination and sovereign power to the same in the way to include exogenous ethnic minorities and individuals. All proposed recommendation will harmonize the human rights of individuals, exogenous ethnic groups and indigenous ethnic groups.

## Bibliography

- Abdurhman Y. Garad, *The City-State of Harar (1800-1850)*, Addis Ababa, National Library and Archives Department.
- Aberra Degefa, *The Scope of Rights of National Minorities under the Constitution of the Federal Democratic Republic of Ethiopia*, Series on Ethiopian Constitutional Law Vol. 1, Faculty of Law Addis Ababa University, AAU Printing Press, Addis Ababa, 2008.
- Adhana Haile, 'Mutation of Statehood and the Contemporary Politics' in Abebe Zegeye and P. Pasusewang, (ed), *Ethiopia in Change: Pesantary, Nationalism, and Democracy*, British Academic Press, London, 1994.
- Andreas Eshete, *Ethnic Federalism: New Frontiers in Ethiopian Politics*, the Proceedings of First National Conference on Federalism, Conflict and Peace Building, organized by Ministry of Federal Affairs and German Technical Cooperation, Addis Ababa, May 6 - 7, 2003.
- Assefa Fiseha, *Federalism, Diversity and the Regulation of Conflict in the Horn*, Paper presented at the Second National Conference on Constitutionalism and Human Security in the Horn, organized by Inter Africa Group, Addis Ababa, 2008.
- Baharu Zewde, *A History of Modern Ethiopia 1855 – 1991*, (2<sup>nd</sup> ed.), East African Studies, Addis Ababa University press, Addis Ababa, 2002.
- Bereket Habte Selassie, *Self-Determination in Principle and Practice: the Ethiopian-Eritrean Experience*, Vol. 29 Columbia Human Rights Law Review, 1997-1998.
- Buchana, Allen. *Federalism, Secession, and the Morality of Inclusions*, Arizona Law Review Vol. 37, 1995.
- Caulk, Richard. *Harar in the 19<sup>th</sup> Century and the Loss of its Independence*, A Paper Prepared for the Interdisciplinary Seminar of the Faculties of Arts and Education, H.S.I.U., 1968.
- Christophe Van der Beken, *Ethiopia: Constitutional Protection of Ethnic Minorities at the Regional Level*, African Focus Vo.2, No.1.
- Crisis Group Africa Report N°153, *Ethiopia: Ethnic Federalism and Its Discontents*, 4 September 2009.
- Davis, Howard. *Political Freedom: Associations, Political Purposes and the Law*, Citizenship and Law Series, Continuum, London and New York, 2000.

- de Varennes, Fernand. *Language, Minorities and Human Rights*, International Studies in Human Rights, Martinus Nijhoff Publishes, The Hague, The Netherlands, 1996.
- de Wall, Johan. Currier, Iain. and Erasmus, Gerhard. *The Bill of Rights Handbook*, (4<sup>th</sup> e.d), Juta & Co. Ltd, 2001.
- Deschouwer, Kris. *The Kingdom of Belgium*, Forum of Federations, [www.forumfed.org/html](http://www.forumfed.org/html) assessed on 9/21/2009 12:51 PM.
- Devine, Carol. (et.al.), *Human Rights: The Essential Reference*, The Oryx Press, Arizona, 1999.
- Ejetta Feyessa, *Newcomers and the Peoples of Harar in the early 20<sup>th</sup> Century*, A Paper Prepared for the Confrance on Harari Studies Organised by the Historical Societies of Ethiopia, June 1975.
- F. Burton, Richard. *First Footsteps in East Africa: An Exploration of Harar*, (ed.) Vol. II, Isabel Burton, Dover Publication, Inc., New York, 1987.
- Fassil Nahum, *Constitution for A Nation of Nations: the Ethiopian Prospect*, The Red Sea Press, Inc. Asmera, 1997.
- Freeman, Michael. *Human Rights, An interdisciplinary approach*, Polity Press, Cambridge, 2002.
- Geldenhuis, Deon. and Rossouw, Johann. *The International Protection of Minority Rights*, A special report compiled for the F W de Klerk Foundation in August 2001, The FW de Klerk Foundation, Cape Town, 2004.
- Getachew Assefa, 'Federalism and Legal Pluralism in Ethiopia: Reflection on their impacts on protection of Human Rights' in Germachew Alemuau and Sisay Alemahu, (ed.), *The Constitutional Protection of Human Rights in Ethiopia: Challenges and Prospects*, Ethiopian Human Rights Law Series Vol. 2, Faculty of Law Addis Ababa University, AAU Printing Press, Addis Ababa, December 2008.
- Henrard, Kristin. *Devising an Adequate System of Minority Protection: Individual Human Rights, Minority Rights and the Right to Self-determination*, Martins Nijhoff Publishers, The Hague, 2000.
- Henrard, Kristin. *The Interrelationship between Individual Human Rights, Minority Rights and the Right to Self-Determination and Its Importance for the Adequate Protection of Linguistic Minorities*, The Global Review of Ethnopolitics Vol. 1, no. 1, University of Groningen, The Netherlands, September 2001.

- J. Steiner, H. and Alston, P. *International Human Rights in Context: Law, Politics and Morals*, (2<sup>nd</sup> ed.), Oxford University Press, 2000.
- Kymlicka, Willy. “Emerging Western Models of Multination Federalism: Are They Relevant for Africa?” in David Turton (ed), *Ethnic Federalism: The Ethiopian Experience in Comparative Perspectives*, Eastern African Studies, Addis Ababa University Press, 2006.
- Majeed, Akhatar. (et.al). ‘Building on and Accommodating Diversity’, Theme Paper presented in 4<sup>th</sup> International Conference on Federalism, held in New Delhi between 5 and 7 November 2007, in Ronald L. Watts and Rupak Chattopadhyay, (ed.), *Unity in Diversity: Learning from Each Other* Vol. 1, Forum of Federations, Viva Books Plc, New Delhi.
- Markakis, John. *Ethiopia: Anatomy of Traditional Polity*, Shama Books, Addis Ababa, 2006.
- McGarry, John. and O’Leary, Brendan. *Federation as a Method of Ethnic Conflict Regulation*, Forum of Federations, [www.forumfed.org/html](http://www.forumfed.org/html) assessed on 9/21/2009 12:51 PM.
- Merera Gudina, ‘Contradictory Interpretations of Ethiopian History: The Need for a New Consensus’, in David Turton, (ed), *Ethnic Federalism: The Ethiopian Experience in Comparative Perspective*, James Curry, Oxford, 2006.
- Merera Gudina, *Ethiopia: Competing Ethnic Nationalism and the Quest for Democracy, 1960 – 2000*, Chamber Printing House, Addis Ababa, 2003.
- Minasse Haile, *Copmaring Human Rights in two Ethiopian Constitutions: the Emperor’s and “Republic’s”- Cucullus Non Facit Monachum*, CARDOZO J. OF INT’L & COMP. LAW Vol. 13, 2005.
- Minassie Haile, *The New Ethiopian Constitution: Its Impact upon Unity, Human Rights and Development*, 20 Suffolk Translational Law Review, 1996.
- Mohammed Habib, *Federalism and its Implication Language Question in Ethiopia*, First National Conference on Federalism, Conflict and Peace Building, Addis Ababa: United Printers PLC., 2003.
- N. Kly, Yussuf. *International Law and Black Minorities in U.S.*, (3<sup>rd</sup> ed.), Clarity Press INC., Atlanta, 1990.
- N. Levine, Donald. *The Great Ethiopia: The Evolution of a Multi-ethnic Society*, University of Chicago Press, Chichago and London, 1974.

- N. Shaw, Malcom. 'The Definition of Minorities in International Law', in Yoram Dinstein and Mala Tabory, (ed.), *The Protection of Minorities and Human Rights*, Kluwar Academic Publisher, USA, 1992.
- Ommen, T. k. 'Nation Building and Diversity', Subtheme Paper presented in 4<sup>th</sup> International Conference on Federalism, held in New Delhi between 5 and 7 November 2007, in Ronald L. Watts and Rupak Chattopadhyay, (ed.), *Unity in Diversity: Learning from Each Other* Vol.1, Forum of Federations, Viva Books Plc, New Delhi.
- Pankhurst, E. Sylvia 'Harar Under Egyptian Rule', (ed) in E. Sylvia Pankhurst, *Ethiopian Observer*, Journal of Independent Opinion, Economic, History and The Arts, Special Issues on Harar, Vol. II, No. III, March 1958.
- Poirier, Johanne. 'Autonomy and Diversity' Subtheme Paper presented in 4<sup>th</sup> International Conference on Federalism, held in New Delhi between 5 and 7 November 2007, in Ronald L. Watts and Rupak Chattopadhyay, (ed.), *Unity in Diversity: Learning from Each Other* Vol.1, Forum of Federations, Viva Books Plc, New Delhi, 2008.
- R. Cameron, David. *Canada*, Forum of Federations, [www.forumfed.org/html](http://www.forumfed.org/html), assessed on 9/21/2009 12:51 PM.
- Rehman, Javid. *The Weaknesses in the International Protection of Minority Rights*, Kluwer Law International, The Hague, The Netherlands, 2000.
- Sergew Hable Sellassie, *Ancient and Medieval Ethiopian History to 1270*, Haile Sellassie I University, Addis Ababa, 1972.
- Sheryock, Hennerly. *The Methods and Materials of Demography*, condensed edition, Academic Press, New York, 1976.
- Sieghart, Paul. *The Lawful Rights of Mankind: An Introduction to International Legal Code of Human Rights*, Oxford University Press, Oxford, 1985.
- Simeon, Richard. Federalism and Decentralization in Canada, Forum of Federations, [www.forumfed.org/html](http://www.forumfed.org/html), assessed on 9/21/2009 12:51 PM
- Solomon Negussie, *Fiscal federalism in the Ethiopian Ethnic-based Federal System*, Wolf Legal Publisher, The Netherlands, 2008.
- T. Schaefer, Richard. *Sociology*, (9<sup>th</sup> ed.) McGraw-Hill Companies, New York, 2005

Takele Soboka, *The Monist-Dualist Divide and the Supremacy Clause: Revisiting the Status of Human Right Treaties in Ethiopia*, Journal of Ethiopian Law, Vol. XXIII, No.1. AAU Printing Press, 2001.

Thornberry, Patrick. *International Law and The Rights of Minorities*, Oxford University press, Oxford, 2001.

Wagley, Charles. and Harris, Marvin. *Minorities in the New World: Six Case Studies*, Columbia University Press, New York, 1958.

Walelign Emiru, *Ethiopia through the Second Millennium: Critical Assessment*, Ethio Tikur Abay Printing Press, Addis Ababa, 2006.

Watts, Ronald L. *Comparig Federal Systems*, (2<sup>nd</sup> ed.), Monterial, McGill-Queen's University Press, 1999.

መፍቱህ ዘ ካሪያ አብዳላሂ ኑር፡ የከተማ ባህል መፍለቅያ ሐረር ጁገል፡ በሐረሪ ህዝብ ብሔራዊ ክልል መንግስት የህዝብ አደደረጃጀት ባህልና ማህበራዊ ጉዳይ ቢሮ፡ ሐረር፡ 2000 ዓ. ም.፡

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## Interviews

Interview with Ato AbdulSelam Abdush, the Head of Investment, Mines and Energy Office of Harari People's State, on October 15<sup>th</sup> 2009, 9:15 – 4:00 AM.

Interview with Ato Azua Yesum, the President of the Council of Muslim Affairs of Harari Region, on October 22<sup>nd</sup> 2009, 10:30 – 5:10 AM.

Interview with Ato Bekri Abdulahi, the Commissioner of the Civil Service Commission of Harari People's State on October 21<sup>st</sup> 2009, 9:00 – 9:30 AM.

Interview with Ato Elias Yahya, the President of the Harari People's State Supreme Court, October 14<sup>th</sup> 2009, 2:40 – 3:25 PM.

Interview with Ato Eskender Abdrhaman, the Head of Social Security and Development Sector of Culture and Sport Bureau of Harari People's State on October 13<sup>th</sup> 2009, 9:10 – 9:45PM.

Interview with Ato Masresha Selomon, the Head of Information and Communication Department of National Electoral Board of Ethiopia, on June 11<sup>th</sup> 2009, 9:00 – 4:00 AM.

Interview with Ato Muketar Ali, the Vice Speaker of Harari People National Regional State Council, on October 20<sup>th</sup> 2009, 9:22 – 10:00 AM.

Interview with Ato Regassa Kebele, the Vice President of Harari People's State, on October 20<sup>th</sup> 2009, 10:00 – 10:30 AM.

Interview with Ato Tarekegn Desalegn, the Head of Ethiopian Peoples' Democratic Front (EPRDF) in East Hararge Region, on October 17<sup>th</sup> 8:30 – 3:00 PM.

Interview with Megabi Addis Embakom, Assistant Secretary of Eastern Hararge Region of Orthodox Church on October 20<sup>th</sup> 2009, 8:20 – 8:40AM.

Interview with Mohamed Shash, the Head of Harari People's State Mass Media Organization, on October 14<sup>th</sup> 2009, 11:30 – 12:00AM.

Interview with Pastor Mesfen Beyne, the Chairperson of the Harar City Evangelical Christian Churches Fellowship, on October 23<sup>rd</sup> 2009, 3:10 – 4:55PM.

## **Laws**

International Covenant on Civil and Political Rights (ICCPR) adopted by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 3 January 1976.

International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 3 January 1976.

National/Regional Self-Governments Establishments Proclamation No. 7/1992, *Negarit Gazeta*, 50<sup>th</sup> year No. 2, the Transitional Government Council of Representatives, Addis Ababa, 14<sup>th</sup> January, 1992.

OAU, African Charter on Human and Peoples' Rights, OAU Doc. CAB/LEG/67/3 Rev. 5, 1981.

Proclamation to Preserve Books, Video and Audio Castes under Sport and Culture Bureau, Proclamation N0. 14/1999, *Harar Negari Gazeta*, 4<sup>th</sup> year No. 8, The Council of Harari People National Regional State, Harar, 23<sup>rd</sup> November, 1998.

Proclamation to Establish Trust Office for Protection of Tangible and Intangible Heritages of *Jugal* Walled-City, Proclamation N0. 21/1999, *Harar Negari Gazeta*, 5<sup>th</sup> year No. 1, The Council of Harari People National Regional State, Harar, 8<sup>th</sup> October, 1999.

Proclamation to Delimit Election of Members of Kebele Council, Proclamation N0. 75/2008, *Harar Negari Gazeta*, 12<sup>th</sup> year No. 8, The Council of Harari People National Regional State, Harar, February 8<sup>th</sup> 2008.

Proclamation to establish the Harari Language Academy, Proclamation NO. 18/1999, *Harar Negari Gazeta*, 4<sup>th</sup> year No. 6, The Council of Harari People National Regional State, Harar, 23<sup>rd</sup> November, 1998.

Proclamation to establish the Harari Language Alphabet and its Writing Style, Proclamation NO. 18/1999, *Harar Negari Gazeta*, 4<sup>th</sup> year No. 13, The Council of Harari People National Regional State, Harar, 30<sup>th</sup> August, 1999.

Proclamation to Make the Electoral Law of Ethiopia, *Negarit Gazeta*, 54<sup>st</sup> year No. 9, the Transitional Government Council of Representatives, Addis Ababa, 23<sup>rd</sup> February, 1995.

Proclamation to Provide for the Establishment of the National Regional and Wereda Councils Members Election Commission, *Negarit Gazeta*, 51<sup>st</sup> year No. 6, the Transitional Government Council of Representatives, Addis Ababa, 8<sup>th</sup> February, 1992.

The Constitution of Federal Democratic Republic of Ethiopia Proclamation No. 1/1995, *Negarit Gazeta*, 1<sup>st</sup> year No. 1, Addis Ababa, 21<sup>st</sup> July, 1995.

The Constitution of Kingdom of Belgium, available at: [www.servat.unibe.ch/law/icl/be\\_index.html](http://www.servat.unibe.ch/law/icl/be_index.html) accessed on November 15, 2009, 4:00PM.

The Enforcement Proclamation of the Revised Constitution of 2001 of Oromia Region No. 46/2001, *Megeleta Oromia*, The *Caffee* of The Oromia National Regional State, 8<sup>th</sup> year No. 6, Finfine, 12<sup>th</sup> July, 2000.

The Revised Amhara National Region Constitution approval proclamation No. 59/2001, *Ziker Hig*, 7<sup>th</sup> year No. 2, The Council of The Amhara National Regional State, Bahir Dar, 5<sup>th</sup> December, 2001.

The Revised Constitution, 2001, of the Southern Nation, Nationality and Peoples Regional State No. 35/2001, *Dehub Negarit Gazeta*, Awassa, 12<sup>th</sup> November, 2001.

The Revised Harari People Regional State Constitution approval proclamation No. 47/2004, *Harar Negari Gazeta*, 9<sup>th</sup> year No.1, The Council of Harari People National Regional State, Harar, 10<sup>th</sup> October, 2004.

The Revised Tigray National Region Constitution approval proclamation No. 45/2001, *Negarit Gazeta Tigray*, 10<sup>th</sup> year No. 2, The Council of The Tigray National Regional State, Mekele 6<sup>th</sup> December 2001.

The Transitional Period Charter of Ethiopia, *Negarit Gazeta*, 50<sup>th</sup> year No. 1, Addis Ababa, 22<sup>nd</sup> July 1991.

UN Charter signed on 26 June 1945, in San Francisco, at the conclusion of the United Nations Conference on International Organization, and came into force on 24 October 1945.

Universal Declaration of Human Rights, UN General Assembly Resolution 217 A (III) adopted on 10 December 1948.

### Other documents

*Belgian Linguistic Case (No.2)* (1980) 1 EHRR 252.

Central Statistics Agency (CSA), Summary and Statistical Report of the 2007 Population and Housing Census, December, 2008.

Central Statistics Agency (CSA), The 1994 Population and Housing Census of Ethiopia: Result at Country level, Statistical Report, Federal Democratic Republic of Ethiopia Office of Population and Housing Census Commission Central Statistics Authority Vol. II December 1995.

*Definitions and Classification of Minorities*, UN Doc E/CN. 4/Sub.2/85.

Investment, Mines and Energy Office of Harari People's State, Investment Assessment Activity of 1995 – 2008 Report.

Nations, Nationalities and Peoples of Ethiopia, available at:

<http://www.ethiobar.net/English/hofed/hofmemdb.html>, accessed October 5, 2009.

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

UN General Comment No. 23, Human Rights Committee, U.N. Doc. CCPR/C/21/Rev.1/Add.5 (1994).

በሐረሪ ህዝብ ብሔራዊ ክልል መንግስት የሲቪል ሰርቪስ ከ1996 እስከ 2000 በጀት ዓመት የመንግስት ሠራተኞች የሰው ኃይል ስታስቲክስ መረጃ: ጥር 2001::

የሐረሪ ህዝብ ክልል በፈደራል ደረጃ አወካክልና የወሰጥ አስተዳደሩን አወቃቀር በሚመለከት የመፍተሌ ሀሳብ ለማቅረብ የተቋቋመ ጊዜዊ ኮሚቴ ሪፖርት: መጋቢት 1987 ዓ. ም.::

የሐረሪ ህዝብ ክልል በፈደራል ደረጃ አወካክልና የወሰጥ አስተዳደሩን አወቃቀር በሚመለከት የተወካዮች ምክር ቤት ወሳኔ: መጋቢት 6 1987 ዓ. ም.102ኛ መደበኛ ስብሰባ::

የአናሳ ብሔረሰቦችን በሕገ-መንግሥት ጉባዔ አወካከል እንዲያጠና የተወካዮች ምክር ቤት ያቋቋመው ጊዜዊ ኮሚቴ ሪፖርት፡  
18/ 05/ 86 ዓ/ም፡፡

**Web cites**

<http://www.ethiopar.net/English/hofed/hofmemdb>.

<http://www.forumfed.org/html>

[http://www.servat.unibe.ch/law/icl/be\\_index.html](http://www.servat.unibe.ch/law/icl/be_index.html)

# **Annexes**

**Annex – I List of Minorities represented in HPR of FDRE**

Minorities	Minorities population size (2007)	State
Irbo/shao	30, 517	Tigray
Kunama *	2, 976	
Argoba	69, 978	Amhara
Shinasha	50, 916	Benishangul Gumuz
Mao	12, 744	
Mejenger	12, 277	Gambela
Harari	15, 858	Harar
Basketo	77,742	SNNPR
Meane **		
Malie	88,591	
Burji	56,149	
Dasenech	47,438	
Hamer	46,127	
Sheko	36,527	
Dizi	35,988	
Zeyese	15,631	
Gedole	40,039	
Gewada/Debase	64, 917	
Surma	25,654	
Ayda **		
Nao	7,290	
Tsemay	19,621	

\*the population size of Kunama was 19, 986 during identification of Minority Nationalities and Peoples while CSA 2007 Report makes 2, 976.

\*\*these ethnic groups cannot be found by the same name in CSA 2007 Report, but their size during identification Minority Nationalities and Peoples is 71,746 and 11,350 respectively.

Source: Central Statistics Agency (CSA), Summary and Statistical Report of the 2007 Population and Housing Census, December, 2008. የአናሳ ብሔረሰቦች በሕገ-መንግሥት ጉባዔ አወካከል እንዲያጠና የተወካዮች ምክር ቤት ያቋቋመው ጊዜዊ ኮሚቴ ሪፖርት: 18/ 05/ 86 ዓ/ም: አባሪ - 1

## Annex-II Questionnaires and Interviews

Addis Ababa University

School of Graduate

Faculty of Law

**Research questionnaires to be filled by the randomly selected respondents in Harari People's State**

**Dear respondents,**

This questioner is prepared for research conducted on the Human Rights of the Exogenous Ethnic Minorities and Individuals in Harari People's State in the way to full fill my post graduate study in Addis Ababa University School of Graduate, Faculty of Law. The research is highly dependent on accuracy and relevancy of information you provide. Thus, you are kindly required to fill the questions properly as per the spirit they ask. Please note that your information will be used only for the research and will be kept confidential. *Thank you in advance for your cooperation.*

**Direction: 1. The informants name and identity is not necessary.**

**2. Put a thick (✓) mark in the box  of your choice and write answer on the space provided. If you are mistaken put (X) mark and correct your answer again.**

### Section One –The Respondents General Information

A) Age: 1) 20 – 30  2) 31- 40  3) 41- 50  4) Above 50

B) Sex: M  F

C) Employments: Government  Private  Others

D) Ethnic group: Oromo  Amahar  Gurage  Harari  Others

F) Religion: Orthodox  Protestant  Muslim  Others

H) Year stay in Harar: 1) Less than 5  2) 5 – 10  3) 10 – 15  4) above 15

- I) Educational level: 1) Reading/ Writing  2) Elementary  3) High School   
4) College/University

**Section Two – Concerning Civil and Political Rights**

2.1. What do you think about the change of the past Harar City and *Hundenea wereda* to autonomous Harari People’s State in the Federation?

Very Good  Good  Middle  Bad  I feel nothing

2.2. Do you have the right to vote to elect the public administrators of the region and its lower administrative units in Harari People’s State? Yes  No

2.3. Do you have the right to be elected for the public administrators of the region and its lower administrative units in Harari People’s State? Yes  No

2.4. If your answer in the above question 2.3. is ‘No’, would you please explain the causes?

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2.5. Do you have the right to bring a justiciable matter to and obtain judgment from a court freely? Yes  No

2.6. Do you have the right to bring administrative matter to and obtain decision from a concerned public body freely? Yes  No

2.7. If your answer in the above questions 2.5. and 2.6 or either is ‘No’, would you please explain the causes?

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2.8. Do members of your ethnic group have the rights to assemble; form association and freedom of expression through their language in name their ethnic group? Yes  No

2.9. If your answer in the above question 2.8. is ‘No’, would you please explain the causes?

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2.10. Is there any political or social or other association or institution exclusively comprises your ethnic group members in Harari People’s State? Yes  No

- 2.11. Is there any News Paper, magazine or radio that uses your ethnic language in Harari People's State? Yes  No
- 2.12. Do the public mass media of Harari People's State disseminate your ethnic cultural values? Yes  No
- 2.13. Does your religion face any encumbrance in Harari People's State? Yes  No
- 2.14. If your answer in the above question 2.13. is 'Yes', whose members of a religion cause the problem? Christian  Muslim  Protestant  others
- 2.15. Is there any hatred inflicted on your ethnic group by members of other ethnic group? Yes  No
- 2.16. If your answer in the above question 2.15. is 'Yes', whose members of an ethnic group cause the problem? Amhara  Oromo  Harari  Gurage  others

### Section three – Concerning Economic Rights

- 3.1. What are the problem(s) you face to engage in any private work opportunity in Harari People's State? Unavailability of credit and saving opportunity  Others   
Inconvenience and bureaucracy to get work license  No problem
- 3.2. Do you have the right to work in government offices in Harari People's State? Yes  No
- 3.3. If your answer in the above question 3.2. is 'No', would you please explain the causes?  
\_\_\_\_\_  
\_\_\_\_\_
- 3.4. Do you have the opportunity to get urban land to establish living house or condominium that government is providing currently? Yes  No
- 3.5. If your answer in the above question 3.2. is 'No', would you please explain the causes?  
\_\_\_\_\_  
\_\_\_\_\_
- 3.6. Is there fair provision of trade and investment license in Harari People's State? Yes  No

3.7. Does the provision of urban land and living House, trade and investment license and the right to work in government offices is meant to one or certain ethnic group(s) preferentially in Harari People's State? Yes  No

3.8. If your answer in the above question 3.7. is 'Yes', whose members of an ethnic group are benefited? Amhara  Oromo  Harari  Gurage  others

#### Section four - Concerning Culture Rights

4.1. In Harari People's State, is there any elementary school instructed in your language? Yes  No

4.2. If your answer in the above question 4.1. is 'No', by which language do children of your ethnic group is learning? Amharic  Afan Oromo  Harari  Gurage  others

4.3. In Harari People's State, is there any government institution like museum that describe your culture and history? Yes  No  I don't know

#### Section Five – Summary Questions

5.1. Does the Harari People's State protect your human interest? Yes  No

5.2. Does the Harari People's State protect your ethnic group human rights? Yes  No

5.3. Where you want bring your case if you rights are violated? Kebele  Police   
Regional administration  Court  Federal Government  No where

5.4. Would you explain your general positive or negative opinion in respect protection your ethnic group human rights in the Harari People's State?

Positive

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Negative

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**Addis Ababa University**  
**School of Graduate**  
**Faculty of Law**

**Research structured interview questions presented to concerned officials of Harari People's State and the Federal**

**Dear interviewee,**

This interview is prepared for research conducted on the Human Rights of the Exogenous Ethnic Minorities and Individuals in Harari People's State in the way to full fill my post graduate study in Addis Ababa University School of Graduate, Faculty of Law. The research is highly dependent on accuracy and relevancy information you provide. Thus, you are kindly required to answer the questions properly as per the spirit they ask. Please note that your information will be used only for the research and will be kept confidential. *Thank you in advance for your cooperation.*

**1. Interviewee's general information**

Name \_\_\_\_\_

Institution \_\_\_\_\_

Position \_\_\_\_\_

Ethnic origin \_\_\_\_\_

Phone No. \_\_\_\_\_

**2. Questions concerning power sharing**

- 2.1. What is the benefit of being autonomous state of Harari People's State for Harari People?
- 2.2. What is the significance of sharing of State power to both Harari People and Oromos within the state territory through the collusion of HNL and OPDO respectively?
- 2.3. Why other persons from other ethnic origin particularly those ethnic groups having substantial size in the State like Amharas and Gurages are not participated the rough their respective constituent parties of EPDRF?
- 2.4. Is there any special protection to unrepresented persons of other ethnic group?
- 2.5. What a kind of due care is set to such segment of the population in law making, implementation and interpretation?

### **3. Questions concerning administration and service provision**

- 3.1. As Harari People's State is the living room of persons of different ethnic origin, how your institution appreciates composition of persons from different ethnic groups?
  - a. Does your institution set language and ethnic origin as criteria of recruiting and appointing personnel?
  - b. If so, which language(s) or ethnic origin(s) is/are preferred?
- 3.2. What is the working language of your institution?
- 3.3. How do you communicate every person from different ethnic origin while you render service?
- 3.4. Is there any equality seen among ethnic groups in your service? How can it be expressed?

### **4. Questions concerning primary education**

- 4.1. It is found worthy to conduct primary education by mother tongue mainly to enable children know their ancestors ethnic identity, history and culture; how do you implement this purpose at least to main ethnic groups?
- 4.2. Which language(s) or ethnic origin(s) is/are meant to this purpose?
- 4.3. Does teachers' recruitment and preparation of education material consider this purpose?
- 4.4. How children others ethnic groups are protected?

### **5. Questions concerning religious freedom**

- 5.1. Is there religious freedom in State?
- 5.2. Does the state provide security and other facilities for religious large audience congregations and conferences?
- 5.3. Does the State provide quite answer for the question of and prepare to proper place to build new worship place?
- 5.4. Does your religion have separate funeral place? Is the state is willing to give a new?
- 5.5. Is there any form of hatred or threat inflicted on the follower of your religion by the follower of other religion?
- 5.6. Is there any instance of regeligious conflict between yours and other? How the matter was settled? How the perpetrators were addressed?