

ADDIS ABABA UNIVERSITY
COLLEGE OF LAW AND GOVERNANCE
CENTER FOR HUMAN RIGHTS

**‘Indigenous’ and ‘Non-indigenous’ People’s Rights in Benishangul-Gumuz
Regional State: The Right to Political Participation of ‘Non-Indigenous’
People in Bambasi Woreda**

By

Gizachew Wondie

A Thesis submitted to the Center for Human Rights, College of Law and Governance
Studies of Addis Ababa University in partial fulfillment of the requirements for the
Master of Arts (MA) in Human Rights

July 1, 2015

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DECLARATION

I, Gizachew Wondie Gifayehu, hereby declare that the work submitted for this thesis is the result of my personal effort and an original work, this work has not been submitted for any degree in any other institution before. All consulted materials, secondary or primary source are properly quoted and recognized.

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Abstract

The right to political participation, as stated under the UDHR and ICCPR, is a basic right of human beings that influence the inter-relation and interaction of human beings. Ethiopia, as signatory of these international human right instruments, the FDRE constitution stipulates the right to political participation right of all Nation, Nationalities and People of the country without any discrimination. However, regional states, like Benishangul-Gumuz, had face serious criticism that ‘non-indigenous’ people are face serious problem in the enjoyment of their right to political participation. Hence, this research has aimed to assess the political participation of ‘non-indigenous’ people of Benishangul-Gumuz Regional State: case study of Bambasi woreda. It looks and measures the participation of ‘non-indigenous’ people in public decision making and assess the ‘indigenous’ vs. ‘non-indigenous’ composition of institution of Bambasi Woreda administration and normative instruments for the accommodation and consideration of the right to political participation of ‘non-indigenous’ people. In investigating reliable data, the researcher utilizes qualitative research approaches unstructured in-depth interview, key informant interview and field observation as data collection instruments with different documents and articles. As finding of the study reveals, the right to political participation has been shortened by normative and institutional constraints that range from the federal up-to kebele administration level. Hence, it is highly recommended that there must be a structural change that helps to establish an inclusive normative and administrative institution that range from the reconsideration of ‘non-indigenous’ people up to constitutional amendment and re-institutionalization of the administration.

Key Terms

Indigenous, Non-Indigenous, Political Participation, Right to Political Participation

List of Abbreviations

ANDM	Amhara National Democratic Movement
EPLF	Eritrean People's Liberation Front
EPRDF	Ethiopian Peoples' Revolutionary Democratic Front
FDRE	Federal Democratic Republic of Ethiopia
HoPR	House of Peoples Representatives
ICCPR	International Covenant on Civil and Political Rights
ILO	International Labour Organization
NEB	National Electoral Board
OPDO	Oromo Peoples' Democratic Organization
PA	Peasant Association
ANRS	Afar National Regional State
TRS	Tigray Regional State
BGRS	Benishangul-Gumuz Regional State
SRS	Somali Regional State
SEPDF	Southern Ethiopia Peoples' Democratic Front
SNNPRS	Southern Nations, Nationalities and Peoples Regional State
TPLF	Tigray Peoples Liberation Front
UDA	Urban Dwellers' Association
UDHR	Universal Declaration of Human Rights
UN	United Nations
WCIP	World Council of Indigenous Peoples

List of table

Table 1:- Number of ethnic groups, indigenous and non-indigenous peoples in the selected regions	31
Table 2:-Number of representatives of each ethnic group in Benishangul–Gumuz regional state council and standing committees	51
Table 3:- Benishangul–Gumuz regional state Permanente Employee of the regional council office	53
Table 4:- Benishangul–Gumuz regional state permanent employees of the regional administrative bureau	55
Table 5:- The ethnic composition of the standing committee of Bambasi Woreda council.....	66
Table 6:- The population, registered voters and candidate ratio of Bambasi Woreda	86
Table 7:- The ethnic composition and population- representation dynamics of Bambasi Woreda council	89
Table 8:-The ethnic composition of the standing committees of Bambasi woreda council.....	91
Table 9:- ‘Indigenous’ vs. ‘non-indigenous’ and ethnic composition of Kebele council.....	93
Table 10:- The ethnic and ‘indigenous’ vs. ‘non-indigenous’ people composition of Kebele administrative council.....	95

TABLE OF CONTENT

Contents	page
Chapter one	1
Rational of the study	1
1.1. Background of the study	1
1.2. Statement of the problem	7
1.3. Research questions	10
1.4. Research objectives	11
1.5. Significance of the study	11
1.6. Scope of the study	11
1.7. Research methodology	12
1.7.1. Source	12
1.7.2. Data collection techniques and tools	13
1.7.2.1. Sampling techniques	13
1.7.2.2. Data collection tools	13
1.8. Data analysis method	15
1.9. Ethical consideration	15
1.11. Structure of the study	16
chapter Two	17
Review of Related Literature	17
2. The right to political participation of ‘non-indigenous’ people	17
2.1. Conceptualizing the right to political participation	17
2.1.1. The concept of the right to political participation	17
2.1.1.1. The right to elect and be elected	19
2.1.1.2. The right to participate in decision making	21
2.1.1.3. The right to fair representation	22
2.1.2. Limitation and scope of the right to political participation	23
2.2. Conceptual framework of ‘indigenous’ and ‘non-indigenous’ people	24
2.2.1. Who are ‘indigenous’ and ‘non-indigenous’ people?	24
2.2.1.1. Definition by scholars	26
2.2.1.2. Definition by inter-governmental organizations	27

2.2.1.3. Some examples of national definition	30
2.2.2. ‘Indigenous’ and ‘non-indigenous’ people in Ethiopia.....	31
2.2.2.1. Making of ‘indigenous’ and ‘non-indigenous’ people	31
2.2.2.2. Concept of ‘indigenous’ and ‘non-indigenous’ people	34
2.2.3. The concept of ‘indigenous’ and ‘non-indigenous’ people in Benishangul-Gumuz regional state	36
2.3. The right to political participation of ‘non-indigenous’ people: Global overview	38
2.4. The right to political participation of ‘non-indigenous’ people in Ethiopia	40
2.4.1. The right to political participation in Ethiopia	40
2.4.2. The right to elect and be elected.....	42
2.4.3. The right to fair representation.....	44
2.4.4. The right to participate in public decision making.....	45
Chapter Three.....	47
Political participation and ethnic accommodation in Benishangul-Gumuz regional state	47
3.1. Benishangul-Gumuz regional state: an overview	47
3.1.1. Demography of the region.....	47
3.1.2. Administrative structure of the regional state	47
3.2. Accommodation of ethnic diversities in Benishangul-Gumuz regional state.....	49
3.2.1. Constitutional accommodation of ethnic diversities	51
3.2.2. The institutional accommodation and representation of ethnic diversities in Benishangul-gumuz regional state.....	54
3.2.2.1. The regional parliament.....	55
3.2.2.2. The regional executive.....	58
3.2.2.3. Other institutions	60
3.3. The paradox of ‘indigenous’ vs. ‘non- indigenous’ people in Benishangul-Gumuz regional state.....	62
Chapter Four	66
Study Area Description.....	66
4.1. Geographical location of Bambasi Woreda	66
4.2. Demography of Bambasi Woreda	67
4.2.1. Socio-economic activity	67
4.2.2. Organizational structure of Bambasi Woreda	69

4.2.2.1. Woreda administration	70
4.2.2.2. Kebele administration.....	72
Chapter Five.....	75
Data Analysis and Interpretation	75
5.1. Introduction.....	75
5.2. An assessment of the right to political participation in Bambasi Woreda.....	76
5.2.1. The right to elect and be elected.....	77
5.2.2. The right to fair representation.....	79
5.2.3. The right to take part and influence public decision making	80
5.3. The right to political participation of ‘ <i>non-indigenous</i> ’ people in Bambasi Woreda.....	84
5.3.1. Participation of ‘ <i>non-indigenous</i> ’ people in decision making	84
5.3.1.1. Freedom of movement, expression, association and demonstration for ‘non-indigenous’ people in Bambasi Woreda.....	85
5.3.1.2. The right of access to information and opinion.....	87
5.3.1.3. The right of access to basic public services and goods	88
5.3.2. ‘Non-indigenous’ people in election.....	91
5.3.2.1. The right to vote	91
5.3.2.2. The right to be elected	92
5.3.3. Representational rights of ‘ <i>non-indigenous</i> ’ people in Bambasi Woreda.....	94
5.3.3.1. Representation in kebele and woreda level	95
5.3.3.2. Representation in zonal and regional administration	101
5.4. Challenges for political participation of ‘ <i>non-indigenous</i> ’ people in Bambasi Woreda	103
5.5. Measures taken to alleviate challenges and problem.....	105
Chapter Six.....	109
Conclusion and Finding of the Study.....	109
6.1. Summary and finding of the study.....	109
6.2. Conclusion and recommendation.....	114
Bibliography	118
Appendixes	122
Appendix one: - Some pictures	122
Appendix two: - Interview guiding questions for data collection.....	123

CHAPTER ONE

RATIONAL OF THE STUDY

1.1. BACKGROUND OF THE STUDY

Ethiopia has a long history of statehood with the ancient civilizations of the Abyssinian, Axumite Empire and the Zagwe Dynasty.¹ Minding this, Zemelak argued, Ethiopia was one of the most decentralized states from the period of ancient civilization up to the late 1850.² However, Edmond Keller argues, though it is not effective and had breakages (like period after the fall of Axumite civilization, and 'Zemene Mesafint'), the process of centralization were back rooted to the ancient period of Axumite civilization.³ However, the then centralization process of Axumite civilization were very loose which mostly ended with an 'imaginary empire' but not central government.⁴ For example, According to Assefa Fisseha, the process of centralization of state power, which began since the reign of Emperor Tewodros II in the 1850s, marked the beginning of Ethiopia's nation (empire) building.⁵ Alem Habtu argues, the southward expansion of the Ethiopian state was completed at the end of the 19th century under Menelik II which also attributed to the completion of the formation of centralized state.⁶ However, Zemelak argues, despite their desire, three monarchical governments (Tewodros II, Yohanes IV and Menilik II) were unable to establish a centralized government because of the technological and economic factors, the impenetrable terrain and an entrenched culture of regional and local consciousness.⁷ Hence, he generalize that the formation of strong central government was realized in the period of Emperor Haile Selassie through his own first written constitution of 1931 in which the emperor use to strip the regional

¹Kidane, M., 1997. New approaches to State Building in Africa: The Case of Ethiopia's Ethnic-Based Federalism. *African Studies Review*, Volume 40, p. 119.

²Zemelak, A., 2011. Law democracy and development: local governments in Ethiopia: Still an apparatus of control? Volume 15, p. 1.

³ Keller, E., 2005. Making and Remaking State and Nation in Ethiopia. *Nationalism and the African States*, 3(1), p. 88.

⁴Assefa, F., 2007. *Federalism and the Accommodation of Diversity in Ethiopia: A comparative Study*. Revised ed. Addis Ababa: Artistic Printing Enterprise. P.15

⁵Assefa, F., 2007. *Federalism and the Accommodation of Diversity in Ethiopia: A comparative Study*. Revised ed. Addis Ababa: Artistic Printing Enterprise. P. 16

⁶ Alemante, G., 2011. Federalism, Human Rights and the EPRDF Constitution: The Bad, the Ugly, and the Evil. *Ethiopian news and information update (world press)*,P.11

⁷Zemelak, A., 2011. Law democracy and development: Local governments in Ethiopia: still an apparatus of control? Volume 15, p. 4.

and local lords of their traditional privileges from the local community.⁸ He also argues, the local and provincial administration reform through promulgation of Decree No 1/1942 was the most drastic formal measure of centralization of local autonomies and authorities since the period of 1942.⁹ Hence, Zemelak concludes, following this period, the local and provincial administrative unites become clear extension of the central government and the local and regional administrators were not only appointed by the Emperor but also required to act as his agent.¹⁰

Following the fall of the Imperial rule, Derge had continued with centralized administration process. Derge attempted to deal with issues of self-administration by establishing lower level local governments elected by dwellers of their areas. For example, according to Smith Lahra, Derg established two local level institutions: the Urban Dwellers' association (UDA) and the Peasant association (PA) in kebele (sub-district), Woreda (rural district) or Kefitegna (urban district) and city or regional level as autonomous institutions to run their own affairs, solve their own problems and directly participate in political, economic and social activities.¹¹ Zemelak also argues, these institutions, despite their establishment, were degenerated into apparatus of repression and terror in which the UDA and PA was renamed in to "*public safety squad*" and "*peasant defense squad*" respectively to eliminate political opponents.¹²

The move to the adoption of constitutional federalism was only a beginning of the process of decentralization that was taking place since 1991, which ushered after the fall of the military regime.¹³ The newly established government, TGE, recognized the right to self-determination of each ethnic groups of the country which latter further strengthened even after the new federal

⁸Zemelak, A., 2011. Law democracy and development: Local governments in Ethiopia: still an apparatus of control? Volume 15, p. 6.

⁹Zemelak, A., 2011. Law democracy and development: Local governments in Ethiopia: still an apparatus of control? Volume 15, p. 6.

¹⁰Zemelak, A., 2011. Law democracy and development: Local governments in Ethiopia: still an apparatus of control? Volume 15, p. 6.

¹¹Lahra, S., 2008. the politics of contemporary language policy in Ethiopia. *journal of Developing societies* , 13(2), p. 208.

¹² Lahra, S., 2008. the politics of contemporary language policy in Ethiopia. *journal of Developing societies* , 13(2), p. 208.

¹³Tsegaye, R., 2004. State constitutions in Federal Ethiopia: A preliminary observation. *A summery for the Bellagio*, 22-23 March .p. 9.

constitution is established in 1995.¹⁴ Owing to this, the main political issues which carried out by the current Ethiopian government was a federal state structure with regional autonomy, protection of minorities, self-administration, democracy and development since the country suffers from the loss of these critical democratic elements under its previous political history.¹⁵ Cultural and language policies of the country have significantly changed in helping oppressed minorities to gain recognition and to develop confidence in their language and culture.¹⁶ It also further strengthens the right to self-administration of the constituent parts of the federation. The FDRE Constitution to this effect states that, “Every nation, nationality and people in Ethiopia has the right to a full measure of self-government which includes the right to establish institutions of government in the territory that it inhabits and to equitable representation in a state and federal governments respectively”.¹⁷

Despite introducing such arrangement for self-administration, the current Ethiopian federal system is criticized from the perspective of empowerment of different resident ethnic groups who sometimes referred as ‘non-indigenous’ ‘non-native’, ‘non-founder’ group of people.¹⁸ For example, Yonatan and Beken argued, in contradiction to Article 38 of the federal constitution,¹⁹

¹⁴Tsegaye, R., 2004. State constitutions in Federal Ethiopia: A preliminary observation. *A summery for the Bellagio*, 22-23 March .p. 9.

¹⁵ Mengie, L., 2010. Federalism for Unity and Minorities’’ protection :(A comparative study on Constitutional Principles and their practical Implications: US, India and Ethiopia). November .p. 12.

¹⁶Yonatan Tesfaye and Van Der Beken., 2013. Ethnic Federalism and Internal Minorities’: The Legal Protection of Internal Minorities’ in Ethiopia. *African Journal of International and Comparative Law*, p. 37. “For example, the decision to coincide regional boundaries with ethnic groups in Proclamation No. 7/1992 of 14 January 1992 states that: - With the view to implement an ethnic-based decentralization program, the law established fourteen regions. Furthermore, the law listed more than sixty ethnic groups and linked each one of them to one (or in case of the Oromo to two) of the regions. Hence, the law localized the traditional territory of the ethnic groups in one of the fourteen regions. To put it differently, all ethnic groups were considered to be indigenous in one of the fourteen regions. Indigenous internal minorities can claim a wide range of rights based on federal as well as regional constitutions. This is related to the fact that the federal constitution provides for a broad spectrum of rights that are relevant for the protection of both individuals that belong to indigenous internal minorities and to the minorities as groups”.

¹⁷ The Constitution of the Federal Democratic Republic of Ethiopia. 21 August 1995 Article 39(3)

¹⁸Beza, D., 2013. The right of minorities to political participation under the Ethiopian Electoral System. *Mizan Law*, Volume 7. No.1, p. 34.

¹⁹ Article 38 Of the FDRE constitutions stipulates that:- Every Ethiopian national, without any discrimination based on colour, race, nation, nationality, sex, language, religion, political or other opinion or other status, has the following rights:

- (a) To take part in the conduct of public affairs, directly and through freely chosen representatives;
- (b) On the attainment of 18 years of age, to vote in accordance with law;

those individuals who did not speak the ‘working language’ (one of the indigenous language) of the region are barred from contesting in election²⁰ and the political participation of the ‘non-native’ people in state administration has been increasingly affected by measures taken by local governments as part of exercising its power.²¹ Even though the federal structure of Ethiopia is appreciated for its empowerment of different ethnic groups (especially ‘historical minorities’),²² both the federal and the regional constitutions are criticized regarding the recognition and protection of the rights of ‘non-native residents’²³ of the regional states. However, some regional states, which establish ‘Special Woreda’ and ‘independent kebele’ administrations, tries to guarantee the right of ‘indigenous’ or ‘native’ people by their regional constitutions.²⁴ Nonetheless, as Getachew Assefa argues, it is contentious, while the 1995 constitution so generously recognizes the right to self-determination of ethno-national groups, it utterly fails to pay required attention to the ‘non-indigenous’ (non-native) groups who find themselves in the ‘wrong’ regional states.²⁵

(c) To vote and to be elected at periodic elections to any office at any level of government; elections shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.

²⁰ Proclamation No. 532/2007 the Amended electoral law of Ethiopia proclamation Article 45 (1(b)). For example, Withstanding from this Article, the NEB decided on Benishangul-Gumuz election case that those non-indigenous people had not the right to inter in electoral contestation because just they did not speak one of the indigenous languages of the region. However, because the non-indigenous people of the region can speak the working language of the region i.e. Amharic, the decision of the NEB was reverted by the House of Federation.

²¹Yonatan Tesfaye and Van Der Beken., 2013. Ethnic Federalism and Internal minorities: The Legal Protection of Internal Minorities in Ethiopia. *African Journal of International and Comparative Law*, p. 42.

²²Historical minorities are those group of people who are not exercise and enjoy their rights in before because they are abrogated from their right to participate in political, social and other matters just because simply they differs in language, custom religion, tradition or culture from the rest dominant groups of people.(see Yonatan Tesfaye and Christophe Van Der Beken, Ethnic Federalism and internal minorities: the legal protection of internal Minorities in Ethiopia, 2013)

²³ Non-native residents are people who are internal migrate from their ‘home regional state’ to the other ‘host region’ and did not politically and normatively recognized as people of the region.

²⁴For example, The Amhara regional state constitution (article 73 (1) established three special Zones (or Nationality Administrations) for the three native group of people (i.e., the Agew Himra, Awi and Oromo); similarly article 74 Benishangul-Gumuz constitution and Benishangul-Gumuz regional Proclamation No. 73/2008, Lissane Hig Gazeta, 1 November 2008, establishes one special woreda namely Mao-Komo. other regions like Tigray regional state constitution Article 47(3) and Gambela regional state constitution Article 39 (2) states the right of minorities to establish their own Woreda and Kebele for example Upo and Komo in Gambella and Kunama in Tigray have their own Kebele.

²⁵Getachew A., 2011. Federalism and legal pluralism in Ethiopia: preliminary observations on their impacts on the protection of human rights. *East African journal of peace and human rights*, Volume 17:1, p. 8.

On other side of the spectrum, because the ‘non-native’ groups of people outnumber the ‘native’ group of people in some regional states, there was strong competition and tension among ‘native’ and ‘non-native’ groups of people in which it will further develop to ethnic tension and rivalry.²⁶ For example, according to the 2007 population census, ethnic composition of Benishangul-Gumuz regional state, ‘indigenous’ population, Benishangul ethnic group (Berta) accounts 25.4 percent, Gumuz 21.1 percent, Shinasha 7.7 percent, Mao 1.9 percent, and Komo 0.9, the ‘non-indigenous’ population, Amhara 21.1 percent, Oromo 13.5 percent, Agew 4.5 percent, Tigray 0.7 percent and others 4.1 percent of the total population of the region.²⁷ Hence, the total share of the ‘non-indigenous’ people in the region reaches around 44.1 percent. This rivalry and tension directly affects the harmonious political cooperation and trust among the ‘indigenous’ and ‘non-indigenous’ groups of people.²⁸

Due to the federal state structure and Ethiopian approach to federalism, the regional state of Benishangul-Gumuz has its own regional constitution in which the regional administration is organized and structured. Benishangul-Gumuz Regional State Constitution has some unique features. Among its unique feature is that it introduced distinction of between ‘non-indigenous’ and ‘indigenous’ ethnic groups and their respective rights. Hence, according to the Revised Constitution of Benishangul-Gumuz Regional State, five ethnic groups- Berta, Gumuz, Shinasha, Mao and Komo are identified as ‘indigenous’ people while the rest group of people are ‘non-indigenous’ to the region. But, according to ILO’s and World Council of Indigenous people’s (WCIP)²⁹ definitions of ‘indigenous’ people, “...racial group who survive in the area and who do not control the national government of the country/region in which they live”³⁰, there will not be a group of people who is ‘indigenous’ in Benishangul-Gumuz Regional State. However, the

²⁶Yonatan Tesfaye and Van Der Beken., 2013. Ethnic Federalism and Internal minorities: The legal Protection of Internal Minorities in Ethiopia. *African Journal of International and comparative Law*, p. 42.

²⁷ Central Statistical Agency, 2007. *National population and housing Census* , Addis Ababa: CSA (until the data collection and the dead time of the submission of this paper, the only latest population census with ethnic composition of the local administrative unites of the country is the 2007 population census, Sintayehu Tefera, Co-worker of Ethiopian CSA)

²⁸Vander, B., 2007. Ethiopia: Constitutional protection of Ethnic Minorities at Regional level. *African Focus*, Volume 2:1, p. 95.

²⁹Yonatan Tesfaye and Van Der Beken., 2013. Ethnic Federalism and Internal Minorities: The Legal Protection of Internal minorities in Ethiopia. *African Journal of International and Comparative Law*, p.5.

³⁰ World Council of Indigenous people, Draft covenant, 1984

regional state constitution announce some groups as legal to own the region (indigenous) while others are dependent and referred as ‘non-indigenous’.³¹

According to Mesfin, subsequent to the constitutional amendment of Benishangul-Gumuz regional state constitution in 2002 and distinction of the ‘non-indigenous’ and ‘indigenous’ people, the ‘non-indigenous’ people face forceful eviction from some areas where they live for not less than 30 years.³² Similarly, Alemante G/Selassie also argues that:-

*The recent expulsions of Ethiopians of Amhara heritage from Gura-Ferda and Benishangul, the confiscation of their properties and the crime of rape and other forms of victimization inflicted upon them, are not only a negation of the foregoing values but also unmistakable harbingers of worse form of ethnic oppression, discrimination, and social conflict looming on the horizon.*³³

On the other direction, some argue that the ethnic exploitation and suppression by previous governments in the country makes difficult to develop ethnic trust among different groups. For example, Marije Frank argues that one of the major explanations for the failure of democracy in such region is the decline of trust in the states as governing body because of experiences of exploitation by the governing elites of the previous governments.³⁴ According to him, because most ‘non-native’ people in the regional states are historically linked with the previous governing elites, the native (indigenous) people has a suspicion that the ‘non-indigenous’ people are suppressor and exploiter who come to their land to exploit their resources and dominate them in their region.³⁵ He further argues, more than lack of constitutional and institutional protection of ‘non-native’ people, mistrust among ethnic groups make the right of ‘non-native’ people more complicated and worsen further.³⁶ However, beside the historical legacies that create mistrust

³¹ Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, Article 3

³² Mesfine, G., 2011. Federalism and conflict management in Ethiopia: case study of Benishangul-Gumuz regional state. *Department of peace studies*, September, P. 139.

³³ Alemante, G., 2011. Federalism, Human Rights and the EPRDF Constitution: The Bad, the Ugly, and the Evil. *Ethiopian news and information update (world press)*, November, p. 8.

³⁴ Frank, M., 2009. Effects of Ethnic federalism in Ethiopia: Holding together or splitting apart? *University of Toronto*, p. 19.

³⁵ Frank, M., 2009. Effects of Ethnic federalism in Ethiopia: Holding together or splitting apart? *University of Toronto*, p. 19.

³⁶ Frank, M., 2009. Effects of Ethnic federalism in Ethiopia: Holding together or splitting apart? *University of Toronto*, p. 19.

among different ethnic groups, since one goal of federalism in Ethiopia is to develop equality among unequal ethnic groups, the researcher tries assess the right to political participation of ‘non-indigenous’ residents in Bambasi Woreda, Asossa Zone of Benishangul-Gumuz Regional State.

1.2. STATEMENT OF THE PROBLEM

After the fall of the military regime, through the 1995 constitution, Ethiopia created a federal state structure that devised to hold together the state. “The new political system combines federalism, self-determination (up to and including secession) and legal pluralism as solutions to the erstwhile unequal relationships among ethno-national groups of people in the country”.³⁷ However, some scholars like Getachew Assefa, Christophe Van der Beken and Mengie Legesse argue, despite the fact that these solutions were devised to tackle problems, the new political arrangement displays many loose ends with regard to the protection and promotion of the right of ‘non-native’ or ‘non-indigenous’ people’s in regional state administration systems.³⁸ According to Christophe Van der Beken, because the sovereignty of nation, nationality and people of the country resides with a defined territory, groups of people (ethnic groups) who moved from one to the other region either by settlement program or by any means could not have a sovereign power.³⁹ Mengie Legesse also generalize that under the Ethiopian ethnic federal system, individuals living even for life in a region, zone or district they were not designated as their ‘homeland’⁴⁰ did not entertain the same political rights granted to those who belong to that ethnic groups.⁴¹ Hence, this shows that, those group of people who literally known as the ‘non-native’ or ‘non-indigenous’ people in Ethiopia face the challenge of exercising the right to political participation.

³⁷Getachew, A., 2011. Federalism and legal pluralism in Ethiopia: preliminary observations on their impacts on the protection of human rights. *East African journal of peace and human rights*, Volume 17.1, p. 15.

³⁸ Beken, V., 2007. Ethiopian Constitutional protection of Ethnic minorities at regional level. *African Focus*, 2(1), p. 45, Mengie, L., 2010. Federalism for Unity and Minorities Protection: (A comparative study on constitutional principles and their practical implications: US, India and Ethiopia). November .p. 104 and Getachew, A., 2011. Federalism and legal pluralism in Ethiopia: preliminary observations on their impacts on the protection of human rights. *East African journal of peace and human rights*, Volume 17.1, p. 21.

³⁹Beken, V., 2007. Ethiopian Constitutional protection of Ethnic minorities at regional level. *African Focus* , 2(1),p. 95

⁴⁰ ‘Homeland’ is the territorial area, it may be region, woreda, Kebele levele, in which assigned for people or group of people legally and politically as their land. For example, Oromia region is the home region of Oromos and Afar region for Afars, Amhara region for Amhara, Agew and Oromo, Benishangul-Gumuz region for Berta, Gumuz, Shinsha and Mao-komo etc. are home regional states.

⁴¹Mengie, L., 2010. Federalism for Unity and Minorities Protection: (A comparative study on constitutional principles and their practical implications: US, India and Ethiopia). November .p. 105.

Under the international human rights framework, human rights are entitled to every human beings regardless of nationality, residence, colour, sex, ethnicity, language etc.⁴² However, according to ICCPR and general comment of the Human Right Committee, the right to political participation are subject to certain specification and these rights are the rights which guaranteed to citizens of certain national state.⁴³ The specifications for the enjoyment of the right to political participation of citizens of the country were also further justified by the local administrative unites of the local community in specified territory.⁴⁴ However, this specification and limitation of the right to political participation territorially directly violates the right to free movement of individuals and the inherent nature of the human right to political participation of individuals.⁴⁵ Hence, the right to political participation of ‘non-native’ people in regional states of Ethiopia had face similar problem. According to some scholars like Mengie Legesses, Van der Beken and Yonatan Tesfay had argued that FDRE constitution had no clear legal statement about ‘non-native’ people of regional states and the protection of their rights.⁴⁶ According to Mengie Legesse, it means that those people who have no identifiable territory because they are dispersed in different area did not have any place under the FDRE constitution.⁴⁷ Therefore, this implies the federal arrangement in Ethiopia at present has some problems in regards to guaranteeing the right to political participation of ‘non-native’ or ‘non-indigenous’ people.

Rather dealing the issues of these group of people, the federal government in Ethiopia had been criticized that it leaves alone to the regional states. For example, Tsegaye Regassa argues, because of the state constitutions’ closeness to the local issues, the federal government has forced the issues

⁴²Anon., 1994. *A hand book on the legal, technical and human rights aspects of election, "human right and election" Professional Training Series No. 2.* United Nations New York and Geneva: s.n.,p. 12

⁴³ Human Rights Committee, General Comment 25 (57), General Comments under article 40, paragraph 4, of the International Covenant on Civil and Political Rights, Adopted by the Committee at its 1510th meeting, U.N. Doc. CCPR/C/21/Rev.1/Add.7 (1996).

⁴⁴Beken, V., 2007. Ethiopian Constitutional protection of Ethnic minorities at regional level. *African Focus*, 2(1), p. 45.

⁴⁵ Beken, V., 2007. Ethiopian Constitutional protection of Ethnic minorities at regional level. *African Focus*, 2(1), p. 45.

⁴⁶Beza, D., 2013. The right of Minorities to political participation under the Ethiopian Electoral system. *Mizan law*, Volume 7.1, p. 28.

⁴⁷Mengie, L., 2010. *Federalism for Unity and Minorities Protection: (A comparative study on constitutional principles and their practical implications: US, India and Ethiopia)...* November .p. 105.

of ‘non-native’ people upon them.⁴⁸ He also argue that, the creation of the categories of “zone” as a form of local government and “special woreda” for minority groups of people in Benishangul-Gumuz and SNNPRS; and of the “administrative unit of nationalities” in Amhara Regional State are one of the mechanisms of ensuring self-rule rights minor group of people in regional state constitutions.⁴⁹ But in his argument Tsegaye does not clearly state to whom this self-rule rights exclusively given under the regional constitutions. For example, under the Benishangul-Gumuz Regional State Constitution, “Special Woreda” arrangement is not for ‘non-indigenous’ people, rather for the numerically smaller ‘indigenous’ ethnic groups called Mao and Komo⁵⁰and “the nationality administration” is for those ‘indigenous’ people of the region; namely Berta, Gumuz and Shinasha ethnic groups.⁵¹ Therefore, the place of ‘non-indigenous’ people’s right to political participation in the region remained unclear and merit further research and study.

Mesfin Gebremichael and Asnake kefale had a strong argument that ethnic federalism with territorial boundary will be potentially a threat for the protection of ‘non-native’ people rights in regional (local) political administration. For example, Mesfin tries to show how federalism can create ethnic based elite groups in controlling regional and local state powers and resources, which contribute for ethnic based conflicts, hostile inter-governmental relations, lack of law and order along the common borders of regional state.⁵² According to Mesfin’s argument, ethnic based elite group uses the ethnic identities as an instrument to control the patrimonial state resources. As Mesfin vividly argues, the existence of the structural cause of ethnic conflicts which created by the federal arrangement when it assures the territorial rights of ‘native’ people and protecting the integrity of their territories from encroachment by neighboring (non-native) ethnic groups.⁵³ The

⁴⁸Tsegaye, R., 2004. *State constitutions in federal Ethiopia: A preliminary observation. A summery for the Bellagio conference.* Addis Ababa, s.n

⁴⁹ Tsegaye, R., 2004. *State constitutions in federal Ethiopia: A preliminary observation. A summery for the Bellagio conference.* Addis Ababa, s.n P. 11

⁵⁰Benishangul-Gumuz woreda power decentralization administration establishment proclamation No. 86/2002 article 9 (1)

⁵¹ Benishangul-Gumuz woreda power decentralization administration establishment proclamation No. 86/2002 article 9 (1)

⁵²Mesfine, G., 2011. Federalism and conflict management in Ethiopia: case study of Benishangul-Gumuz regional state. *Department of peace studies*, September, P. 78.

⁵³ Mesfine, G., 2011. Federalism and conflict management in Ethiopia: case study of Benishangul-Gumuz regional state. *Department of peace studies*, September, p. 89

'legal orientation'⁵⁴ accompanied by 'unfaithful historical background'⁵⁵ of ethnic groups and the emergence of ethnic elite groups will disturb the horizontal equality of the 'native' and 'non-native' ethnic groups and undermine the harmonious relationship among different ethnic groups in the region.⁵⁶ Mesfin also generalizes, the 'non-native' (non-indigenous) ethnic groups does not get an equal legal protection in Benishangul-Gumuz Regional State. So, due to this, even though the rights of the political participation of 'non-indigenous' people in the region is under question mark, there are study gaps that needs to have a further assessment on the rights to political participation of 'non-indigenous' minorities in regional states of the country.

Thus, in order to fill the gaps discussed above, the study will assess the situation, extent and condition of the right to political participation of the 'non-indigenous' people in Bambasi Woreda of Benishangul-Gumuz regional state in light of the, national, regional and international human right standards and principles.

1.3. RESEARCH QUESTIONS

- What institutional and legal protection mechanisms are in place to secure the right to political participation of 'non-indigenous' people in Bambasi Woreda?
- What is the extent of participation of 'non-indigenous' people in Bambasi Woreda in the local, regional and federal organs?
- Are there challenges that impede realization of the right to political participation and representation of 'non-indigenous' people in Bambasi Woreda?
- Are there measures taken by the regional/local governments with the aim to guarantee the right to political participation of 'non-indigenous' people in Bambasi Woreda?

⁵⁴The introduction of 'non-indigenous' and 'indigenous' group of people and their respective rights under the Benishangul-Gumuz regional constitution (Art. 3) and the "founder nation" in Gambella constitution (Art.46 (1)) to convey the same meaning.

⁵⁵Historically Ethnic groups in the country have a hostile relation in which some argues that there where an ethnic cleavage and dominance of one over the other in the political history of the country as well as a force full subjugation and assimilation of different ethnic groups in the then time makes the history of the country unfaithful.

⁵⁶Mesfin, G., 2011. Federalism and conflict management in Ethiopia: case study of Benishangul-Gumuz regional state. *Department of peace studies*, September, P. 78.

1.4. RESEARCH OBJECTIVES

This research will have the general objective of assessing the enforcement and protection of the right to political participation of ‘non-indigenous’ people in Bambasi Woreda of Benishangul-Gumuz National Regional State. The research will also have the following specific objectives:-

- To examine the institutional mechanisms for the accommodation of the right to political participation of the ‘non-indigenous’ people in Bambasi Woreda.
- To assess the normative tool of the regional state for the protection of the right to political participation of ‘non-indigenous’ people in Bambasi Woreda.
- To scrutinize the level of participation and representation of ‘non-indigenous’ people in Bambasi Woreda, for local, regional and Federal organs.

1.5. SIGNIFICANCE OF THE STUDY

The researcher intended to conduct this research because the study will provide basic information about the level of political participation, normative and institutional protection mechanism of the right to political participation of ‘non-indigenous’ people in Benishangul-Gumuz Regional State. It also intended to fill the study gap that discussed in the statement of the problem. The study will grant access of up-to-date and reliable information about the existing and actual situation of the right to political participation of ‘non-indigenous’ people and provide an alternative solutions concerning the existed problem of ‘non-indigenous’ people’s rights in Benishangul-Gumuz regional state of Asossa Zone in Bambasi Woreda.

1.6. SCOPE OF THE STUDY

As the problem of the study signifies, the presence of ‘non-indigenous’ people and their challenge to the right to political participation are throughout the country. However, because Benishangul-Gumuz Region is the only regional state which constitutionally categorize its people as ‘indigenous’ and ‘non-indigenous’ to which the concept can signify more diverse interpretation, Benishangul-Gumuz Regional State were purposefully selected for this study. Additionally, to make the study area more manageable and able to support it with specific case study, to assess the issues in time and in consideration of the available financial and material resources at hand the

study were limited on the geographical areas of the Bambasi Woreda, Asossa Zone of Benishangul-Gumuz Region.

Even though the political participation right is a broad concept, the study focused on some elements of the right to political participation of ‘non-indigenous’ people in federal, regional and local government organs. So, here moderately the study were focused on the right to participate and influence public decision making, right to elect and hold public offices, and get fair representation on any level of governments of ‘non-indigenous’ people. Despite of the conceptual ambiguity of the term ‘non-indigenous’ people, the focus of this study were those people who are Ethiopian Nationals and not identified as ‘indigenous’ people of the region.

1.7. RESEARCH METHODOLOGY

The research assessed the right to political participation of ‘non-indigenous’ people in Bambasi Woreda of Benishangul-Gumuz Regional State in line with the national and international human rights standards and principles. It critically analyzed and assessed the practice in relation to exercising the right to political participation of ‘non-indigenous’ people. For these purposes, the study deployed a qualitative research approach, which allow the researcher to investigate participant responses: by using open ended questions like why or how as well as explore different documents, laws, and constitutions both at state and federal level and relevant regional and international human right instruments to cross-check one from the other.

1.7.1. Source

The source of data collection that the researcher used is both primary and secondary source of information. The primary data source were ‘non-indigenous’ people, law enforcement officials, legal experts, and other concerned government officials to obtain firsthand information, as well as legal documents like constitutions, proclamations and policies for supporting the information that collected from interviews. The researcher also used secondary sources like handbooks, previously conducted research papers, state document records, official statistic, mass media outputs, journal articles and conference papers to obtain the full picture of the situation.

1.7.2. Data Collection Techniques and Tools

1.7.2.1. Sampling Techniques

As a qualitative research, to gather relevant information, the research has applied the non-probable sampling techniques. The focus area of the study needs to have special knowledge and experience of the respondents on what and how the situation of political participation of ‘non-indigenous’ have been experiencing in the political and legal systems of the regional state as well as local administrations. Hence, the researcher used purposive sampling technique for identifying key interview respondents. Moreover, the researcher has applied snowball sampling techniques that involve identifying people with relevant characteristics to obtain information from the respondents. The respondents were also help in identifying relevant respondent who have better experience and knowledge about the subject of the study.

The focus area of the study, Bambasi Woreda, one of the six woreda’s of Asossa Zone, has an ethnic composition of the Amhara (35.5%), Berta (33.8%), Oromo (12.8%), Shinasha (11.2%), Tigray (5.2%), and Mao (3.2%) the population.⁵⁷ Hence the total population of ‘non-indigenous’ people of the Woreda is double than the ‘indigenous’ people who live in the area. Therefore, the researcher purposefully selects this woreda due to the ethnic composition and reality of the existing situation in the area.

1.7.2.2. Data Collection Tools

A. In-depth Interview

Interview was the main primary data collection tool to obtain first-hand information that used to cross check the information with the secondary data which primarily collected from documents. The researcher also applied an in-depth interview to effectively explore people with best experience of the research problem in the study area. Hence, ‘non-indigenous’ people who were identified through snow-ball sampling techniques were interviewed. Accordingly, 8 kebele residents were interviewed. The respondents were asked open-ended questions that designed to

⁵⁷ Centerla Statistical Agency , 2007. *National population and housing Census* , Addis Ababa: CSA

allow the interviewee to converse and reply the questions freely and to look short and precise answers respectively.

Since the working language of the region is Amharic, the interview was conducted in Amharic language, and then it was translated to English. Before the interview, the respondents were asked whether recording their voice and taking pictures is possible or not. During the interview, the researcher notified and explained their information will be used only for academic matters and their identity were kept confidential.

B. Key Informant Interview

The researcher also applied key informant interview to gain quickly some insight on sensitive information from particular and well-informed respondents. The key informant interview was conducted with selected government officials of the study area and professionals from relevant fields with the subject matter of the study to get supportive expert analysis. Accordingly, the President of the Supreme Court of the Regional State, Head of the Regional Chief Administrator and Cabinets Affairs Bureau, Head of regional Council office, Chief Administrator of Berta Nationality Administration, Chief Administrator of Bambasi Woreda Administration, Speaker of Woreda Council were interviewed. From Professionals, Dean of school of law and governance, instructor from Political science and international relation department, and dean of school of journalism were interviewed. These professionals were identified in accordance with their relevance and experience on the study area.

C. Field Observation

In addition to the above data collection tools, the researcher gathered data through personal observation directly from the areas for 30 days where many ‘non-indigenous’ people are settled. This data collection tools helps the researcher to reach to different situations and circumstances of the disclosed participants. The researcher were observe the settlement pattern, provision of basic goods and services, the structural arrangement of kebele, and the socio-economic and political associations of kebele residents.

1.7.3. Document Analysis

Legal documents like regional and federal proclamations, constitutions and policies, documents and literatures that have relevance to the subject under investigation were examined and analyzed together with the data collected from primary sources through interviews. Hence, a number of legal documents, rules, policies, reports and constitutional provisions of both regional and federal level as well as international instruments with regard to political rights of the ‘non-indigenous’ people were used to demonstrate the conceptual discussion on the right to political participation of ‘non-indigenous’ people.

1.8. DATA ANALYSIS METHOD

The researcher used different techniques and methods of analyzing and interpreting the data collected from interview and field observation. As Ian Dey say, data analysis in qualitative research involves description, classification and interconnection of data. Hence, similarly, the researcher sort, organize, integrate and finally conclude and verify the data that are collected from interview and observation.

1.9. ETHICAL CONSIDERATION

The researcher took necessary ethical cares and considerations throughout the interaction in between the researcher and people directly and indirectly participate in the study process. Because the well-being of the research respondents and participants are the main priority concern of the research questions, the respondents were treated in due respect and dignity as well as their identity were kept confidential for their security and safety. The researcher also exerted an effort to avoid a risk to respondents of the research and clearly informed them of their right to withdraw from the interview at any time if they feel discomfort.

1.10 LIMITATION OF THE STUDY

During conducting this research, the researcher face different restraints and obstacles that affect the quality of the research. The financial and time constraint as well as lack of adequate and relevant data on time are among the main factors that moderately affect the quality of the research. Moreover, the actual sensitivity of the study area and frustration of the respondents makes some

concerned respondents (non-indigenous) unwilling to give answers for interview questions. Hence, since most key informant interviews were 'indigenous' people, the data that they provided were lacks simplicity and clarity to touch the actual local communities problem. Finally, the assessment of right to political participation of all 'non-indigenous' people associated issues, challenges and prospects as well as rules, laws, regulations, policies in the woreda or region is not possible in this short period of time and space limitation. However, the researcher used the available resource properly and communicate the respondents wisely to keep the quality of the research.

1.11.STRUCTURE OF THE STUDY

This study paper contain six chapters. Chapter one is an introductory part which contains, background of the study, statement of the problem, objective of the study, research questions, significance of the study, scope of the study, methodology of the study, document analysis, ethical considerations, data processing and analysis techniques, limitation of the study and structure of the study. Chapter two is the review of related literature for understanding the basis of the subject matter. Chapter three provides an explanation of the general framework and root source of the problem of the study area. Chapter four discusses the general background and description of the case study area. Chapter five presents data interpretation and analysis obtained from the respondents with supportive related documented materials. Lastly, the final chapter provide the conclusion and recommendations.

CHAPTER TWO

REVIEW OF RELATED LITERATURE

2. THE RIGHT TO POLITICAL PARTICIPATION OF ‘NON-INDIGENOUS’ PEOPLE

2.1. CONCEPTUALIZING THE RIGHT TO POLITICAL PARTICIPATION

2.1.1. The Concept of the Right to Political Participation

Owing to the rapid expansion of political activities in the last decades and the spread of expressive mode of the political participation, putting aside subjective definition for the concept of the right to political participation has become increasingly difficult.⁵⁸ Jan Van Deth states that, political participation had been loosely defined as “citizen’s activities affecting politics”.⁵⁹ According to Jan Van Deth, however, “the list of specimen of political participation is virtually endless and includes such divergent phenomena as voting, demonstrating and boycotting-but also guerrilla gardening, volunteering, flash mobs and even suicide protest”.⁶⁰ On the other hand, Hans Klein defines political participation as “the overall activity of citizens to voting in election, joining political parties, and standing as a candidate in election, joining a non-governmental advocacy groups or participation in demonstration”.⁶¹ But according to Julie Ballington, Politics and political activities are very general concept which revolves and includes the interrelation and interaction between people- men and women, parent and children’s, minority and majority in share and operation of resource and power among individuals or groups of people in each level of human interaction.⁶²

If politics is a general concept which involves around each and every human interactions, the right to political participation refers to citizens’ right to seek to influence such interaction in which the

⁵⁸ Ian, V. D., 1996. A conceptual map of political participation. *Journal of American Institute*, p. 4.

⁵⁹ Ian, V. D., 1996. A conceptual map of political participation. *Journal of American Institute*, p. 4.

⁶⁰ Ian, V. D., 1996. A conceptual map of political participation. *Journal of American Institute*, p. 4.

⁶¹ Hans, K., 2005. The right to political participation and the information society, associate Professor of public policy, Georgia Institute of Technology, Atlanta (USA), P. 1&2

⁶² Julie, B., 2004. *The implementation of Quotas, African Experience*. Sweden, s.n., p. 125 and Shimelis, S., 2011. Electoral participation as a fundamental political right of persons with disability in Ethiopia: critical examination of the law and the practice... *School of law and governance*, p. 41

public decisions are made.⁶³ The fundamental notion of the right to political participation were assembled from the international instruments of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) to protect the right of minorities to take part in government or in the conduct of public affairs.⁶⁴ The right to political participation is spelled out in the UDHR in article 21 (1&3) as below:-

*1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. 3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret ballot by equivalent free voting procedures.*⁶⁵

Similar to the UDHR, the ICCPR under article 25 states that:

*Every citizens shall have the right and the opportunity, withoutunreasonable restrictions: a) to take part in the conduct of public affairs, directly or through freely chosen representatives; b) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.*⁶⁶

The Human Rights Committee General Comment No. 25 on article 25 of the ICCPR, which reads as: - “..... the right to every citizen to take part in the conduct of public affairs, the right to vote and to be elected and the right to have access to public service”,⁶⁷ shows that the right to political participation of citizens in public affair and the right to vote are the basic manifestation of the right to political participation. According to the general comment of the human rights committee, the conduct of public affairs is a broad concept which relates to the exercise of political power, citizens participation directly to public issues through referendum and other electoral process,

⁶³Hans, K., 2005. The right to political participation and the information society. *Associate professor of public policy, Gorgia Institute of Technology*, pp. 1-2.

⁶⁴The ICCPR article 25 and UDHR article 21

⁶⁵ The UDHR article 21 (1&3)

⁶⁶ The ICCPR article 25

⁶⁷ Human Rights Committee, General Comment 25 (57), General Comments under article 40, paragraph 4, of the International Covenant on Civil and Political Rights, Adopted by the Committee at its 1510th meeting, U.N. Doc. CCPR/C/21/Rev.1/Add.7 (1996).

taking part in popular assemblies to make decision about local issues or affairs of particular community, to be represented and to have consultation with government and so on.⁶⁸

Minding to UDHR, ICCPR and the general comment provide by the Human Right Committee, Ian Van Deth, tries to categorize the right to political participation in to three main areas.⁶⁹ These are: the right to elect and be elected, the right to participate directly in public decision making and the right to get fair representation.⁷⁰

2.1.1.1. The Right to Elect and Be Elected

Formal constitutional or statutory recognition of the citizen's right to vote, and to run for public office is common to democratic states and plays both a substantive and a confidence-building role.⁷¹ The right to elect and be elected is the composition of two basic, but inseparable rights in which one is the right to hold public position and represent its fellows in any level of governments while the rest is the right to vote one's own representative and made decisions.⁷² The basis of the right to elect and be elected is the UDHR stipulated under article 21 (3) which reads as: "the will of the people shall be the basis of the authority of government; this will be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures"⁷³ and the ICCPR under article 25 (b) which reads as:- "to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors".⁷⁴

⁶⁸Human Rights Committee, General Comment 25 (57), General Comments under article 40, paragraph 4, of the International Covenant on Civil and Political Rights, Adopted by the Committee at its 1510th meeting, U.N. Doc. CCPR/C/21/Rev.1/Add.7 (1996).

⁶⁹ Jan, V. D., 1996. A conceptual map of political participation. *Journal of American Institute*, p. 4.

⁷⁰ Human Rights Committee, General Comment 25 (57), General Comments under article 40, paragraph 4, of the International Covenant on Civil and Political Rights, Adopted by the Committee at its 1510th meeting, U.N. Doc. CCPR/C/21/Rev.1/Add.7 (1996).

⁷¹ Anon., 1994. *A hand book on the legal, technical and human rights aspects of election, "human right and election" Professional Training Series No. 2.* United Nations New York and Geneva: s.n.,p.78

⁷²Jan, V. D., 1996. A conceptual map of political participation. *Journal of American Institute*, p. 4.

⁷³ UDHR article 21(3)

⁷⁴ ICCPR article 25 (b)

Owing to the expansion of the concept of election and its contents under it, now a days, the right to elect and be elected include the following three basic elements:- universal and equal suffrage, non-discrimination and scrutiny of restrictions on suffrage.⁷⁵ Hence, universal and equal suffrage of the right to elect and be elected refers that this right is guaranteed to all citizens of adult without any discrimination or restriction based on any subjective criteria.⁷⁶ The non-discrimination of the right to elect and be elected refers to the equal treatment and guarantee of the right above certain age without any reference of differences in age, colour, sex, language, political or other opinion, association with a national minority.⁷⁷ While the scrutiny of restrictions on suffrage refers to the principle or mechanism in which any legal norm, policies or political strategies which curtailed or suspended be subject to scrutiny and further reference of objective criteria.⁷⁸

As the rest elements of political rights, the right to elect and be elected can be suspended and limited in certain circumstances. According to the general comment No. 25 paragraph 10 of the Human Right Committee, which read as; “the right to vote at election and referenda must be established by law and may be subject only to reasonable restrictions, such as setting a minimum age limit for the right to vote” clearly state that there may be reasonable restriction on the right to vote at election and referendum.⁷⁹ Additionally, general comment No.25 of the Human Rights Committee under paragraph 4 implies that there may be a possibility to require a higher age for election or appointment to a particular office.⁸⁰ Even, as stated under paragraph 11 of general

⁷⁵ Anon., 1994. *A hand book on the legal, technical and human rights aspects of election, "human right and election" Professional Training Series No. 2.* United Nations New York and Geneva: s.n., pp. 68-88

⁷⁶ Anon., 1994. *A hand book on the legal, technical and human rights aspects of election, "human right and election" Professional Training Series No. 2.* United Nations New York and Geneva: s.n., p. 72

⁷⁷ Anon., 1994. *A hand book on the legal, technical and human rights aspects of election, "human right and election" Professional Training Series No. 2.* United Nations New York and Geneva: s.n., p.79

⁷⁸ Anon., 1994. *A hand book on the legal, technical and human rights aspects of election, "human right and election" Professional Training Series No. 2.* United Nations New York and Geneva: s.n., p. 83

⁷⁹ Human Rights Committee, General Comment 25 (57), General Comments under article 25 of the International Covenant on Civil and Political Rights, Adopted by the Committee at its 1510th meeting, U.N. Doc. CCPR/C/21/Rev.1/Add.7

⁸⁰ Human Rights Committee, General Comment 25 (57), General Comments under article 25 of the International Covenant on Civil and Political Rights, Adopted by the Committee at its 1510th meeting, U.N. Doc. CCPR/C/21/Rev.1/Add.7

comment No. 25 of the human rights committee, if reasonable, there can be residence requirement to register voters.⁸¹

2.1.1.2.The Right to Participate in Decision Making

The right to public participation in decision making is a vital right which brings an individual to the decision making power and also helps the public and government to recognize the voice and need of the public in decision making process.⁸² However, as the rest of other political rights, article 21 (1&2) of the UDHR which reads as "... everyone has the right to take part in the government of his country, directly or through freely chosen representatives.everyone has the right of equal access to public services in his country" is the one of the basic normative foundation of the right to participate in public decision making.⁸³ Similarly, article 25 (a &c) of ICCPR is also among the basic international norms of human rights that paves the way for the development of the right to participate public decision making. Article 25 (a & c) reads as follows:-

*Every citizen had the right and opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: - to take part in the conduct of public affairs, directly or through freely chosen representatives; and to have access, on general term of equality, to public services in his country.*⁸⁴

According to general comment No. 25 of the Human Rights Committee, the right to participate in public decision making is a broader concept which includes the right of citizens to participate in public referendums, take part in popular assemblies, exert influence through public debate and dialogue in a way that insures freedom of expression, assembly and association, and right to freely access public services.⁸⁵

⁸¹ Human Rights Committee, General Comment 25 (57), General Comments under article 25 of the International Covenant on Civil and Political Rights, Adopted by the Committee at its 1510th meeting, U.N. Doc. CCPR/C/21/Rev.1/Add.7

⁸² Anon., 2000. *Good practice hand book, Public participation in decision making local environmental Decision making, the*. Newcastle : s.n.p.5

⁸³ Klein, H., 2005. "The right to political participation and the information society". pp. 1-2., Ian, V. D., 1996. A conceptual map of political participation. *Journal of American Institute*, p. 16.

⁸⁴ The ICCPR article 25 (a&C)

⁸⁵ Human Rights Committee, General Comment 25 (57), General Comments under article 25 of the International Covenant on Civil and Political Rights, Adopted by the Committee at its 1510th meeting, U.N. Doc. CCPR/C/21/Rev.1/Add.7 (1996)

The right to public participation in decision making is very crucial both for the government and individual communities since it makes citizens part of the decision making process and gives the government trust and recognition from the public by making public preference decision.⁸⁶ On the advantage of public participation, Renee A. Irvin and John Stansbury states that:-

*It is widely argued that increased community participation in government decision making produces many important benefits. It is difficult to envision anything but positive outcomes from citizens joining the policy process, collaborating with others, and reaching consensus to bring about positive social and environmental change.*⁸⁷

According to Renee Irvin and John Stansbury, public participation in decision making had the advantage for citizens to learn from and inform government representatives, persuade and enlighten government, gain skill for activist citizenship, gain some control over policy process, make better policy and implementation decision and break gridlocks; and advantage for government to learn from and inform citizens, persuade citizens, build trust and allay anxiety, avoid litigation costs and better policy and implementation decision.⁸⁸

2.1.1.3.The Right to Fair Representation

In any democratic system, political representation is the most notable way which enables a large number of community can represent their own best candidates to make decision on behalf of them. The right to fair representation is also stated under UDHR article 21 (1) which stipulates that, “everyone has the right to take part in the government of his country, directly or through freely chosen representatives”.⁸⁹ Similarly, under article 25 (a) of the ICCPR stipulates that “every citizen shall have the right and opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: to take part in the conduct of public affairs, directly or through freely chosen representatives...”⁹⁰

⁸⁶ Renee A. Irvin and John Stansbury, 1996. Citizen participation in decision making: is it Worth the Effect? p. 6.

⁸⁷ Renee A. Irvin and John Stansbury, 1996. Citizen participation in decision making: is it Worth the Effect? p. 2.

⁸⁸Renee A. Irvin and John Stansbury, 1996. Citizen participation in decision making: is it Worth the Effect? p. 2.

⁸⁹ UDHR article 21 (1)

⁹⁰ ICCPR article 25 (a)

According to general comment No. 25 of the Human Rights Committee, the representatives do exercise governmental (executive, legislative and judiciary) powers allocated to them in accordance with the constitutional principles.⁹¹ Hence, representatives and representations enables the general public to exercise the governmental power of executive, legislative and judiciary indirectly through representatives in accordance with the constitutional principle.

A number of countries have adopted measures intended to improve the political representation of their own citizens.⁹² However, people argues that the representative democracy can never to give mirror image of the general public. For example, Karen Bird argues that, “the mechanism of representative democracy have never offered up elected assemblies that are a mirror image of the general public they are supposed to represent, nor have they been intended to do so”.⁹³ Even Will Kymlicka also states that, people, or groups of people especially minorities are underrepresented and only few state passed laws to correct the under-representation of groups (ethnic groups, communities, women’s and children’s), which did not apply to poly ethnic immigrant minorities.⁹⁴

2.1.2. Limitation and Scope of the Right to Political Participation

The right to political participation is a fundamental right that forms one of the foundations of any free and democratic society, Nevertheless, exercising this right is not without qualification and limitation.⁹⁵ Minding the Human Right Committee General comment No. 25, Hans Klein, Jan Van Deth and Shimelis Sisay argues that, when other rights recognized in the UDHR and ICCPR are inherent to human beings on the basis of being a human, the right to political participation is restricted to people endowed with the status of citizen.⁹⁶ Nonetheless, according to Hans Klein, it

⁹¹ Human Rights Committee, General Comment 25 (57), General Comments under article 25 of the International Covenant on Civil and Political Rights, Adopted by the Committee at its 1510th meeting, U.N. Doc. CCPR/C/21/Rev.1/Add.7 (1996)

⁹² Karen, B., 2003. The political representation of women and ethnic minorities in established Democracies. p. 4.

⁹³ Karen, B., 2003. The political representation of women and ethnic minorities in established Democracies. p. 4.

⁹⁴ Kymlicka, W., 1995. Multi-cultural citizenship. pp. 10-33.

⁹⁵ Klein, H., 2005. "The right to political participation and the information society". pp. 1-2., Deth, J. V., 1996. A conceptual map of political participation. *Journal of American institute*, p. 16. And Shimelis, S., 2011. Electoral participation as a fundamental political rights of persons with disability in Ethiopia: critical examination of the law and practice. p. 43.

⁹⁶ Klein, H., 2005. "The right to political participation and the information society". pp. 1-2., Deth, J. V., 1996. A conceptual map of political participation. *Journal of American institute*, p. 16. And Shimelis, S., 2011. Electoral participation as a fundamental political rights of persons with disability in Ethiopia: critical examination of the law and practice. p. 43.

is the unique features of the right to political participation which presupposes a political community with individual members (citizens) and with an organizational form (government).⁹⁷ Shimelis Sisay also argues that, unlike other human rights and basic freedoms that are recognized as rights to “everyone”, the right to political participation under the general comment No. 25 of the Human Right Committee is granted to “citizens”.⁹⁸ As Shimelis Sisay and others argues, General Comment No.25 of Human Right Committee, which reads as “...the rights protected by article 25 of the ICCPR should be based on objective and reasonable criteria”, clearly show that this right had an exceptions and only reserved to the citizens of the state in which non-citizens and emigrants will not entitled to enjoy this rights.⁹⁹

2.2.CONCEPTUAL FRAMEWORK OF ‘INDIGENOUS’ AND ‘NON-INDIGENOUS’ PEOPLE

2.2.1. Who are ‘Indigenous’ and ‘Non-Indigenous’ People?

The concept of ‘indigenous’ people and their right to self-identification had passed through many discussions and debates for standard setting in international human rights law.¹⁰⁰ who define ‘indigenous’ people, the set of criteria’s for identifying ‘indigenous’ people, and the scope of rights that they enjoy makes the attempt of defining ‘indigenous’ people more complicated.¹⁰¹ However, beginning from its etymological concept of the term ‘indigenous’ up to international human right

⁹⁷Klein, H., 2005. "The right to political participation and the information society". pp. 1-2.

⁹⁸ Shimelis, S., 2011. Electoral participation as a fundamental political rights of persons with disability in Ethiopia: critical examination of the law and practice. p. 43.

⁹⁹ Klein, H., 2005. "The right to political participation and the information society". pp. 1-2., Deth, J. V., 1996. A conceptual map of political participation. *Journal of American institute*, p. 16. And Shimelis, S., 2011. Electoral participation as a fundamental political rights of persons with disability in Ethiopia: critical examination of the law and practice. p. 43.

¹⁰⁰ Anaya, S. J., 2010. The Evolution of the Concept of Indigenous People and Its Contemporary Dimensions. In: D. Solomon, ed. *Perspectives on the rights of minorities and indigenous People in Africa*. Cape Town: Pretoria University Law Press PULP. Corntassel, J., 2003. Who is Indigenous? ‘Peoplehood’ and Ethno nationalist Approaches to Rearticulating Indigenous Identity. *Nationalism and Ethnic Politics*, 13 8, 9(1), p. 78. Timo, M., 2000. *Identity, Difference and Otherness, The concepts of 'people', 'Indigenous People' and 'Minority' in International Law*. 1st ed. Helsinki: University of Helsinki .p.111

¹⁰¹ Anaya, S. J., 2010. The Evolution of the Concept of Indigenous People and Its Contemporary Dimensions. In: D. Solomon, ed. *Perspectives on the rights of minorities and indigenous People in Africa*. Cape Town: Pretoria University Law Press PULP. Corntassel, J., 2003. Who is Indigenous? ‘Peoplehood’ and Ethno nationalist Approaches to Rearticulating Indigenous Identity. *Nationalism and Ethnic Politics*, 13 8, 9(1), p. 78. Timo, M., 2000. *Identity, Difference and Otherness, The concepts of 'people', 'Indigenous People' and 'Minority' in International Law*. 1st ed. Helsinki: University of Helsinki .p.111

institutions tries to pass many decisions on definition of 'indigenous' people, who defines them, criteria's for identifying and scope of rights that they enjoy.

Conversely, the effort of defining 'indigenous' people in international human rights regime also uses to understand the rest group of people who literally referred as 'non-indigenous' people. Even though the definitions are unilaterally directed to conceptualize 'indigenous' people, in making the distinction of the 'indigenous' from the rest group of people, the definition also address the socio-political status of 'non-indigenous' people.¹⁰²

To start with the etymological definition, the word 'indigenous' has its root in Latin term 'indigena' which mostly used to distinguish between persons born in particular place and those who comes from elsewhere.¹⁰³ The term 'indigenous' was used to distinguish the colonized from the colonizer, the settlers from conqueror and the original settlers from new comers and so on.¹⁰⁴ Hence, when the colonized and original settlers are considered as 'indigenous' people, the colonizer, conqueror and newcomers are considered as 'non-indigenous' people. Meanwhile the concept of 'indigenous' was defined by academicians, international organizations which passed so many declarations and conventions on issues of 'indigenous' people.¹⁰⁵

¹⁰² Anaya, S. J., 2010. The Evolution of the Concept of Indigenous People and Its Contemporary Dimensions. In: D. Solomon, ed. *Perspectives on the rights of minorities and indigenous People in Africa*. Cape Town: Pretoria University Law Press PULP, p. 23. , Timo, M., 2000. *Identity, Difference and Otherness, The concepts of 'people', 'Indigenous People' and 'Minority' in International Law*. 1st ed. Helsinki: University of Helsinki, P. 115 and Corntassel, J., 2003. Who is Indigenous? 'Peoplehood' and Ethno nationalist Approaches to Rearticulating Indigenous Identity. *Nationalism and Ethnic Politics*, 13 8, 9(1), p. 78.

¹⁰³Timo, M., 2000. *Identity, Difference and Otherness, The concepts of 'people', 'Indigenous People' and 'Minority' in International Law*. 1st ed. Helsinki: University of Helsinki, p. 110.

¹⁰⁴ Timo, M., 2000. *Identity, Difference and Otherness, The concepts of 'people', 'Indigenous People' and 'Minority' in International Law*. 1st ed. Helsinki: University of Helsinki .p.110 and Webster's third new international Dictionary (1976), P. 1151.

¹⁰⁵ Anaya, S. J., 2010. The Evolution of the Concept of Indigenous People and Its Contemporary Dimensions. In: D. Solomon, ed. *Perspectives on the rights of minorities and indigenous People in Africa*. Cape Town: Pretoria University Law Press PULP, p. 23. , Timo, M., 2000. *Identity, Difference and Otherness, The concepts of 'people', 'Indigenous People' and 'Minority' in International Law*. 1st ed. Helsinki: University of Helsinki, P. 115 and Corntassel, J., 2003. Who is Indigenous? 'Peoplehood' and Ethno nationalist Approaches to Rearticulating Indigenous Identity. *Nationalism and Ethnic Politics*, 13 8, 9(1), p. 78.

2.2.1.1. Definition by Scholars

First social scientist and researcher, Franke Wilmer, defines 'indigenous' people in broader sense as follows:-

*With traditional based culture, who were politically autonomous, before colonization; who, in aftermath of colonization and their cultural integrity, economic self-reliance, and political independence by resisting the assimilationist policies of nation-state.*¹⁰⁶

According to the argument of Jeff Corntassel, the definition of Franke Wilmer was too general which even did not clearly address whether 'indigenous' people are different in terms of their culture and goals from other groups like 'non-indigenous' people and minorities.¹⁰⁷ On the other hand, the definition does not clearly address who would have an assimilationist policies and from who does the 'indigenous' people would resist an assimilation policy. Because of this, the definition is too general which did not indicate for the existence of 'non-indigenous' people in aftermath of colonization.

However, some scholars, like James Anaya and Solomon, argues that the group of people who runs the assimilationist policy is the 'non-indigenous' people who had a dominant position in the socio-political system of nation state. Hence, under the definition of Franke Wilmer, the 'non-indigenous' people are the rest group of people who had socio-political dominance and who assimilates the 'indigenous' people of the nation state.¹⁰⁸

The more flexible definition of 'indigenous' people was given by Kingsbury by establishing the following four 'essential requirements':-

¹⁰⁶Corntassel, J., 2003. Who is Indigenous? 'Peoplehood' and Ethno nationalist Approaches to Rearticulating Indigenous Identity. *Nationalism and Ethnic Politics*, 13 8, 9(1), p. 78 and Anaya, S. J., 2010. The Evolution of the Concept of Indigenous People and Its Contemporary Dimensions. In: D. Solomon, ed. *Perspectives on the rights of minorities and indigenous People in Africa*. Cape Town: Pretoria University Law Press PULP, p. 23.

¹⁰⁷Corntassel, J., 2003. Who is Indigenous? 'Peoplehood' and Ethno nationalist Approaches to Rearticulating Indigenous Identity. *Nationalism and Ethnic Politics*, 13 8, 9(1), p. 79.

¹⁰⁸Anaya, S. J., 2010. The Evolution of the Concept of Indigenous People and Its Contemporary Dimensions. In: D. Solomon, ed. *Perspectives on the rights of minorities and indigenous People in Africa*. Cape Town: Pretoria University Law Press PULP, p. 23.

1) *Self-identification as distinct ethnic groups*; 2) *Historical experience of, or contingent vulnerability to, sever disruption, dislocation with the region*; 3) *Long connection with the region*; 4) *The wish to retain a distinct identity.*¹⁰⁹

As Jeff Corntassel states, Kingsbury also includes other relevant indicator like ‘non-dominance’, ‘historical continuity’, ‘socio-economic and socio-cultural difference’, ‘language’, ‘race’, and ‘material or spiritual culture’ to conceptualize ‘indigenous’ people.¹¹⁰ According to Kingsbury definition of ‘indigenous’ people, the requirement of being distinct, dislocation and non-dominance position clearly indicates that there would be group of people who had a dominance position over the ‘indigenous’ people and had also distinct ethic value. With regard to the definition of Kingsbury, Anaya and Solomon also argues, the rest group of people who dominate, dislocate and disrupt the ‘indigenous’ people of state is the ‘non-indigenous’ people.¹¹¹

2.2.1.2. Definition by Inter-Governmental Organizations

An attempt of the conceptual definition of ‘indigenous’ people in international human rights framework was mostly falls within the international organizations like the World Bank, International Labor Organization, United Nations, World Council of Indigenous People.¹¹² The attempt of defining ‘indigenesness’ also leads to the distinction of ‘indigenous’ people from the ‘non-indigenous’ groups of people. For example, the World Bank assesses the degree of ‘indigenesness’ in the following five characteristics under its original operational directives 4.20:-

¹⁰⁹ Anaya, S. J., 2010. The Evolution of the Concept of Indigenous People and Its Contemporary Dimensions. In: D. Solomon, ed. *Perspectives on the rights of minorities and indigenous People in Africa*. Cape Town: Pretoria University Law Press PULP, P. 81

¹¹⁰ Corntassel, J., 2003. Who is Indigenous? ‘Peoplehood’ and Ethno nationalist Approaches to Rearticulating Indigenous Identity. *Nationalism and Ethnic Politics*, 13 8, 9(1), p. 81.

¹¹¹ Anaya, S. J., 2010. The Evolution of the Concept of Indigenous People and Its Contemporary Dimensions. In: D. Solomon, ed. *Perspectives on the rights of minorities and indigenous People in Africa*. Cape Town: Pretoria University Law Press PULP, p. 23 and Corntassel, J., 2003. Who is Indigenous? ‘Peoplehood’ and Ethno nationalist Approaches to Rearticulating Indigenous Identity. *Nationalism and Ethnic Politics*, 13 8, 9(1), p. 81.

¹¹² Timo, M., 2000. *Identity, Difference and Otherness, The concepts of ‘people’, ‘Indigenous People’ and ‘Minority’ in International Law*. 1st ed. Helsinki: University of Helsinki, P. 115 and Corntassel, J., 2003. Who is Indigenous? ‘Peoplehood’ and Ethno nationalist Approaches to Rearticulating Indigenous Identity. *Nationalism and Ethnic Politics*, 13 8, 9(1), p. 81.

*1) a close attachment to ancestral territories and to the natural resources in these areas; 2) Self-identification and identification by others as members of a distinct cultural group; 3) An indigenous language, often different from the national language; 4) Presence of customary social and political institutions; and 5) Primarily subsistence-oriented production.*¹¹³

According to the World Bank definition, 'indigenesness' may be lost when the 'indigenous' language is extinct, lost and mixed as well as when the 'indigenous' people move to urban areas.¹¹⁴ Therefore, 'indigenesness' also requires being outside the reach of urban or living in urban areas. However, World Bank's definition of 'indigenous' people did not precisely show the position of 'indigenous' people from the 'non-indigenous' people of the region, country or political community.¹¹⁵

The other inter-governmental organizations which give basic definition of 'indigenous' people focused on the rights of self-identification as basic criteria is the ILO. The ILO convention No. 169 article 1(1) reads as:-

A) Tribal people in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;

*B) people in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.*¹¹⁶

¹¹³ Timo, M., 2000. *Identity, Difference and Otherness, The concepts of 'people', 'Indigenous People' and 'Minority' in International Law*. 1st ed. Helsinki: University of Helsinki, P. 129 and Corntassel, J., 2003. Who is Indigenous? 'Peoplehood' and Ethno nationalist Approaches to Rearticulating Indigenous Identity. *Nationalism and Ethnic Politics*, 13 8, 9(1), p. 86.

¹¹⁴ Corntassel, J., 2003. Who is Indigenous? 'Peoplehood' and Ethno nationalist Approaches to Rearticulating Indigenous Identity. *Nationalism and Ethnic Politics*, 13 8, 9(1), p. 87.

¹¹⁵ Corntassel, J., 2003. Who is Indigenous? 'Peoplehood' and Ethno nationalist Approaches to Rearticulating Indigenous Identity. *Nationalism and Ethnic Politics*, 13 8, 9(1), p. 88.

¹¹⁶ Article 1, ILO convention 169, 1989, 'concerning indigenous and tribal people in independent countries'. Timo, M., 2000. *Identity, Difference and Otherness, The concepts of 'people', 'Indigenous People' and 'Minority' in International Law*. 1st ed. Helsinki: University of Helsinki, P. 113 and Corntassel, J., 2003. Who is Indigenous?

ILO's definition had criticized in not addressing the position and place of the 'indigenous' from the rest section people. For example, according to Timo Makkonen, the convention does not presume that the rest of the national community (non-indigenous) needs to constitute a monolithic entity or there is no reference in the convention to the socio-political status of the 'indigenous' people in relation to the 'indigenous'-'non-indigenous' juxtaposition of the national state.¹¹⁷

The World Council of Indigenous People (WCIP), which was established in 1975 and had a consultative status with the UN, also issues another definition of indigenous people as follows:-

*Indigenous people shall be people living in countries which have populations composed of different ethnic or racial groups who are descendent of the earliest populations which survive in the area, and who do not, as a group, control the national government of the countries in which they live.*¹¹⁸

Scholars like, Solomon Derso, Timo Mekonnen, James Anaya and Jeff J. Corntassel argues, the definition of WCIP is direct mirror of the UN since their closeness as a forerunner of the global 'indigenous' rights movement in the 1970s.¹¹⁹ Hence, the definition of the WCIP stress on the right of self-identification while provide little discussion to cultural, land claims and identity of 'indigenous' people in its working definition.¹²⁰ However, the WCIP definition clearly address the juxtaposition of the 'indigenous' and 'the rest group of people' (non-indigenous) by stating that

'Peoplehood' and Ethno nationalist Approaches to Rearticulating Indigenous Identity. *Nationalism and Ethnic Politics*, 13 8, 9(1), p. 88.

¹¹⁷ Timo, M., 2000. *Identity, Difference and Otherness, The concepts of 'people', 'Indigenous People' and 'Minority' in International Law*. 1st ed. Helsinki: University of Helsinki, P. 115.

¹¹⁸ World Council of Indigenous people, Draft covenant, 1984, Timo, M., 2000. *Identity, Difference and Otherness, The concepts of 'people', 'Indigenous People' and 'Minority' in International Law*. 1st ed. Helsinki: University of Helsinki, P. 130 and Corntassel, J., 2003. Who is Indigenous? 'Peoplehood' and Ethno nationalist Approaches to Rearticulating Indigenous Identity. *Nationalism and Ethnic Politics*, 13 8, 9(1), p. 89.

¹¹⁹ Corntassel, J., 2003. Who is Indigenous? 'Peoplehood' and Ethno nationalist Approaches to Rearticulating Indigenous Identity. *Nationalism and Ethnic Politics*, 13 8, 9(1), p. 90, Timo, M., 2000. *Identity, Difference and Otherness, The concepts of 'people', 'Indigenous People' and 'Minority' in International Law*. 1st ed. Helsinki: University of Helsinki, P. 126 and Anaya, S. J., 2010. The Evolution of the Concept of Indigenous People and Its Contemporary Dimensions. In: D. Solomon, ed. *Perspectives on the rights of minorities and indigenous People in Africa*. Cape Town: Pretoria University Law Press PULP, p. 24

¹²⁰ Corntassel, J., 2003. Who is Indigenous? 'Peoplehood' and Ethno nationalist Approaches to Rearticulating Indigenous Identity. *Nationalism and Ethnic Politics*, 13 8, 9(1), p. 90, Timo, M., 2000. *Identity, Difference and Otherness, The concepts of 'people', 'Indigenous People' and 'Minority' in International Law*. 1st ed. Helsinki: University of Helsinki, P. 126 and Anaya, S. J., 2010. The Evolution of the Concept of Indigenous People and Its Contemporary Dimensions. In: D. Solomon, ed. *Perspectives on the rights of minorities and indigenous People in Africa*. Cape Town: Pretoria University Law Press PULP, p. 24

'indigenous' people are those '... who do not control the national government of the country in which they live'. Because 'indigenesness' for the working definition of WCIP requires non-dominant position in the national government of the country, conversely, it also indicates that the 'non-indigenous' people are the dominant group of people who at least controls the national government of the state.¹²¹

2.2.1.3. Some Examples of National Definition

The absence of universally agreed definition for 'indigenous' people in the international fora and the special rights attached to indigenesness makes the national states to issue their domestic decision and definition of 'indigenous' people in their respective territorial jurisdiction. Hence different states had different conception and put subjective criteria for conceptualizing and defining 'indigenous' people.

For example, in Australia, the legal and administrative definition of "an aborigine" is one who had an aborigine descendant and accepted by others as aborigine.¹²² As Helen Corbet states, in Australia, "a person is considered to be an aborigine for the purpose of law, and especially constitutional law, if she/he is of aboriginal descent (albeit mixed), identifies her or himself as aboriginal, and is recognized by the aboriginal community as such."¹²³ In United States, the federal government agencies established differing criteria to determine who is 'Indian' in which these groups are guaranteed a special federal government consideration and hence, for the purpose of several federal programs, a qualified Indian is one "who is member, or one-fourth degree or more blood quantum descendent of member of any Indian tribe".¹²⁴ The Sámi people in Nordic

¹²¹ Corntassel, J., 2003. Who is Indigenous? 'Peoplehood' and Ethno nationalist Approaches to Rearticulating Indigenous Identity. *Nationalism and Ethnic Politics*, 13 8, 9(1), p. 90, Timo, M., 2000. *Identity, Difference and Otherness, The concepts of 'people', 'Indigenous People' and 'Minority' in International Law*. 1st ed. Helsinki: University of Helsinki, P. 126 and Anaya, S. J., 2010. The Evolution of the Concept of Indigenous People and Its Contemporary Dimensions. In: D. Solomon, ed. *Perspectives on the rights of minorities and indigenous People in Africa*. Cape Town: Pretoria University Law Press PULP, p. 24

¹²² Timo, M., 2000. *Identity, Difference and Otherness, The concepts of 'people', 'Indigenous People' and 'Minority' in International Law*. 1st ed. Helsinki: University of Helsinki, P. 126.

¹²³ Timo, M., 2000. *Identity, Difference and Otherness, The concepts of 'people', 'Indigenous People' and 'Minority' in International Law*. 1st ed. Helsinki: University of Helsinki, P. 126.

¹²⁴ Timo, M., 2000. *Identity, Difference and Otherness, The concepts of 'people', 'Indigenous People' and 'Minority' in International Law*. 1st ed. Helsinki: University of Helsinki, p.128

countries (Sweden, Norway, and Finland) had also the same status like that of the Indians in USA and Aborigine of Australia. Accordingly, similarly the ‘Sámi’ is one;

*who shows that it is probable, that he has or has had Sámi language as language of home, or who shows that it is probable, that at least one of his/her parents or grandparents has or has had Sámi language as a language of home, or who has at least one parent, who is registered or has been registered, in the register of voters for ‘sametinget’.*¹²⁵

These groups of people who are considered to be Aborigine, Indians and Sámi in their respective states are historically disadvantaged, colonized and subordinated groups of people.¹²⁶ For example, Timo makkonen stats that, the Indian identity continuously over a period of more than 50 years had face historical political influence from the period in which Europe invade America.¹²⁷ Similarly the rest groups of people had also face the same challenges from the rest group ‘non-indigenous’ of people.¹²⁸ Minding this, the respective countries pass their own national decisions and conceptual definitions on those groups of people as ‘indigenous’ people which had slight difference from the international concept of ‘indigenusness’.

2.2.2. ‘Indigenous’ and ‘Non-Indigenous’ People in Ethiopia

2.2.2.1. Making of ‘Indigenous’ and ‘Non-Indigenous’ People

In Ethiopia, the conversion of the principle of shared-rule and self-rule of federalism to concrete institutional arrangements helps to accommodate ethnic diversities within geographically

¹²⁵ Timo, M., 2000. *Identity, Difference and Otherness, The concepts of ‘people’, ‘Indigenous People’ and ‘Minority’ in International Law*. 1st ed. Helsinki: University of Helsinki, p.128

¹²⁶ Anaya, S. J., 2010. The Evolution of the Concept of Indigenous People and its Contemporary Dimensions. In: D. Solomon, ed. *Perspectives on the rights of minorities and indigenous People in Africa*. Cape Town: Pretoria University Law Press PULP, p. 23-24. , Timo, M., 2000. *Identity, Difference and Otherness, The concepts of ‘people’, ‘Indigenous People’ and ‘Minority’ in International Law*. 1st ed. Helsinki: University of Helsinki, P. 121-124 and Corntassel, J., 2003. Who is Indigenous? ‘Peoplehood’ and Ethno nationalist Approaches to Rearticulating Indigenous Identity. *Nationalism and Ethnic Politics*, 13 8, 9(1), p. 87.

¹²⁷ Timo, M., 2000. *Identity, Difference and Otherness, The concepts of ‘people’, ‘Indigenous People’ and ‘Minority’ in International Law*. 1st ed. Helsinki: University of Helsinki, P.121-125.

¹²⁸ Timo, M., 2000. *Identity, Difference and Otherness, The concepts of ‘people’, ‘Indigenous People’ and ‘Minority’ in International Law*. 1st ed. Helsinki: University of Helsinki, P.121-125.

concentrated ethnic groups.¹²⁹ Beyond the regional administration, local administration units like ‘nationality administration’ and ‘special Woreda’ are another opportunities and areas in which self-rule rights are exercise for accommodating ethnic diversities.¹³⁰ For example, the Amhara regional state constitution (article 73 (1) established three special Zones (or Nationality Administrations) for the three native group of people (i.e., the Agew-Himra, Awi and Oromo); similarly, article 74 Benishangul-Gumuz Constitution and the Regional Proclamation No. 73/2008, Lissane Hig Gazeta, 1 November 2008, establishes one special woreda namely Mao-Komo Special Woreda.¹³¹ Additionally, woreda and kebele administrations are also another area in which minor ethnic group fairly exercise decision making power for issues that affect them in their respective levels.¹³² For example, in Tigray Regional State constitution article 47(3) and Gambela Regional State Constitution Article 39 (2) states the right of minor native people to establish their own woreda and kebele like Upo and Komo in Gambella and Kunama in Tigray respectively. On other hand, Agew Woreda in Benishangul-Gumuz Regional State is the best example in which the woreda administration is almost purely run by Agew elected councils and officials in almost similar to special woreda administration level of the rest ‘indigenous’ minorities of the regional state. Hence, the organizational arrangement and institutional conversion of the principle of shared-rule and self-rule in Ethiopian federal system contribute for the accommodation of ethnic diversities especially for those who are natively identified in each and every regional state.¹³³

However, despite such efforts the constitution of the Federal Democratic Republic of Ethiopia to create a homogenous ethnic groups in the regional/local administration unites by making an ethnic

¹²⁹Yonatan, T., 2012. Federalism, the Sub-national Constitutional framework and local government: Accommodating minorities within minorities. *Perspectives on Federalism*, 4(2), p. 3.

¹³⁰Zemelak, A., 2014. The politics of sub-national constitutions and local government in Ethiopia. *Perspective on Federalism*, 6(2), p. 12.

¹³¹ Benishangul-Gumuz Regional State Revised Constitution Approval Proclamation No. 31/2002 and Benishangul-Gumuz Regional State Woreda Power Decentralization Administration Established Proclamation No. 8/2002: article 9 (1&2)

¹³²Zemelak, A., 2014. The politics of sub-national constitutions and local government in Ethiopia. *Perspective on Federalism*, 6(2), p. 12.

¹³³Yonatan, T., 2012. Federalism, the Sub-national Constitutional framework and local government: Accommodating minorities within minorities. *Perspectives on Federalism*, 4(2), p. 3. Beken, V., 2007. Ethiopia: Constitutional Protection of Ethnic Minorities at the Regional Level. *African Focus*, 20(1-2), p. 5. & Getachew, A., 2011. Federalism and legal pluralism in Ethiopia: preliminary observations on their impacts on the protection of human rights. *East African Journal of Peace & Human Right*, 17(1), p. 6.

identity as marking line incongruent with the territorial demarcation of the constituent unites of the federation, almost all regional states are ethnically heterogeneous regional state in Ethiopian.¹³⁴

On the other hand, because the FDRE constitution empowers the right to self-administration/determination up to secession for Nation, Nationality and People does not consider group of people who are displaced, migrated and moved from one area to the other.¹³⁵ Especially, those groups of people who displaced or migrated from one to the other were not in a position to exercise their political rights (like representation and election for holding public office), entitled the right to self-administration and other rights related with political participation in a place they ‘hosted’.¹³⁶

The identified ethnic groups to have their own self administration and empowered for political participation by the National/Regional Self-Government Establishment Proclamation 7/1992 of Ethiopia is numerically incomparable with the groups of people who actually live in the regional states.

Table 1: The number of ethnic groups, ‘indigenous’ and ‘non-endogenous’ people in four selected regions

No	Name of the region	No. of Eth. groups Identified	Eth. Groups of region (2007 census)	No. of native people	No. of Non-native people
1	Afar	1	12	1,251,622	136,020
2	Somali	1	9	4,320,478	61,837
3	Benishangu I-Gumuz	5	16	446,828	326,374
4	Oromia region	1	46	23,708,767	3,285,166

Source: - Calculated from the 2007 Population and housing census of Ethiopia and the National regional state establishment proclamation

¹³⁴ Beken, V., 2007. Ethiopia: Constitutional Protection of Ethnic Minorities at the Regional Level. *African Focus*, 20(1-2), p. 10 and Yonatan, T., 2012. Federalism, the Sub-national Constitutional framework and local government: Accommodating minorities within minorities. *Perspectives on Federalism*, 4(2), p. 1.

¹³⁵ Beken, V., 2006. *Federalism and the Accommodation of Ethnic Diversity: case of Ethiopia*. Addis Ababa: Phd Desertation, p. 128

¹³⁶ Beken, V., 2006. *Federalism and the Accommodation of Ethnic Diversity: case of Ethiopia*. Addis Ababa: Phd Desertation, p. 128

For example, in Benishangul-Gumuz Regional State, only 5 ethnic groups are identified to form their own self-administering institutions in the region by the National/Regional Self-Government Establishment Proclamation 7/1992. Even, the regional state constitution, the former and revised constitution, states that only those ethnic groups, Berta, Gumuz, Shinasha, Mao and Komo, are the only ‘owner’ or ‘indigenous’ people of the region. However, according to the 2007 Ethiopian Census, above 16 ethnic groups been registered in the region. Even those regional states which are most homogenous, like Afar, Somalia and Oromia regions, at least five percent of their population is shared by other ethnic groups.¹³⁷

For example, according to the 2007 CSA report of Ethiopia, almost 10 percent of the population of Oromia Regional State are ‘Non-Oromo’ ethnic groups, 22.24 percent of the population of Gambela Regional State are ‘non-founder’ ethnic group etc.¹³⁸ Hence, these group of people who comes from the rest regional states were not politically recognized as people of the region. Therefore, these groups of people who are not identified as people of the region are ‘non-indigenous’ or ‘non-native’ people of region.¹³⁹

2.2.2.2. Concept of ‘Indigenous’ and ‘Non-Indigenous’ People

Speaking national level, there is no any conceptual and actual terminology and reference of people as ‘indigenous’ and ‘non-indigenous’ in the country. However, though not nationally used, Benishangul-Gumuz Regional State legally and politically categorize the residences of the region as ‘indigenous’ and ‘non-indigenous’ people.¹⁴⁰ However, the conceptual terminology of ‘indigenous’ and ‘non-indigenous’ people of Benishangul-Gumuz Regional States were not consistent with the international conceptual framework of ‘indigenusness’, rather, the term

¹³⁷Beken, V., 2006. *Federalism and the Accomodation of Ethnic Diversity: case of Ethiopia*. Addis Ababa: Phd Desertation,p. 128

¹³⁸ Central Statistical Agency, 2007. *National population and housing Census* , Addis Ababa: CSA, pp.21-34

¹³⁹Beken, V., 2007. Ethiopia: Constitutional Protection of Ethnic Minorities at the Regional Level. *African Focus*, 20(1-2), p. 10.

¹⁴⁰ Benishangul-Gumuz Regional State Revised Constitution Approval Proclamation No. 31/2002, article 2

‘indigenous’ and ‘non-indigenous’ people were used to differentiate ‘people of the region’¹⁴¹ from the other.¹⁴²

Hence, trend of identifying ‘people of the region’ from the ‘other peoples’ is also a culture in some regional states. For example, in Gambela Regional State, the group of people who constitutionally and politically identified as ‘people of the region’ are referred as ‘founder nation’; while the rest people who comes are referred as ‘non-founder nation’.¹⁴³ Similarly, in Southern Nation, Nationality and People’s Regional State, ‘people of the regional states’ are referred as ‘native’ people; while the rest people are coined as ‘non-native’.¹⁴⁴ In Oromia Regional State Constitution, those group of people who are not considered as ‘people of the region’ are referred as ‘others’¹⁴⁵

Similar to the regional states, different scholars also use different connotations to differentiate ‘people of the region’ from the ‘other people’. For-example, since those group of people who are not identified as ‘people of the region’ are dispersed and had not a defined territory as their ‘homeland’, Asnake Kefale refers them as ‘non-territorial’ people; while, ‘people of the region’, since these group of people are settled in a recognized territory, he refers them as ‘territorial’.¹⁴⁶ Sometimes, Asnake Kefale also coined ‘people of the region’ as ‘titular’ to indicate they are entitled and empowered over the region or the area they settled, while, ‘others’ are ‘non-titular’ to refer these people who are not entitled or empowered in the region or area in which they settled.¹⁴⁷ Van der Beken also uses the term ‘endogenous’ for the ‘people of the region’ to indicate that these groups of people are ‘insider’ to the region or ‘native’ to the region while ‘exogenous’ for ‘other peoples’ to indicate that these group of people are ‘externals’ or ‘non-native’ to the region or area

¹⁴¹ ‘People of the region’ are those group of people who politically and normatively authorized to establish their own local administration in the area.

¹⁴² Beken, V., 2007. Ethiopia: Constitutional Protection of Ethnic Minorities at the Regional Level. *African Focus*, 20(1-2), p. 13.

¹⁴³ Revised Constitution, 1995, of the Gambela people National Regional State approval Proclamation No27/1995, article 46 (1)

¹⁴⁴ Revised Constitution, 2001, of the Southern Nations, Nationalities and People Regional State Proclamation No.1/1995, preamble of the constitution.

¹⁴⁵ Revised Constitution, 1994, of Oromia Regional state constitution Approval Proclamation No.44/1994, on the preamble and article 8

¹⁴⁶ Asnake, K., 2005. *Federalism and Ethnic Conflict in Ethiopia: A comparative study of the Somali and Benishangul-Gumuz region*. Addis Ababa: s.n, p. 168

¹⁴⁷ Asnake, K., 2005. *Federalism and Ethnic Conflict in Ethiopia: A comparative study of the Somali and Benishangul-Gumuz region*. Addis Ababa: s.n, p. 168

in which they settled.¹⁴⁸ However, sometimes Van der Beken also use the term that directly used by their respective regional state constitutions; ‘indigenous’ and ‘non-indigenous’-for Benishangul-Gumuz Regional State, ‘founder’ and ‘non-founder nation’-for Gambela regional state, ‘native’ and ‘non-native’- for SNNPRS, Harari regional state and ‘other nations’ for Oromia regional state etc.¹⁴⁹

Despite their variation, the term ‘non-indigenous’, ‘non-native’, ‘non-founder’, others etc. refers to group of people who are Ethiopian citizens but live in the regional, or local administrative unite in which they did not politically and legally identified as people of the region while ‘indigenous’, ‘native’, ‘founder’, etc. are used to refer ‘people of the region who politically and legally authorized to form their own administrative institution in the area.’¹⁵⁰

2.2.3. The Concept of ‘Indigenous’ and ‘Non-Indigenous’ People in Benishangul-Gumuz Regional State

Benishangul-Gumuz Regional state is the first and only regional state of the country which use the terminology of ‘indigenous’ and ‘non-indigenous’ to categorize people of the region. Accordingly, article 2 of the revised constitution of the regional state categorize people of the regional state as ‘indigenous’ and ‘non-indigenous’. Standing from these different scholars had put their own conceptual definition for these two groups of people of the region in their respective works. For example, Van der Beken try to define ‘non-indigenous’ people as “groups of people or individuals who moved to the region in more recent past and therefore be seen as internal migrants in the region”.¹⁵¹ On the other direction, ‘indigenous’ people are group of people who are legally recognized to form a political community in a defined territory and who descended from that community. Van der Beken defined ‘indigenous’ people as “group of people or ethnic groups who traditionally live in the region relatively for a long period of time hence considered as people of

¹⁴⁸Beken, V., 2007. Ethiopian Constitutional protection of Ethnic minorities at regional level. *African Focus*, 2(1), p. 67.

¹⁴⁹Beken, V., 2007. Ethiopian Constitutional protection of Ethnic minorities at regional level. *African Focus*, 2(1), p. 67.

¹⁵⁰Yonatan, T., 2012. Federalism, the Sub-national Constitutional framework and local government: Accommodating minorities within minorities. *Perspectives on Federalism*, 4(2), p. 3

¹⁵¹Beken, V., 2007. Ethiopian Constitutional protection of Ethnic minorities at regional level. *African Focus*, 2(1), p. 16.

the region”.¹⁵² However, according to Assefa Fisseha, “‘indigenous’ people are those group of people that are currently believed both legally and politically to be the owner of the territories in which they are found”.¹⁵³

However, the regional state constitution simply tries to list ‘indigenous’ ethnic groups rather than putting an objective criteria and definition, for example, way of identification, kind of special preference/right/ that they enjoy, there difference in conjunction with ‘non-indigenous’ people, are not clearly addressed. For example, the Benishangul-Gumuz Regional State Revised Constitution, article 2 stipulates that, “indigenous nation nationalities of the region are Berta, Gumuz, Shinahsa, Mao and Komo” while, under the preamble of the constitution, the ‘non-indigenous’ people are simply referred as “other people who reside in the region”.¹⁵⁴ Another attempt to define who ‘indigenous’ and ‘non-indigenous’ people of the region are under “Benishangul-Gumuz Regional State Nationalities Council and offices Organization and Power Establishment Proclamation No.73/2000” article 3 (1&2).¹⁵⁵ According to this proclamation, ‘indigenous’ people are “groups of people who are identified as owner of the region under article 2 of revised constitution of Benishangul-Gumuz Regional State namely; Berta, Gumuz, and Shinasha, Mao and Komo people”.¹⁵⁶ While ‘non-indigenous’ people are people “who had long period of contact and relation with the ‘indigenous’ people of the region in different ways and build common visions and mission to lead the regional state to better development in trust and consent with the ‘indigenous’ people”¹⁵⁷

Therefore, according to Benishangul-Gumuz Regional State Constitution and Proclamations, ‘non-indigenous’ people are those who are not originated internally from certain defined political community in a defined territory while the ‘indigenous’ people are group of people who originated internally from certain political community and those who form that internal political community

¹⁵²Beken, V., 2007. Ethiopian Constitutional protection of Ethnic minorities at regional level. *African Focus*, 2(1), p. 17.

¹⁵³Assefa, F., 2007. *Federalism and the accommodation of diversity in Ethiopia*. Revised ed. Addis Ababa: Artistic Printing Enterprise. P. 7.

¹⁵⁴ Benishangul-Gumuz Regional State Revised Constitution Approval Proclamation No. 31/2002, article 2

¹⁵⁵ Benishangul-Gumuz Regional State Nationalities Council and offices Organization and Power Established Proclamation No.73/2000 article 3(1&2) (translated by the author)

¹⁵⁶ Ibid article 3 (1)(translated by the author)

¹⁵⁷ Ibid article 3 (2) (translated by the author)

or association. ‘Non-indigenous’ people are people who are external, new, guest, or unfamiliar group of people or an individual to the area, community or region and who are not entitled as ‘people of the region’. While, ‘indigenous’ people are groups of people who are internal and native to the region; and who are entitled and recognized as ‘people of the region’.

Beyond these attempts, the regional state did not have a precise definition of ‘indigenous’ and ‘non-indigenous’ people, criteria used to identify members and rights which entitled to the groups and their respective members. Unlike the international attempts to define ‘indigenous’ people, in Benishangul-Gumuz Regional State, there is no clear normative or political definition stated for the two groups of people which categorized by the regional constitution. For example, what would be the boy/girl who born from an ‘indigenous’ mother and ‘non-indigenous’ father or vice-versa and family kin of these two children’s are sub-grouped is the main point that the regional constitution and other normative instruments did not addressed. No matter how there is confusion and lack of clarity, for the purpose of this study, the researcher directly uses the constitutional terminology of ‘indigenous’ and ‘non-indigenous’.

2.3. THE RIGHT TO POLITICAL PARTICIPATION OF ‘NON-INDIGENOUS’ PEOPLE: GLOBAL OVERVIEW

The right to political participation of ‘non-indigenous’ people to certain local administrative units, which internationally referred as ‘non-dominant titular people’, were face so many challenging environment.¹⁵⁸ These group of people are politically, socially and economically dominated by the ‘dominant titular people’ who entitled to establish a political administrative institution in the area.¹⁵⁹ As these group of people are considered as ‘internal emigrants’ and ‘non-native’ to area, the dominant titular group consider them as second citizen of the area.¹⁶⁰

The allocation of national rights in a particular territory rather than an individual citizens who are affiliated themselves to a national registry makes the internal immigrants and foreign nationals

¹⁵⁸ Potier, T., 2001. *Regionally Non-Dominant Titular Peoples: The Next Phase in Minority Rights?*. Kosovo, European Center for Minority Issues, p. 3.

¹⁵⁹ Potier, T., 2001. *Regionally Non-Dominant Titular Peoples: The Next Phase in Minority Rights?*. Kosovo, European Center for Minority Issues, P. 3.

¹⁶⁰ Smith, D., 2013. Non-Territorial Autonomy and Political Community in Contemporary Central and Eastern Europe. *Ethnopolitics and Minority Issues in Europe*, 12(1), p. 29.

different and inactive to any kind of political participation and decision making of the 'host state'.¹⁶¹ Especially in those states in which the significant portion of the society were resided outside the boarder of the designated 'ethnic homeland' of the national state, the territorial base approach of allocating designated 'homeland' to each of the largest ethnic groups living within the national state could not accommodate the full spectrum of ethno-national diversity that existed within the boarder of the national state.¹⁶²

For example, in Tatarstan, one of the local administrative unite of Russian Federation, Tatar ethnic groups are politically and legally recognized people of the Tatarstan region; while, Russians are non-native emigrants from other local administrative unites.¹⁶³ Since, the Ethnic self-determination rights of local administrative unites were determined in a specified 'homeland' for each ethnic groups, the Russian (non-native to Tatarstan) are excluded from basic political rights like the right to vote, be elected and passing major decisions in the politics of Tatarstan.¹⁶⁴ Then, the right to political participation in Tatarstan Republic of Russian Federation were limited to native Tatars.¹⁶⁵

The political exclusion of non-native people in local administration system was not limited in federal administration system.¹⁶⁶ However, in local administrative areas of unitary states which allocate some defined administrative area to a defined groups of people also face the same challenge of excluding non-native people from the right to political participation.¹⁶⁷ For example, in Armenian concentrated south district of Georgia, Georgians face political exclusion to participate on major political decision making of the local administration.¹⁶⁸

¹⁶¹ Smith, D., 2013. Non-Territorial Autonomy and Political Community in Contemporary Central and Eastern Europe. *Ethnopolitics and Minority Issues in Europe*, 12(1), p. 29.

¹⁶² Schulze, J., 2014. The Ethnic Participation Gap: Comparing Second Generation Russian Youth and Estonian Youth. *Ethnopolitics and Minority Issues in Europe*, 13(1), p. 22.

¹⁶³ Gorenburg, B., 1999. Regional Separatism in Russia: Ethnic Mobilisation or Power Grab?. *Europe-Asian Studies*, 51(2), p. 245.

¹⁶⁴ Gorenburg, B., 1999. Regional Separatism in Russia: Ethnic Mobilisation or Power Grab?. *Europe-Asian Studies*, 51(2), p. 245.

¹⁶⁵ Gorenburg, B., 1999. Regional Separatism in Russia: Ethnic Mobilisation or Power Grab?. *Europe-Asian Studies*, 51(2), p. 245.

¹⁶⁶ Potier, T., 2001. *Regionally Non-Dominant Titular Peoples: The Next Phase in Minority Rights?*. Kosovo, European Center for Minority Issues, p. 3.

¹⁶⁷ Potier, T., 2001. *Regionally Non-Dominant Titular Peoples: The Next Phase in Minority Rights?*. Kosovo, European Center for Minority Issues, P.4

¹⁶⁸ Potier, T., 2001. *Regionally Non-Dominant Titular Peoples: The Next Phase in Minority Rights?*. Kosovo, European Center for Minority Issues, P.4

Therefore, the non-dominant titular people (non-native to local administrations) did not get as political room for the free exercise and enjoyment of their right to political participation in local administrations rather than their ‘homeland’ in which they administratively and politically recognized as people of the area.

2.4. THE RIGHT TO POLITICAL PARTICIPATION OF ‘NON-INDIGENOUS’ PEOPLE IN ETHIOPIA

2.4.1. The Right to Political Participation in Ethiopia

The culture of political participation and the right of citizens to take part on political matters in Ethiopia is not of a long history. Since, the right to political participation permanently requires the existence of political community and government, the history of political rights in the country also goes through the state development and governmental institutions in the country.¹⁶⁹

Despite the fact that state formation and political movement in Ethiopia had long history, the protection and promotion of the right to political participation as basic rights in Ethiopia is a recent phenomenon.¹⁷⁰ With the introduction of written constitution in Ethiopia, the rights to political participation were also exercised through petition, opinion and suggestion directly to the throne in the period of Haile Selassie¹⁷¹ while election, demonstration and the question of representation is unthinkable in the period. However, there were an open demonstrations and boycotts against the regime, like ‘student movement’, among the strongest demonstration in the period of Emperor Haile Selassie.¹⁷² After the fall of Imperial Regime, though there was constitutional change that include basic human rights including freedom to take part in the political matters for the public in the 1987 constitution, suppressions and forceful actions undermine normatively stated rights in the period of Derg regime.¹⁷³ Unequal treatment of ethnic groups, mal-administration and suppression

¹⁶⁹Beken, V., 2007. Ethiopia: Constitutional Protection of Ethnic Minorities at the Regional Level. *African Focus* , 20(1-2), p. 128

¹⁷⁰ Beken, V., 2007. Ethiopia: Constitutional Protection of Ethnic Minorities at the Regional Level. *African Focus* , 20(1-2), p. 110

¹⁷¹ See the 1955 revised constitution of Ethiopia chapter three of the constitution from Article 37-65

¹⁷²Beken, V., 2006. Federalism and the Accommodation of Ethnic diversity: the Case of Ethiopia. *PHD thesis*, p. 70.

¹⁷³Beken, V., 2006. Federalism and the Accommodation of Ethnic diversity: the Case of Ethiopia. *PHD thesis*, p. 85

and forceful action of military government was the main critical issues that undermine the stated human rights provisions which lead to fall of Derg in 1991.¹⁷⁴

In the new federal government of Ethiopia, the right to political participation through self-administration/determination and the issues of ethnic representation become the main issues the 1995 FDRE constitution tries to overtly address.¹⁷⁵ The FDRE constitution also guarantees the rights of people to participate in conducts of public affairs directly or indirectly through their representatives. Article 38 sub (1) (a) of the FDRE constitution stipulates that “every Ethiopian national, without any discrimination based on colour, race, nation, nationality, sex, language, religion, political or other opinion or other status has the rights to take part in the conduct of public affairs, directly and through freely chosen representatives”.¹⁷⁶ In addition to this, article 43 (2) of the FDRE constitution stipulates that “Ethiopian Nationals have the right to participate in national development and, in particular, to be consulted with respect to policies and projects affecting their community”.¹⁷⁷ Therefore every Ethiopian national has an equal right to political participation in public matters without any discrimination.

However, in the current Federal system of Ethiopia, the distinction of ‘non-indigenous’ and ‘indigenous’,¹⁷⁸ ‘founder’ and ‘non-founder’¹⁷⁹, ‘native’ and ‘non-native’¹⁸⁰ people and their respective rights with a clear affiliation to the ‘indigenous’, ‘founder’ and ‘native’ groups of people in the regional states is the main challenges to protect and promote such an equal right to political participation and take part on public matters that affect their lives of the ‘non-indigenous’, ‘non-founder’, or ‘non-native’ groups of people.¹⁸¹ Because the FDRE constitution empowers the right

¹⁷⁴ Beken, V., 2007. Ethiopia: Constitutional Protection of Ethnic Minorities at the Regional Level. *African Focus*, 20(1-2), p. 128

¹⁷⁵ Beken, V., 2006. Federalism and the Accommodation of Ethnic diversity: the Case of Ethiopia. *PHD thesis*, p. 99.

¹⁷⁶ Constitution of the Federal Democratic Republic of Ethiopia Proclamation No.1/1995, Article 38 (1(a))

¹⁷⁷ Constitution of the Federal Democratic Republic of Ethiopia Proclamation No.1/1995, Article 43 (2)

¹⁷⁸ According to Benishangul-Gumuz Regional State Revised Constitution Approval Proclamation No. 31/2002, article 2, the indigenous people of the region are Berta, Gumuz, Shinasha, Mao and Komo; while, the rest group out of these ‘indigenous’ people of the region are referred as ‘non-indigenous’ people.

¹⁷⁹ According to the Revised Constitution, 1995, of the Gambela people National Regional State approval Proclamation No27/1995, article 46 (1), the founder nations of the regional state are Agnuha, Nuyer, Mejanger, Opo and Komo; the rest peoples are non-founders.

¹⁸⁰ Revised Constitution, 2001, of the Southern Nations, Nationalities and People Regional State Proclamation No.1/1995, preamble of the constitution.

¹⁸¹ Yonatan, T., 2012. Federalism, the Sub-national Constitutional framework and local government: Accommodating minorities within minorities. *Perspectives on Federalism*, 4(2), p. 10.

to self-administration/determination up to secession for Nation, Nationality and People with pre-determined territory, groups of people who are migrated, moved and displaced from one regional state to the other lose their right to political participation and take part in the political matters of the 'host' regional state.¹⁸²For example, in Gambela Regional State, the 'non-founder' people do not have the right to contest in election for holding public offices and fair representation in the regional government organs; this right is reserved to the 'founder' people of the region.¹⁸³ Similarly, in Benishangul-Gumuz Regional States 'non-indigenous' people have limited or insignificant right to hold public offices and have representative to take part in decision making process.¹⁸⁴

Moreover, the right to participate on decision making, the right to be elected and get represented of 'non-indigenous' people in the Federal and regional organs of government were largely truncated by the amended electoral law language requirement and decision of the NEB.¹⁸⁵ According to Beza Desalegn, "the language requirement and decision of NEB against the political representation of the 'non-indigenous' groups of people has created better resentment amongst the 'non-indigenous' groups leading to petition to the House of Federation".¹⁸⁶

2.4.2. The Right to Elect and Be Elected

Formal constitutional or statutory recognition of a citizen's right to vote and to run for public office is common to democratic states and plays both a substantive and a confidence-building role for the promotion and protection of citizens' rights.¹⁸⁷ The rights to democratic participation of citizens are largely expressed through exercising the right to elect and be elected to hold public

¹⁸² Beken, V., 2006. Federalism and the Accommodation of Ethnic diversity: the Case of Ethiopia. *PHD thesis*, p. 128.

¹⁸³ Beken, V., 2007. Ethiopia: Constitutional Protection of Ethnic Minorities at the Regional Level. *African Focus*, 20(1-2), p. 122.

¹⁸⁴ Beken, V., 2007. Ethiopia: Constitutional Protection of Ethnic Minorities at the Regional Level. *African Focus*, 20(1-2), p. 145

¹⁸⁵ Beza, D., 2013. The right of Minorities to political participation under the Ethiopian Electoral system. Volume 7.1, p. 7.

¹⁸⁶ Beza, D., 2013. The right of Minorities to political participation under the Ethiopian Electoral system. Volume 7.1, P. 12

¹⁸⁷ <http://www.idea.int/publications/ies/upload/5.%20The%20right%20to%20elect%20and%20to%20be%20elected.pdf> : p. 1

office.¹⁸⁸ Therefore, the electoral system in a democratic society should be conducted in a way that assures equitable representation of different groups (especially minorities) of the country.

The FDRE constitution of Ethiopia under article 39 (3) states that “every nation, nationality and people of Ethiopia have the right..... to equitable representation in the federal and regional governments”.¹⁸⁹ This article clearly provides the right to equal representation of nation, nationality and people of the country. Similarly, article 38 (1) of the constitution states that “every Ethiopian National, without any discrimination based on colour, race, nation, nationality, sex, language, religion, political or other opinion or other status, has the following rights... to take part in the conduct of public affair,..... to vote and be elected to any office at any level of government.....”.¹⁹⁰ Accordingly, the FDRE constitution vividly outlaws any discrimination of Ethiopian nationals in electorate rights in the country. However, in Ethiopia, the voting methods, electoral law’s language requirement of the decision of NEB and the working language requirement of the Amended Electoral law of Ethiopia for political empowerment¹⁹¹ does not offer a desired atmosphere for ‘non-indigenous’ people both in regional and federal governments of the country.¹⁹²

For example, in Benishangul-Gumuz Regional State, unlike the federal constitution, the regional constitution does not have a statement on the right to vote and to be elected; so that the ‘non-indigenous’ people have not any legal constraint to participate in voting. However, since the regional constitution states that the ‘indigenous’ ethnic groups are ‘owner of the region’ which is equivalent to holder of the ‘sovereign power’ of the region, and being candidate for election

¹⁸⁸Beza, D., 2013. The right of Minorities to political participation under the Ethiopian Electoral system. Volume 7.1, p. 1.

¹⁸⁹ Constitution of the Federal Democratic Republic of Ethiopia Proclamation No.1/1995, Article 39 (3)

¹⁹⁰ Constitution of the Federal Democratic Republic of Ethiopia Proclamation No.1/1995, Article 38 (1)

¹⁹¹ The decision of the NEB of Ethiopia highly discourages the right of non-territorial people to participate in election as candidates and to represents its fellows. For example, the decision of the NEB in the Benishangul-Gumuz election case against the non-indigenous people can an evidence for this. Similarly, the official language requirement also affects their rights since most regions except case of Benishangul-Gumuz and SNNP region, which is good opportunity for Amharic speaker, chose their indigenous language which clearly curtailed their opportunity to contest in election.

¹⁹² The decision of the NEB of Ethiopia highly discourages the right of non-territorial people to participate in election as candidates and to represents its fellows. For example, the decision of the NEB in the Benishangul-Gumuz election case against the non-indigenous people can an evidence for this. Similarly, the official language requirement also affects their rights since most regions except case of Benishangul-Gumuz and SNNP region, which is good opportunity for Amharic speaker, chose their indigenous language which clearly curtailed their opportunity to contest in election.

requires to speaking one of the ‘indigenous language’¹⁹³ of the region, participation in election is meaningless as ‘non-territorial’ or ‘non-indigenous’ minorities did not have any representative candidates in the regional state that they intend to elect.¹⁹⁴

Therefore, the ‘non-territorial’ people in regional states like Benishangul-Gumuz Regional State are not in a position to exercise their democratic rights’ to be elected for holding public office in the regional governments and have representative in the federal houses because of the NEB’s decision and the amended electoral laws of the country’s language requirement for those ‘non-indigenous’ people.¹⁹⁵ But, some argues that putting a language requirement is not from the intention of excluding ‘non-indigenous’ people from running for election, rather it is to protect the right of ‘indigenous’ people to have their own representative. However, Some scholars like Birhanu Gutema, argues that the language requirement of the NEBs decision and amended electoral law of Ethiopia is the clear attempt and move for excluding those ‘non-indigenous’ people from electoral rights. According to him, for example, in Benishangul-Gumuz regional state, since the working language of the region and working language of the regional council is Amharic, putting language proficiency requirement is simply a method of discriminating half of the population who are considered as ‘non-indigenous’.¹⁹⁶

2.4.3. The Right to Fair Representation

The rights to fair representation is one of the basic rights that ‘non-indigenous’ people’s needs to have since it enables them to have a say and take part in decision making of the country. In Ethiopia, “taking into consideration it’s long history of competing ethnic nationalisms and lack of consensus, there is the need for securing adequate representation proportional to the numerical presence of ‘non-indigenous’ people in constituencies in lieu of stubborn adherence

¹⁹³ ‘Indigenous language’ is the language which spoken by ‘indigenous’ people of the regional state as their first mother tongue language.

¹⁹⁴ Beken, V., 2006. Federalism and the Accommodation of Ethnic diversity: the Case of Ethiopia. *PHD thesis*, p. 225.

¹⁹⁵ Birhnu, G., 2007. *Restructuring state and society: Ethnic federalism in Ethiopia*. first ed. Aalborg (East Denmark): Spirit & Department of Culture and Global studies, p.166

¹⁹⁶ Birhnu, G., 2007. *Restructuring state and society: Ethnic federalism in Ethiopia*. first ed. Aalborg (East Denmark): Spirit & Department of Culture and Global studies, p. 167

solely to the majoritarian plurality system”.¹⁹⁷Therefore, ‘non-indigenous’ people should have fair representation in local, regional and federal houses as well as the rest organs of the state.

However, the representation of ‘non-indigenous’, ‘non-native’ or ‘non-founder’ people in the local, regional and federal houses have been criticized. In supporting this argument, Asnake Kefale and Van der Beken argues that ‘non-indigenous’, ‘non-native’ or ‘non-founder’ people in the country are forgotten in the federal constitution and considered as an internal emigrants who did not have political right in the regional states since the region is not their ‘homeland’ nor recognized by either the federal nor the regional constitution to belong to the region.¹⁹⁸ Especially Asnake kefale argues, the main problem for the predominance and exclusion of the ‘non-territorial’ people from political issues in the country is predominantly resulted from the fall of the federal government to address their place in the federal, regional, and even local political system.¹⁹⁹ Even Yonatan Tesfaye states, the federal government leaves the issues of ‘non-territorial’ groups of people to the regional state so that the regional tyranny affected and exert negative threat even in their life without any mechanism which check the regional power over the “non-territorial” groups of people who are not in a position for political rights.²⁰⁰

2.4.4. The Right to Participate in Public Decision Making

The right to participate in public decision making of ‘non-territorial’, ‘non-native’ people or ‘non-indigenous’ people in the federal government of the country are equally guaranteed as citizens of the country under the FDRE constitutional principle of equality and non-discrimination stated under article 25. Additionally, article 38 of the FDRE constitution also guarantees an equal right to elect and be elected, fair and equitable representation and right to participate on public decision making in any level of governments.²⁰¹ Article 38 of the FDRE constitution reads:-

¹⁹⁷Beza, D., 2013. The right of Minorities to political participation under the Ethiopian Electoral system. Volume 7.1, p.1.

¹⁹⁸Asnake, K., 2005. Federalism and Ethnic Conflict in Ethiopia: A comparative study of the Somali and Benishangul-Gumuz regions. *PHD Dissertation*, p. 168. & Beken, V., 2006. Federalism and the Accommodation of Ethnic diversity: the Case of Ethiopia. *PHD Dissertation*, p. 263.

¹⁹⁹Asnake, K., 2005. Federalism and Ethnic Conflict in Ethiopia: A comparative study of the Somali and Benishangul-Gumuz regions. *PHD Dissertation*, p. 172.

²⁰⁰Yonatan, T., 2012. Federalism, the Sub-national Constitutional framework and local government: Accommodating minorities within minorities. *Perspectives on Federalism*, 4(2), p. 16.

²⁰¹ Constitution of the Federal Democratic Republic of Ethiopia Proclamation No.1/1995, Article 25.

- 1) Every Ethiopian national, without any discrimination based on colour, race, nation, nationality, sex, language, religion, political or other opinion or other status, has the following rights: a) To take part in the conduct of public affairs, directly and through freely chosen representatives; b) On the attainment of 18 years of age, to vote in accordance with law; c) To vote and to be elected at periodic elections to any offices at any level of government;*
- 2) The right of every one to be a member of his own will in a political organization, labour union, trade organization, or employers' o professional associations shall be respected if he or she meets the special and general requirements stipulated by such organization.²⁰²*

Hence, the federal constitution also clearly outlaws any discrimination that runs in between citizens of the country to enjoy their right to political participation in any level of government without any limitation and restriction in place. However, the FDRE constitution did not independently state the 'non-native' or 'non-territorial' people's right in regional state administration and political system. Even the special representation system which stated under the FDRE constitution article 54 (3) is only for minority groups of people who are settled in their authorized territorial unite. Hence, the federal government did not clearly and independently stipulate the right of 'non-territorial' or 'non-native' people but did not place any restriction and exclusion of these group of people not to participate on political matters of any administrative unit.

²⁰² Constitution of the Federal Democratic Republic of Ethiopia Proclamation No.1/1995, Article 38(1&2).

CHAPTER THREE

POLITICAL PARTICIPATION AND ETHNIC ACCOMMODATION IN BENISHANGUL-GUMUZ REGIONAL STATE

3.1. BENISHANGUL-GUMUZ REGIONAL STATE: AN OVERVIEW

3.1.1. Demography of the Region

Benishangul-Gumuz is one of the federating states of Federal Democratic Republic of Ethiopia²⁰³ situated in the west of Ethiopia; and bordered by Amhara region in the north and northeast, Oromia in the east, Gambella in the south and Sudan in the west.²⁰⁴ According to 2007 Housing and Population Census of Ethiopia, the region has a total area of 50, 698.68 square kilometer²⁰⁵ with population approximating to 784,345.²⁰⁶ The region is characterized with multi-ethnic population comprises of Bertha, Gumuz, Shinasha, Mao and Komo ethnic groups as owner (indigenous) nationalities of the region ; in which (or Berta) accounts 25.4 percent, Gumuz 21.1 percent, Shinasha 7.7 percent, Mao 1.9 percent, and Komo 0.9, of the total population of the region.²⁰⁷ In addition to these owner (indigenous) ethnic groups, the region has other large group of population which the constitution refers them as ‘non-indigenous’ people which accounts Amhara 21.1 percent, Oromo 13.5 percent, Agew 4.5 percent, Tigray 0.7 percent and others 4.1 percent of the total population of the region.²⁰⁸

3.1.2. Administrative Structure of the Regional State

The basic qualities of any democratic government is manifested with its administrative structure and institutional set-up in which democratic values and principles are reflected on.²⁰⁹ Good institutional set-up and administrative structure of any government will also help to address and redress basic goods and services, build good governance, achieve sustainable development and

²⁰³ Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995, Article 47

²⁰⁴ Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, Article 3

²⁰⁵ Central Statistical Agency, 2007. *National population and housing Census*, Addis Ababa: CSA.

²⁰⁶ Central Statistical Agency, 2007. *National population and housing Census*, Addis Ababa: CSA.

²⁰⁷ Central Statistical Agency, 2007. *National population and housing Census* , Addis Ababa: CSA, pp.21-34

²⁰⁸ Central Statistical Agency, 2007. *National population and housing Census* , Addis Ababa: CSA, pp.21-34

²⁰⁹ Klein, H., 2005. *The Right to Political Participation and the Information Society*. pp. 1-2

preserve basic human rights in the country.²¹⁰ Minding this, Benishangul-Gumuz Regional State had its own administrative structure and lot of institutions in which basic decisions and activities are made hierarchically in accordance with the constitutional provisions of the region.²¹¹ Hence, in accordance with article 45 (1) Benishangul-Gumuz Regional State Revised Constitution, the region had four tier administrative structure: the region, the administration of nationalities and special woreda, woreda and kebele administration with respective institutions.²¹² The Nationality administration is the new administration system which replace Zone. Accordingly, the regional state had three nationalities administration for the three dominant ethnic groups namely: Berta Nationality administration (Asossa), Gumuz nationality administration (Kemashi) and Shinasha Nationality administration (Metekel);²¹³ and one special woreda for 'indigenous' minority ethnic groups; Mao-Komo special woreda.²¹⁴ In general the region had three nationality administrations, one Special Woreda, 19 Woreda and 475 kebele administrations.²¹⁵

These hierarchically organized administrative organizations also have their own institutions and agencies in which decisions and decision making process are carried out. Hence, according to Benishangul-Gumuz Regional State Revised Constitution, each administrative hierarchies beginning from the region up to the kebele level had their own legislative, executive and judiciary organizational institutions in which power are divided in accordance with the constitutional mandate.²¹⁶

²¹⁰Klein, H., 2005. The Right to Political Participation and the Information Society. pp. 1-2

²¹¹ Benishangul-Gumuz Regional State Revised Constitution Approval Proclamation No. 31/2002": Chapter four up to ten

²¹² Benishangul-Gumuz Regional State Woreda Power Decentralization Administration Established Proclamation No. 8/2002, Article 45 (1)

²¹³ Benishangul-Gumuz Regional State Woreda Power Decentralization Administration Established Proclamation No. 8/2002, Article 45 (1)

²¹⁴ Benishangul-Gumuz Regional State Woreda Power Decentralization Administration Established Proclamation No. 8/2002: article 9 (1)

²¹⁵ Benishangul-Gumuz Regional State Woreda Power Decentralization Administration Established Proclamation No. 8/2002, Article 9 (1&2)

²¹⁶ In Benishangul-Gumuz Regional State Revised Constitution Approval Proclamation No. 31/2002": Chapter four up to ten devotes on the organizational structure of the regional state from regional to kebele level with their institutional establishment and arrangement.

3.2. ACCOMMODATION OF ETHNIC DIVERSITIES IN BENISHANGUL-GUMUZ REGIONAL STATE

The heterogeneous nature of the regional state obliges to establish self-administering local units for different ethnic groups especially for those who politically and legally identified as ‘indigenous’ people of the regional state.²¹⁷ Hence, the regional state have three Nationality administrations for the dominant three ethnic groups namely, Berta, Gumuz and Shinasha and one special Woreda for Mao and komo.²¹⁸ According to the regional constitution, these five ethnic groups are ‘indigenous’ people who have the legal and political recognition to own the region while the rest groups of people, like Amhara, Oromo, Tigray, and other people reside in the region are ‘non-indigenous’ people who considered to be ‘outsiders’ in which their issues seen in ‘special case’ in organizational and institutional setup and decision making process of the regional government. ²¹⁹ More vividly, the regional constitution gives the right to self-administration/determination up to secession, stated under article 39 of the revised regional constitution, for ‘indigenous’ people of the region.

Despite the establishment of different self-administering local units, the regional government also criticized on the situation of the ‘non-indigenous’ people of the regional state. According to some scholars, the constitutional and political distinction of the people of the region as ‘indigenous’ and ‘non-indigenous’ is the first attempt of the regional state for the political exclusion of ‘non-indigenous’ people of the region. For example, according to Solomon Mebrie, “the distinction of people as ‘indigenous’ and ‘non-indigenous’ is a kind of malicious political defect that goes

²¹⁷ Benishangul-Gumuz Regional State Revised Constitution Approval Proclamation No. 31/2002, Yonatan, T., 2012. Federalism, the Sub-national Constitutional framework and local government: Accommodating minorities within minorities. *Perspectives on Federalism*, 4(2), p. 3. Beken, V., 2007. Ethiopia: Constitutional Protection of Ethnic Minorities at the Regional Level. *African Focus*, 20(1-2), p. 5. Getachew, A., 2011. Federalism and legal pluralism in Ethiopia: preliminary observations on their impacts on the protection of human rights. *East African Journal of Peace & Human Right*, 17(1), p. 6.

²¹⁸ Benishangul-Gumuz Regional State Revised Constitution Approval Proclamation No. 31/2002 and Benishangul-Gumuz regional state Woreda Power decentralization administration established proclamation No. 8/2002: article 9 (1&2)

²¹⁹ Benishangul-Gumuz Regional State Revised Constitution Approval Proclamation No. 31/2002, proclamation 73/2000, Yonatan, T., 2012. Federalism, the Sub-national Constitutional framework and local government: Accommodating minorities within minorities. *Perspectives on Federalism*, 4(2), p. 3. Beken, V., 2007. Ethiopia: Constitutional Protection of Ethnic Minorities at the Regional Level. *African Focus*, 20(1-2), p. 5.

beyond the international context and justification of rectifying the historical injustices”.²²⁰ Dr. Getachew Assefa, says, “even though affirmative action is necessary and just, the classification of people as ‘indigenous’ and ‘non-indigenous’ like the Benishangul-Gumuz Regional State Constitution, which goes beyond affirmative action that discriminate ‘non-indigenous’ people of the region”.²²¹ Additionally, Dr. Abdisa Zera also states “the distinction of people of the region as ‘indigenous’ and ‘non-indigenous’ does not inherently comes from the people of the region while the political elite of the region imposes to get political legitimacy”.²²²

On the other direction, some scholars also argue, except the ‘indigenous’ people of the region, the right to political participation of ‘non-indigenous’ people of the region are curtailed by different reasons. For example, according to the argument of Asnake kefale, competition on resource and autonomy in between ‘indigenous’ and ‘non-indigenous’ groups of people in the region causes the systemic and an open exclusion of ‘non-indigenous’ people from exercising their right to political participation in the regional state.²²³ However, Marije Frank argues, experiences of exploitation by the governing elites during the political administration period of the previous governments had create mistrust and tension in between ethnic groups which leads to the systemic and open exclusion of ‘non-indigenous’ groups of people from political participation in the region.²²⁴ According to Marije Frank, the ‘non-indigenous’ people of the region are believed to be the dominant power holders of the previous suppressive governments.²²⁵ He argues, now a days, ‘non-indigenous’ people of the region are considered as historically favored group of people who dominate and exploit ‘indigenous’ people and their resources. Hence, Marije Frank conclude that as counter action, ‘non-indigenous’ people are excluded from political participation rights. On the other hand, without referring the causing factors, Beken argues, the rights to political participation of ‘non-indigenous’ people of the region are curtailed by the constitution and amended electoral

²²⁰ Solomon, M., 2015. *Lecturer of the Department Political science in Addis Ababa University* [Interview] (10 April 2015).

²²¹ Getachew, A., 2015. *Dean of school of Law and Governance* [Interview] (6 April 2015).

²²² Abdisa, Z., 2015. *Dean of school of Journalism* [Interview] (8 April 2015)

²²³ Asnake, K., 2005. *Federalism and Ethnic Conflict in Ethiopia: A comparative study of the Somali and Benishangul-Gumuz regions. Dissertation*, p. 168.

²²⁴ Frank, M., 2009. *Effect of Ethnic Federalism in Ethiopia. Holding Together or Splitting Apart? Ethnicity, Diversity and Democracy*, p. 19.

²²⁵ Frank, M., 2009. *Effect of Ethnic Federalism in Ethiopia. Holding Together or Splitting Apart? Ethnicity, Diversity and Democracy*, p. 19.

law of Ethiopia.²²⁶ According to him, the constitutional affiliation for the rights of ‘indigenous’ people in the regional state is also clearly manifested in the institutional set of the regional and local administration units of the regional state.²²⁷

Generally speaking, whatever different arguments are presented for the cause, the common shared issues on these arguments are the right to political participation of ‘non-indigenous’ people in Benishangul-Gumuz Regional State Constitution and administration had a serious problem. Therefore, since constitution and institutional set up of any democratic administration system are the main instruments for the accommodation and protection of multi-ethnic administrative units, in the next subtopics, the paper attempt to assess the constitutional and institutional mechanisms for accommodation and protection of multi-ethnic societies of the regional state.

3.2.1. Constitutional Accommodation of Ethnic Diversities

The FDRE constitution of Ethiopia requires the sub-national (regional) constitutions to adhere its principle of self-rule/governance for ethnic groups of the regional state. However, according to Yonatan Tesfaye, the adoption and implementation of regional constitutional principles in Ethiopian multi-national federation is the framework of providing additional means to channel and regulate ethnic claims, services to mitigate the harms that flows from ignoring the status and treatment of who do not belong to the empowered regional majority from the perspective of accommodating ethnic diversities and protecting minor groups.²²⁸The regional constitution had also include fundamental provisions that determines the institutional setup and organizational structure of the regional state administrations, power division and limitations, and basic individual and group human rights.

As one regional state of Ethiopia, Benishangul-Gumuz Regional State had its own constitution since 1998, later revised in 2002 and have thirteen chapters and 121 articles. The same to federal and other regional state constitutions, the revised Benishangul-Gumuz Regional State Constitution

²²⁶Beken, V., 2007. Ethiopia: Constitutional Protection of Ethnic Minorities at the Regional Level. *African Focus*, 20(1-2), p. 5.

²²⁷Beken, V., 2007. Ethiopia: Constitutional Protection of Ethnic Minorities at the Regional Level. *African Focus*, 20(1-2), p. 5.

²²⁸Yonatan, T., 2012. Federalism, the Sub-national Constitutional framework and local government: Accommodating minorities within minorities. *Perspectives on Federalism*, 4(2), p. 4.

devoted on the regional organizational structure and institutional foundation of the regional state in each administrative units, power division and limitation of the administrative units and their respective institutional setups, and basic rights and freedom with respective duties of individuals and groups of people.

The regional state constitution clearly acknowledges the existence of the multi-ethnic societies in the region. For example, the preamble of the constitution which stipulates “we the nationalities of Berta, Gumuz, Shinasha, Mao and Komo and other people residing in the region.....”²²⁹ show constitutional recognition of different ethnic group of the region. Beyond recognition, under article 45 (3) and 48(2) of the regional constitution stipulates that representation of ‘non-indigenous’ people of the regional state shall be through special consideration.²³⁰ Even though, the fairness of the representation is one critical problem, the regional constitution also recognizes the representational rights of ‘non-indigenous’ people of the region.

However, the regional constitution had been criticized on the preservation and accommodation of ethnic diversity (especially ‘non-indigenous’ ethnic groups) in the administrative institutions.²³¹ The criticism of the regional state constitution starts from its classification of people of the region as ‘indigenous’ and ‘non-indigenous’ groups.²³² Article 2 of the regional constitution stipulates “Notwithstanding the recognition of other people living in the region, the indigenous nation nationalities of the region are Berta, Gumuz, Shinasha, Mao and Komo”.²³³ Accordingly, some scholars argue that ‘non-indigenous’ people did not get the same constitutional guarantee and recognition with the ‘indigenous’ people. For example, Yonatan Tesfaye argues, since the

²²⁹ Benishangul-Gumuz Regional State Revised Constitution Approval Proclamation No. 31/2002, preamble

²³⁰ Benishangul-Gumuz Regional State Revised Constitution Approval Proclamation No. 31/2002, Article 45 (3) and 48 (2)

²³¹ Beken, V., 2007. Ethiopia: Constitutional Protection of Ethnic Minorities at the Regional Level. *African Focus*, 20(1-2), p. 5. , Yonatan, T., 2012. Federalism, the Sub-national Constitutional framework and local government: Accommodating minorities within minorities. *Perspectives on Federalism*, 4(2), pp. 11-17. & Assefa, F., 2012. Ethiopia's Experiment in Accommodating Diversity: 20 Years Balance Sheet. *Regional and federal studies*, 22(4), p. 12.

²³² Beken, V., 2007. Ethiopia: Constitutional Protection of Ethnic Minorities at the Regional Level. *African Focus*, 20(1-2), p. 5. , Yonatan, T., 2012. Federalism, the Sub-national Constitutional framework and local government: Accommodating minorities within minorities. *Perspectives on Federalism*, 4(2), pp. 11-17. & Assefa, F., 2012. Ethiopia's Experiment in Accommodating Diversity: 20 Years Balance Sheet. *Regional and federal studies*, 22(4), p. 12.

²³³ Benishangul-Gumuz Regional State Revised Constitution Approval Proclamation No. 31/2002, Article 2

'indigenous' people are legally stated as 'owner' of the region, it empowers and gives them 'special status' over the rest groups of people in the region.²³⁴ While Van der Beken argues, this article provide an absolute political power for 'indigenous' people without considering the rest group of people.²³⁵

Additionally, Article 39 of the revised regional constitution is the main area which clearly puts the distinction between 'indigenous' and 'non-indigenous' groups and their respective rights. The full text of Article 39 which entitled as "the rights of the Indigenous Nations Nationalities of Benishangul-Gumuz" reads as follows:-

Accordingly, the nation or nationality of the Regional State shall have the right to:

- 1) Preserve its identity and have it respected, promote and preserve its heritage, artifact and history, as well as use and develop its own language and express and promote its culture;*
- 2) Administer its own affairs within its own defined territory and exercise self-rule, effectively participate in the activities of the Federal Government with freedom, impartiality and appropriate and fair representation.*
- 3) Exercise its rights of self-administration and establish its own governmental organizations in the geographical settlement of the people, and get entitled to equitable representation in the administration of the Federal Government.*
- 4) Exercise its rights of self-determination including the rights to secession.....²³⁶*

Accordingly, major political participation rights like; the right to self-rule/self-administration, representation in federal government, and participation in the establishment of governmental organization are exclusively given to 'indigenous' people of the regional state.²³⁷ Standing form the Article, Van der Beken argues,

When observing the ethnic identity of members of the Benishangul-Gumuz regional parliament, it is striking that the Mao and komo -irrespective of their extremely smaller

²³⁴ Yonatan, T., 2012. Federalism, the Sub-national Constitutional framework and local government: Accommodating minorities within minorities. *Perspectives on Federalism*, 4(2), p. 15.

²³⁵ Beken, V., 2007. Ethiopia: Constitutional Protection of Ethnic Minorities at the Regional Level. *African Focus*, 20(1-2), p. 27.

²³⁶ Benishangul-Gumuz Regional State Revised Constitution Approval Proclamation No. 31/2002, article 39

²³⁷ Beken, V., 2006. Federalism and the Accommodation of Ethnic diversity: the Case of Ethiopia. *PHD Dissertation*, p. 263. & Asnake, K., 2005. Federalism and Ethnic Conflict in Ethiopia: A comparative study of the Somali and Benishangul-Gumuz regions. *PHD Dissertation*, p. 168.

*number-have a fair representation which have two representative in the 99-member regional parliament, than the 'non-indigenous' people of the region.*²³⁸

Additionally, Article 71 (1) that determines composition of members of the Regional Constitutional Interpretation Commission, stipulates that “.....Constitutional Interpretation Commission composed of four representatives drawn from each indigenous nationality.....”²³⁹ This article give the right to representation solely for the ‘indigenous’ people of the regional state which directly exclude the right of ‘non-indigenous’ people to get represented in the commission. Even the special representation rights of ‘non-indigenous’ people under article 45 (3) and 48(2) of the regional constitution did not include the right to representation of ‘non-indigenous’ people in the Constitutional Interpretation Commission of the regional state. Rather, according to some scholars, like Assefa Fisseha and Getachew Assefa, these two articles are used to restrict the right to form self-administering unit of ‘non-indigenous’ people unlike that of the ‘indigenous’ people which guaranteed in article 39 and 45 (2) of regional constitution.²⁴⁰

3.2.2. The Institutional Accommodation and Representation of Ethnic Diversities in Benishangul-Gumuz Regional State

The institutional design of regional states in Ethiopia is the main determinant factor for responding the challenges of internal minorities’ and accommodating multi-cultural societies in local level.²⁴¹Hence, an accommodative institutional setup of regional states guarantees the right to self-administration/determination and the right to take part in any administrative units, the right to political participation of individuals and people of the respective regional state.²⁴² Minding the fact, the institutional accommodation and fair representation of ‘indigenous’ and ‘non-indigenous’ people of Benishangul-Gumuz Regional State can be used as the best indicator for inclusive

²³⁸Beken, V., 2006. Federalism and the Accommodation of Ethnic diversity: the Case of Ethiopia. *PHD Dissertation*, p. 265.

²³⁹ Benishangul-Gumuz Regional State Revised Constitution Approval Proclamation No. 31/2002, Article 71 (1)

²⁴⁰ Getachew, A., 2011. Federalism and legal pluralism in Ethiopia: preliminary observations on their impacts on the protection of human rights. *East African Journal of Peace & Human Right*, 17(1), p. 6. & Assefa, F., 2012. Ethiopia's Experiment in Accommodating Diversity: 20 Years Balance Sheet. *Regional and federal studies*, 22(4), p. 12.

²⁴¹Yonatan, T., 2012. Federalism, the Sub-national Constitutional framework and local government: Accommodating minorities within minorities. *Perspectives on Federalism*, 4(2), p. 4.

²⁴²Yonatan, T., 2012. Federalism, the Sub-national Constitutional framework and local government: Accommodating minorities within minorities. *Perspectives on Federalism*, 4(2), p. 4.

political participation of ‘indigenous’ and ‘non-indigenous’ people. Hence, in the next few section, the paper try to assess the institutional accommodation of ethnic diversities and fair representation of ‘indigenous’ and ‘non-indigenous’ people in major regional institutions and organs of the state.

3.2.2.1. The Regional Parliament

One of the basic regional institution in which basic social, economic, and political decision making process articulated and made is the regional parliament. Accordingly, as per the regional constitution article 46 (1), Benishangul-Gumuz Regional State had establish its own one chambered state Council to exercise the legislative power of the regional state.²⁴³Its members are elected by the people through free, direct and fair elections in secret ballot for a term of five years in each electoral district by plurality of the votes cast.²⁴⁴ The regional state council is representatives of nation, nationalities of the regional state and its members are accountable to the people, constitution and their conscience.²⁴⁵ According to the regional constitution article 48 (2) and 45 (3), the representation of numerically minor ‘indigenous’ people, Mao and Komo, and ‘non-indigenous’ people are seen in especial consideration and representation respectively.

Unlike the federal two houses, the regional state is one chambered parliament in which nation and nationalities of the region do not have any alternative to get representation for taking part in major decision making process in the regional state.²⁴⁶ Even the regional state council, which is the only people’s political representative in the regional state, are largely dominated by the ‘indigenous’ people. Ethnic composition of the Regional State Council of 2010-2015 term was as follows. From 99 seats, Berta occupy 40, Gumuz 35, Shinahsa 11, Mao 2, Komo 2, Amhara 4, Oromo 2, Tigray 1, Agew 1 and kembata 1 seat respectively. Representation of ‘non-indigenous’ people as per the regional constitution article 48 (2) was made through a special representation. In the period of

²⁴³ Benishangul-Gumuz Regional State Revised Constitution Approval Proclamation No. 31/2002, Article 46 (1) & Beken, V., 2006. Federalism and the Accommodation of Ethnic diversity: the Case of Ethiopia. *PHD Dissertation*, p. 263.

²⁴⁴ Benishangul-Gumuz Regional State Revised Constitution Approval Proclamation No. 31/2002, Article 46 (1) & Beken, V., 2006. Federalism and the Accommodation of Ethnic diversity: the Case of Ethiopia. *PHD Dissertation*, p. 263.

²⁴⁵ Benishangul-Gumuz Regional State Revised Constitution Approval Proclamation No. 31/2002, Article 48 (3)

²⁴⁶ Benishangul-Gumuz regional state revised constitution approval proclamation No. 31/2002, Article 46 (1) & Beken, V., 2006. Federalism and the Accommodation of Ethnic diversity: the Case of Ethiopia. *PHD Dissertation*, p. 264.

2010-2015, the representation of each ethnic group of the region in the State Council and Standing Committees of the State Council was as follows.

Table 2:- Number of representatives of each ethnic group in Benishangul-Gumuz regional state council and standing committees

Ethnic groups	Number of representatives in the state council	Number of representative in each standing committees				
		Law, governance and justice	Economy, budget and finance	Capacity building and social	Women's, youth public affairs communication	Public finance and budget
Berta	40	1	1		1	2
Gumuz	35	2	1		2	1
Shinasha	11	1		1	1	1
Mao-Komo	4	1(Mao)				
Amhara	4		1	1		
Oromo	2		1	1		
Tigray	1					
Agew	1			1		1
Kambata	1					

Source: - Benishangul-Gumuz regional state Council Human Resource- The 2010-2015 list of the regional state council and Standing committee

As presented in the table, representation of 'indigenous' people of the region have a dominance position in the Regional State Councils while 'non-indigenous' people of the regional state had an insignificant representation compared to the 'indigenous' people. When the 'indigenous' people, which account of 57 percent of the population, takes 90 from 99 seats of the State Council, 'non-indigenous' people, which account around 43 percent of the population had only 9 representative. However, the 'non-indigenous' people are ethnically more diverse than 'indigenous' people. Hence, the ethnic composition of Regional State Council clearly shows that, when it relatively tries to accommodate and assure the fair composition 'indigenous' ethnic groups, the 'non-indigenous' ethnic groups are highly disregarded from the council comparing to their number of population.

However, when we look the ethnic composition of the Regional State Council Office, the ‘non-indigenous’ people take the majority in running the office than the ‘indigenous’. In fact, the office is non-political which runs supportive secretarial and professional services to the political state council of the region.

Table 3:- Benishangul-Gumuz regional state permanent employees of the Regional Council Offices

No.	Ethnic groups	Male	Female	Total
1	Shinahsa	9	6	15
2	Berta	2	3	5
3	Gumuz	1	----	1
4	Mao	1	----	1
5	Amhara	15	10	25
6	Oromo	7	5	12
7	Agew	2	----	2
8	Tigray	1	2	3

Sources: - Benishangul-Gumuz regional state Capacity Building and civil service Bureau (2007)

Employees of the regional council office are individuals who employed by civil service on their academic merits and proficiency. However, except Shinasha ethnic group, the literacy rate of ‘indigenous’ people are very low. This result that the ‘non-indigenous’ people get opportunity of dominant position on civil servant of the regional council office. Mr. Getahun Mergiya, head officer of the regional state council office, shares this argument. He states, ‘because of shortage of the educated indigenous man power, the majority employees of the regional state council office are ‘non-indigenous’ employees’.²⁴⁷

²⁴⁷ Getahun, M., 2015. *Head of Benishangul-Gumuz state Council Office* [Interview] (11 February 2015).

Hence, the regional state council office also fails to reflect the ethnic diversification of the regional state. Especially, unlike to the state council, number of 'indigenous' employees in the office of the state council are very small comparing with the number of 'non-indigenous' employees. Even though the regional state and civil service provides an affirmative action for 'indigenous' people, it does not balance the 'indigenous'-'non-indigenous' ethnic composition of the office of the state council.

Looking through it, when the 'indigenous' people dominate on the notable political institution, the state council, 'non-indigenous' people had a lion share on non-political institution as civil servant of the regional administration. What it implies that 'non-indigenous' people are less in political participation than 'indigenous' people who took the lion majority seats of the regional state council.

3.2.2.2. The Regional Executive

Literally speaking, when we take about representational rights, there was a direct reference of the legislative or parliament which considered as the direct representative of the people of the country or political system. However, fair and just consideration and representation of people in executive organs of the government is also one manifestation of any democratic government.²⁴⁸ Conversely, Chris Tausanovitch and Christopher Warshaw argues, in most democratic states, there is an insignificance infancies on the consideration of different groups in organizing the executive organs of the government.²⁴⁹

Minding the above fact, when we come to the case of Benishangul-Gumuz Regional State, the administrative council (executive) of the regional state is composed of Chief Executive, Deputy Chief executive, Heads Executive Offices and other Members.²⁵⁰ Because members of regional administrative council are mostly appointed from the regional state council²⁵¹ in which the 'indigenous' people dominate preponderantly, the 'non-indigenous' people are not fairly

²⁴⁸ Chris Tausanovitch and Christopher Warshaw, 2014. Representation of People in Municipal Government. *American Political Science review*, p. 14.

²⁴⁹ Chris Tausanovitch and Christopher Warshaw, 2014. Representation of People in Municipal Government. *American Political Science review*, p. 14.

²⁵⁰ Benishangul-Gumuz Regional State Revised Constitution Approval Proclamation No. 31/2002, Article 58 (1)

²⁵¹ Benishangul-Gumuz Regional State Revised Constitution Approval Proclamation No. 31/2002, Article 61 (3(f))

considered in the regional executive council. Except, the Regional Chief Administrator and Cabinet Affairs Bureau, chaired by an Oromo representative, the rest regional bureaus are headed by persons from the ‘indigenous’ people of the region.²⁵² Head of the regional chief administrator and cabinets affairs bureau, Mr. Zewdu Tilahun, also share that the ‘indigenous’ people takes all position of the regional administrative council.²⁵³ Mr. Zewdu Tilahun states “since the regional constitution gives the power of administering the region, even the federal government, to the ‘indigenous’ people of the region, almost all cabinet position of the regional state is held by persons from the ‘indigenous’ people”.²⁵⁴

Unlike regional administrative council, the regional administration bureau are highly dominated by ‘non-indigenous’ employees. According to Zewdu Tilahun, because of lack of educated man power from the ‘indigenous’ people of the region and because most service of the bureau of regional administration needs a considerable literacy, most civil servants of the administrative bureau of the region are from ‘non-indigenous’ people.²⁵⁵

However, Mr. Zewdu did not want to reply on what will happen if there is an educated ‘indigenous’ man power in the regional state. But, Mr. Zewdu did not want to deny the existence of political motive and initiation for the ‘indigenous’ people to come and ‘non-indigenous’ people to go. In fact, the 2015 ethnic and gender composition of administrative council of the regional state also proves this argument.

²⁵² Statistical data of 2006 man power of the regional administrative council of the Benishangul-Gumuz regional state.

²⁵³ Zewdu, T., 2015. *Head of the Regional Chief Administrator and Cabinets Affairs Bureau* [Interview] (10 February 2015).

²⁵⁴ Zewdu, T., 2015. *Head of the Regional Chief Administrator and Cabinets Affairs Bureau* [Interview] (10 February 2015).

²⁵⁵ Zewdu, T., 2015. *Head of the Regional Chief Administrator and Cabinets Affairs Bureau* [Interview] (10 February 2015).

Table 4:- Benishangul-Gumuz regional state permanent employees of the Regional Administrative Bureau

No.	Ethnic group	Number of employees		
		Male	Female	Total
1	Berta	7	7	14
2	Gumuz	1	1
3	Shinahsa	4	3	7
4	Komo	1	1	2
5	Oromo	17	10	27
6	Amhara	9	23	32
7	Agaw	2	1	3
8	Tigray	2	1	3
9	Gurage	1	1
11	Gamo	1	0	1

Source: - Benishangul-Gumuz regional state Capacity Building and civil service Bureau (2015)

Hence, when ‘indigenous’ people have an insignificant share in the non-political administrative offices of the region, but have complete dominance on the administrative state council (cabinet), while the ‘non-indigenous’ people of the region had a lion share on the civil/ non-political office of the regional administration but had an insignificant share in the regional administrative council (cabinets). Accordingly, it implies that ‘non-indigenous’ people had an insignificant representation in the notable administrative political institution in the regional state than ‘indigenous’ people.

3.2.2.3. Other Institutions

The representation of people in political system in any democratic society did not limited in legislative and executive organs of the government. While, different government institutions which run political and non-political matters shall also reflect the social composition of that political community. Hence, the representation of people and different groups of people in Benishangul-Gumuz Regional State shall not be limited in legislative and executive organs of the government, rather, as much as possible, other regional institutions like Regional Council of Constitutional Inquiry, Constitutional Interpretation Commission and Judicial Administration shall be organized in a way that can reflect the regional ethnic composition. The Regional Council of Constitutional

Inquiry and Constitutional Interpretation Commission is the regional institutions which have the power of the interpreting the constitution of the region and deciding any constitutional matters including the power of deciding unconstitutionality of any decisions and actions in the region as per the regional constitution article 71, 72 and 73.

The Regional Constitutional Interpretation Commission are composed of only ‘indigenous’ representative without giving any room for the ‘non-indigenous’ people of the region. According to the revised regional constitution article 71 (1) stipulates that “...constitutional interpretation commission composed of four representatives drawn from each indigenous nationality and whose total number of members is twenty...”²⁵⁶ Hence, the ‘non-indigenous’ people of the region had not given any opportunity to be represented in the regional Constitutional Interpretation Commission.

Similarly, in accommodating ‘non-indigenous’ people, the regional Council of Constitutional Inquiry is not also different from the regional Constitutional Interpretation Commission. According to the revised regional constitution article 72 (2), “the council of constitutional inquiry shall have eleven members comprising:-the president of the state supreme court..., the vice president of the state supreme court....., six legal experts....., three representative elected from members of the state council...”²⁵⁷ when we look this in current situation, the president and vice president of the state supreme court are from Shinasha nation; the six legal experts are one from Shinasha, two from Gumuz and three from Berta nationalities; the three representatives elected from members of states council, one from Komo, one from Gumuz and one from Berta nationalities. Therefore, any of ‘non-indigenous’ nationalities are appointed in regional council of constitutional inquiry.

As stated above, ‘non-indigenous’ people had not any representative in the regional Constitutional Interpretation Commission and council of constitutional inquiry. In the first institution it is very clear that the constitution unilaterally give the chance to be represented only for ‘indigenous’ people. While, in the second institution, since their numerical inferiority in the state council, ‘non-indigenous’ people are technically and practically disabled to be represented during the

²⁵⁶ Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, article 71(1)

²⁵⁷ Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, Article 72

appointment process. Therefore the ethnic accommodation of these two institutions are limited to 'indigenous' people of the region. The exclusion of 'non-indigenous' people in these institutions shows that these people are excluded from their right to political participation and decision making power in the region.

3.3.THE PARADOX OF 'INDIGENOUS' VS. 'NON- INDIGENOUS' PEOPLE IN BENISHANGUL-GUMUZ REGIONAL STATE

As discussed in chapter two, people of Benishangul-Gumuz regional state had been categorized in to two groups namely: - 'indigenous' and 'non-indigenous' people. Accordingly, the regional state constitution tries to identify who 'indigenous' and 'non-indigenous' people are in the regional state. Hence, the Benishangul-Gumuz Regional State Revised Constitution, article 2 stipulates that, "indigenous nation nationalities of the region are Berta, Gumuz, Shinahsa, Mao and Komo" while the 'non-indigenous' people are simply referred as "other people who reside in the region" under the preamble of the constitution.²⁵⁸ Therefore, any group of people who is not listed as 'indigenous' people of the regional state is considered as 'non-indigenous' people.

However, beyond simple identification of group by the revised regional constitution, better attempt to define who 'indigenous' and 'non-indigenous' people of the region are made under "Benishangul-Gumuz Regional State Nationalities Council Organization and Power Establishment Proclamation No.73/2000" article 3 (1&2).²⁵⁹ According to this proclamation, 'indigenous' people are "groups of people who are identified as owner of the regional under article 2 of revised constitution of Benishangul-Gumuz Regional State namely; Berta, Gumuz, and Shinasha, Mao and Komo people".²⁶⁰ While 'non-indigenous' people are people "who had long period of contact and relation with the 'indigenous' people of the region in different ways and build common visions

²⁵⁸ Benishangul-Gumuz regional state revised constitution approval proclamation No. 31/2002, article 2

²⁵⁹ Benishangul-Gumuz Regional State Nationalities Council and offices Organization and Power Established Proclamation No.73/2000 article 3(1&2)

²⁶⁰ Benishangul-Gumuz Regional State Nationalities Council and offices Organization and Power Established Proclamation No.73/2000, Article 3 (1) (Translation)

and mission to lead the regional state to better development in trust and consent with the ‘indigenous’ people”.²⁶¹

However, the definition of ‘indigenous’ and ‘non-indigenous’ people had to face different criticisms. Some scholars criticized that the definition and conceptual use of ‘indigenous’ and ‘non-indigenous’ people of the region had conceptual deficiency and inconsistency which did not take even simple element of the international understanding of ‘indigenouness’ which defined by different international organizations. For example, according to Dr. Abdisa Zerai,

*Indigenous people in Benishangul-Gumuz Region mean people who historically settled and politically authorized to the region by the federal government. The distinction of indigenous and non-indigenous people of the region is political imposition which disfranchises the political existence of the rest ‘non-indigenous’ people of the region.*²⁶²

According to him, what ‘indigenous’ people in Benishangul-Gumuz is not the same as the international understanding of ‘indigenouness’, rather, it is used to refer group of people who politically authorized to rule people of the region in which the calculated entitlement of ‘indigenous’ people against ‘non-indigenous’ people goes beyond the conceived historical errors that we believed to be happened.

On the other hand, Dr. Solomon Mebrie also argue that the ‘indigenous’ and ‘non-indigenous’ people of the region lacks conceptual consistency and legibility. According to him:-

*The terminology of ‘indigenous’ and ‘non-indigenous’ in Benishangul-Gumuz regional state is mostly depend on the concept of relatively ‘settling first’ on the area. It mean that some people settled first than the rest groups then these groups are considered as indigenous while the late comers are ‘non-indigenous’ to the area.*²⁶³

Then, as Dr. Solomon Mebrie, the distinction of people as ‘indigenous’ and ‘non-indigenous’ in Benishangul-Gumuz Regional State does not have basic objective criteria to identify members of

²⁶¹ Benishangul-Gumuz Regional State Nationalities Council and offices Organization and Power Established Proclamation No.73/2000, Article 3 (2) (Translation)

²⁶²Abdisa, Z., 2015. *Dean of school of Journalism* [Interview] (8 April 2015).

²⁶³ Solomon, M., 2015. *Lecturer of the Department Political science in Addis Ababa University* [Interview] (10 April 2015).

these two groups of people and justification for that.²⁶⁴ Dr. Solomon Mebrie also refers the Australian case in strengthening his argument that the Australian government uses some objective criteria to identify Aborigines, like blood decent, social and his/her identification as aborigine is used to identify its members.²⁶⁵

However, the two scholars of Addis Ababa University together argue that the regional terminology of ‘indigenous’ and ‘non-indigenous’ people of the region is logically short and politically imposed concept which clearly losses weight. They also share that since the political system of the country overemphasis on the ‘ethnic based politics’ than ‘common political language’ it attach political right to certain territory in which the right holder politically recognized as native. However, according to their argument, the dispersed groups of people like ‘non-indigenous’ of Benishangul-Gumuz Regional State make these group of people lost their right to political participation when they leave their ‘homeland’. They also states, together with the ‘new-comers’ the lately settled group of people, in which their ethnic group are identified as native to the other region, are also merged and referred as ‘non-indigenous’ to the region.

On contrary, Mr. Alebachew Gidey, president of the Regional Supreme Court and member of Regional Council of Constitutional Inquiry, argues that, “even though it is not normatively stated and used in the region, the personality, thought, genetic (mostly taken the fathers national origin) are taken to identify ‘indigenous’ from the ‘non-indigenous’ people in the region”.²⁶⁶ Mr. Alebachew strongly argues that “the distinction of people as ‘indigenous’ and ‘non-indigenous’ are not aimed to realize what the international community defines, rather, it framed in accordance with the reality of Benishangul-Gumuz Regional State”.²⁶⁷ According to him, the need to categorize people as ‘indigenous’ and ‘non-indigenous’ is to guarantee the right to self-administration/ determination and to rectify the historical injustice by providing special preference

²⁶⁴ Solomon, M., 2015. *Lecturer of the Department Political science in Addis Ababa University* [Interview] (10 April 2015).

²⁶⁵ Solomon, M., 2015. *Lecturer of the Department Political science in Addis Ababa University* [Interview] (10 April 2015).

²⁶⁶ Alebachew, G., 2015. *The president of the Regional Supreme court and chairman of the Regional Constitutional Inquiry Council* [Interview] (9 February 2015).

²⁶⁷ Alebachew, G., 2015. *The president of the Regional Supreme court and chairman of the Regional Constitutional Inquiry Council* [Interview] (9 February 2015).

and treatment for those historically misfortune groups of people.²⁶⁸ Hence, for this purpose the regional government gives special preference to ‘indigenous’ people to rectify historical injustice through budget allocation, empowerment, motivation and language preference to enlarge and broaden their opportunity in the regional state.²⁶⁹

Similarly, Mr. Getahun Mergiya, head officer of the regional state council office, states that the distinction of people as ‘indigenous’ and ‘non-indigenous’ just for the purpose of identifying the people who specifically needs special consideration and affirmative actions because of their hard experience that they face in the previous regimes.²⁷⁰ However, according to Getahun:-

*The two groups of people, except in case of affirmative actions, they enjoy the kind of right and duty in the region. However, since the ‘indigenous’ people are politically and constitutionally recognized group of people both in regional and federal level, some political positions are reserved to the indigenous people of the region.*²⁷¹

Generally speaking the two governmental personnel’s of the regional government, clearly argues that the distinction of people as ‘indigenous’ and ‘non-indigenous’ had no any conceptual inconsistency and problem since it is designed in the context of the reality of the regional state.

²⁶⁸ Alebachew, G., 2015. *The president of the Regional Supreme court and chairman of the Regional Constitutional Inquiry Council* [Interview] (9 February 2015).

²⁶⁹ Alebachew, G., 2015. *The president of the Regional Supreme court and chairman of the Regional Constitutional Inquiry Council* [Interview] (9 February 2015).

²⁷⁰ Getahun, M., 2015. *Head of Benishangul-Gumuz state Council Office* [Interview] (11 February 2015).

²⁷¹ Getahun, M., 2015. *Head of Benishangul-Gumuz state Council Office* [Interview] (11 February 2015).

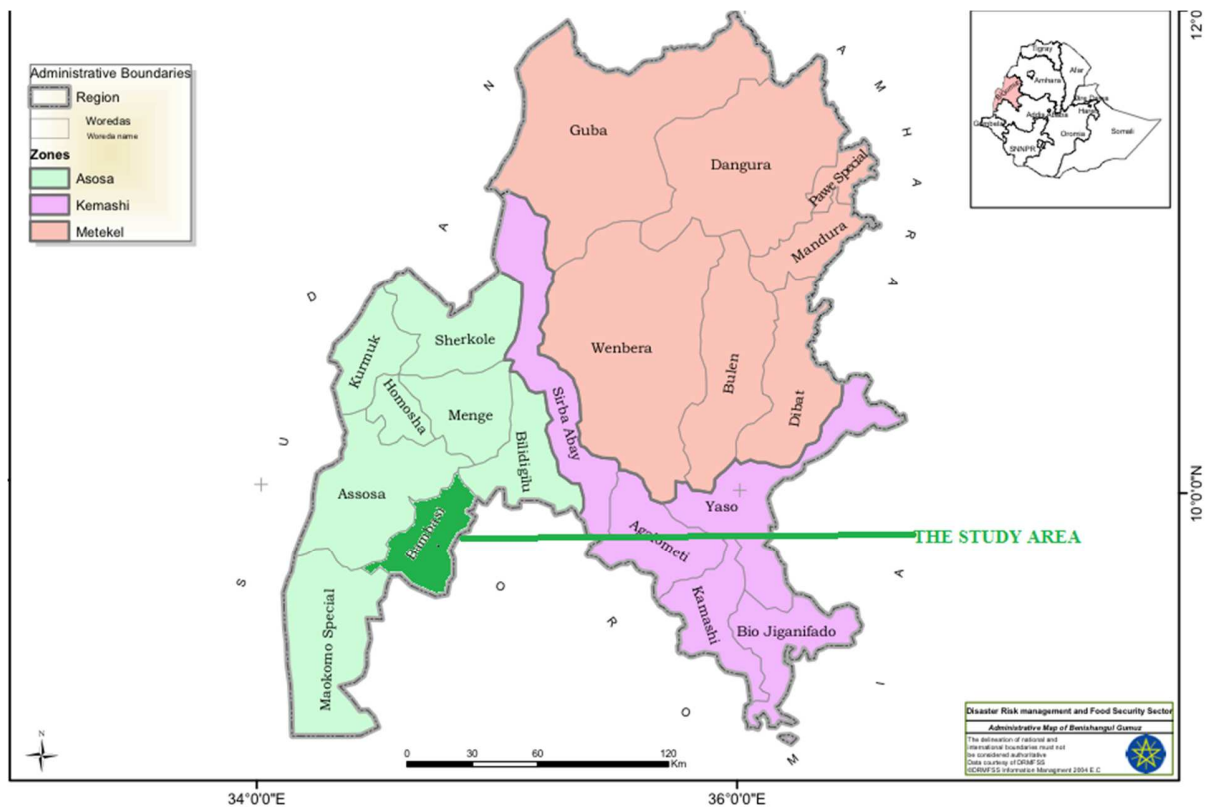
CHAPTER FOUR

STUDY AREA DESCRIPTION

4.1.GEOGRAPHICAL LOCATION OF BAMBASI WOREDA

Bambasi Woreda is one of 7 woredas of Assosa Zone and 20 woredas of Benishangul-Gumuz regional state which have the area of 2008 k.m². The Woreda is bordered by the Mao-Komo Special Woreda on the southwest, Asossa Woreda in the northwest, Odabuldigilu Woreda in the northeast, and by Oromia Region in the southeast. The name Bambasi, which sometimes called **Bambashi**, and its only town, Bambasi town, are named from the tallest mountain called Mount Bambasi.

Map 1:- Admisnitrative Weredas of Benishangul-Gumuz Regional State and the case study woreda



Source:- Directy downloaded from

http://www.dppc.gov.et/downloadable/map/administrative/2005/B_Gumuze.

4.2.DEMOGRAPHY OF BAMBASI WOREDA

According to 2007 report of CSA of Ethiopia, the total population of Bambasi Woreda is 48,694, of whom 24,720 were men and 23, 974 were women.²⁷² Among them, 9,146 (18.78%) of it population were Urban dwellers and the rest 39,548 (81.22%) of the population are rural dwellers and 66.69% of the population are Muslims, while 29.26% of the population were Orthodox Christians and 3.83% of the population were Protestant, 0.205% of the population are Catholic and 0.012% of traditional and other.²⁷³

According to the 2007 National Census of Ethiopia, Bambasi Woreda has an ethnic composition of Amhara (35.5%), Berta (33.8%), Oromo (12.8%), Shinasha (11.2%), Tigray (5.2%), and Mao (3.2%).²⁷⁴ While according to 1994 National Census, the total populations of Bambasi Woreda were 34,475 and its ethnic composition were Amhara (42%), Berta (33.8), Oromo (12.4%), Fadashi (12.3%), Tigray (5.7%) and Mao (3.7%).²⁷⁵

4.2.1. Socio-Economic Activity

Bambasi Woreda is a multi-ethnic woreda in which different ethnic groups who emigrated from different regions because of its fertile soil and rich of natural resources and minerals.²⁷⁶ According to interview with Woreda Administrator, Mr. Esa Hojellie, the social composition of Bambasi woreda ranges from no-educational background, traditional nomadic cattle raring and living in small hats up Ta o higher degree holders and masters, agricultural and extracting minerals and raring of cattle's, living in better and cement constructed houses in towns.²⁷⁷ Ethnically, above six ethnic groups with their own traditional beliefs and religions are counted in the region in 2007 housing and population census of Ethiopia.²⁷⁸

²⁷² Central Statistical Agency, 2007. *National population and housing Census*, Addis Ababa: CSA.

²⁷³ Central Statistical Agency, 2007. *National population and housing Census*, Addis Ababa: CSA.

²⁷⁴ Central Statistical Agency, 2007. *National population and housing Census*, Addis Ababa: CSA.

²⁷⁵ Central Statistical Agency, 1994. *National population and housing Census*, Addis Ababa: CSA.

²⁷⁶ 'Kililachin' Pamphlet of Benishangul-gumuz regional state for the celebration of 9th Ethiopian nation, nationalities and peoples day

²⁷⁷ Esa, H., 2015. *Chief Administrator of Bambasi Woreda* [Interview] (12 February 2015).

²⁷⁸ Central Statistical Agency, 2007. *National population and housing Census*, Addis Ababa: CSA

The speaker of Woreda Council, Ms. Hawa Mohammed, also states that, Residents of Bambasi woreda are a multi-ethnic society in which different ethnic groups like Berta, Amhara, Oromo, Shinahsa, and Agew, etc. are live together and exercise different religions like Christianity, Islamic, catholic and different ‘indigenous’ religions.²⁷⁹ According to her, the people of the woreda residents include, agrarians, merchants, and employed professionals.²⁸⁰

Picture 1:- Typical Hat of Bambasi Woreda, Keshmando Kebele Residents



Source: - direct picture of the researcher

According to pamphlet of the regional state, printed for the celebration of the 9th Ethiopian Nation, Nationality and People’s day in Asossa (November 9/2014), Bambasi Woreda is rich in minerals like Gold, marble, sands, stones and frankincense. However, the main economic activity of woreda is agriculture and the woreda had also an extensive agricultural land which is very conducive for agricultural investment.

The fertile soil and riches of natural resources cause high internal emigration to the woreda from different regions of the country especially from Amhara, Oromia and Tigray regional states. According to Esa Hojelle, beginning from 2010, because Bambasi Woreda is conducive for agricultural activity, different groups of people, especially Amhara, Oromo and Tigray ethnic groups continuously enter to the regional state.²⁸¹ Esa Hojelle states that:

²⁷⁹ Hawa, M., 2015. *Speaker of Woreda Council* [Interview] (10 February 2015).

²⁸⁰ Hawa, M., 2015. *Speaker of Woreda Council* [Interview] (10 February 2015).

²⁸¹ Esa, H., 2015. *Chief Administrator of Bambasi Woreda* [Interview] (12 February 2015)

*Because of unlimited land administration system and weak administration of the woreda, and even the regional government, hundreds and thousands of people migrated from different region. This high rate of emigration increases the population of the woreda, even the region, alarmingly which also causes unnecessary competition for natural resources and farming land as well as scarcity of land for 'indigenous' people of the woreda and the region*²⁸²

Additionally, Van der Beken also argues that, very fertile soil and rich minerals of the woreda makes the pole of attraction for many Ethiopian farmers from other regions that leave their own small and exhausted plots behind.²⁸³ Accordingly, the ethnic diversification of the woreda also clearly reflected the attraction of the woreda for different groups of people from different areas.²⁸⁴ Hence, Bambasi (Bambashi) is a multi-cultural woreda in which many cultures and religious activities of different groups of people are exercised.

4.2.2. rOrganizational Structure of Bambasi Woreda

As per the federal constitution article 52 (2 (b)), regional states had their own constitution and administrative organization through their constitution.²⁸⁵ Hence, Bambasi Woreda is one of the hierarchical administrative units of the Berta Nationality Administration in Benishangul-Gumuz regional state. ²⁸⁶

However, according to the Mohammed Abdul-Aziz, the Chief Administrator of Berta Nationality Administration, “since the nationality administrations of Benishangul-Gumuz regional state are not fully operational, the established woredas including Bambasi Woreda in the regional administration are directly accountable to the regional state but not to the nationality administrations”.²⁸⁷

²⁸²Esa, H., 2015. *Chief Administrator of Bambasi Woreda* [Interview] (12 February 2015)

²⁸³ Beken, V., 2007. Ethiopia: Constitutional Protection of Ethnic Minorities at the Regional Level. *African Focus* , 20(1-2), p.262

²⁸⁴Beken, V., 2007. Ethiopia: Constitutional Protection of Ethnic Minorities at the Regional Level. *African Focus* , 20(1-2), p.262

²⁸⁵Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995, Article 50&52

²⁸⁶ Benishangul-Gumuz Regional State Woreda Power Decentralization Administration Established Proclamation No. 8/2002, Article 9 (1) and Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, Article 45 (1).

²⁸⁷ Mohammed, A., 2015. *Chief Administrator of Berta Nationality Administration* [Interview] (9 February 2015).

According to Esa Hojelle, Bambasi woreda had a long experience of being an administration center for the consecutive two regimes i.e. the Imperial Period of Haile Silassie and Military Regime of Derg. However, official recognition of its woreda administration was realized through the first Benishangul-Gumuz regional state constitution which latter revised in 2002 under proclamation No.31/2002 and through Woreda Power Decentralization Administration Establishment Proclamation No. 86/2002. Accordingly, as clearly stated under revised regional constitution article 84 (1-3) and Benishangul-Gumuz Regional State Woreda Power Decentralization Administration Establishment Proclamation No. 86/2002 article 17, Bambasi Woreda Administration had Woreda Council, Administrative Council and First Instance Court in which basic social, economic and political decisions and policy directives are made.²⁸⁸ Bambasi Woreda administration had also sector offices like offices of social, cultural and tourism, offices of education, offices of Law, governance and justice, offices of economy, budget and finance affairs, offices of Capacity building and social affair, and office of Women's, youth and children's public affairs communication which lead by appointed cabinets of the woreda administrative council.²⁸⁹ Additionally, Woreda administration also had Kebele administrations which organized in council, administrative council and social court.²⁹⁰ Accordingly, Woreda administration had 33 kebele administrations from which 12 are results of settlement and villegization programs beginning from the period of Derg up to now, 4 of them are semi-villages in which some of the residents are settled through villegization programs while the rest 17 are 'formal kebeles'.

4.2.2.1.Woreda Administration

As per the revised regional constitution article 84 and Benishangul-Gumuz regional state woreda power decentralization administration establishment proclamation No. 86/2002 article 17, Bambasi Woreda administration is organized in Woreda Council, Woreda Administrative Council,

²⁸⁸ Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, Article 84 (1-3) and Benishangul-Gumuz Regional State Woreda Power Decentralization Administration Established Proclamation No. 8/2002, Article 17

²⁸⁹ Benishangul-Gumuz Regional State Woreda Power Decentralization Administration Established Proclamation No. 8/2002, Article 39

²⁹⁰ Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, Article 97(2)

and First Instance Courts.²⁹¹ Each of them had their own constitutional mandates stated under chapter nine articles 84-96 of the revised constitution of the regional state.

The Woreda Council, established by representatives drawn from kebeles, is the highest authority of the Woreda administration.²⁹² Hence, according to the interview with the speaker of Woreda Council, Hawa Mohamed, Bambasi Woreda Council has 115 members, directly elected by the people residing in the kebeles of the woreda, which comprises 34 female and 81 male members.²⁹³ The ethnic composition of the Woreda council is Amhara (33), Berta (61), Oromo (7), Tigray (11), Shinsha (1), Agew (1) and Mao (1)

The Woreda Council had its own standing committees, speaker and deputy speaker. Ms. Hawa Mohammed is the speaker of the council and Mr. Endalamaw Asfaw is the deputy speaker of the council. According to Ms. Hawa Mohammed, the council had five standing committees for each five major sector institutions of Woreda administration.²⁹⁴ The standing committees with their ethnic composition established to follow up and oversight over the sector institutions under the woreda administration is as follows:-

Table five: - The ethnic composition of the standing committee of Bambasi Woreda Council

Standing committees	Ethnic groups			
	Berta	Amhara	Oromo	Tigray
Law, governance and justice affairs standing committee	3	1	1	-
Economy, budget and finance affairs standing committees	4			1
Capacity building and social affairs standing committee	3	1		1
Women's, youth public affairs communication standing committee	2	1	1	1
Total	12	3	2	3

Source: - Bambasi woreda administration office data storage and organization office 2007

²⁹¹ Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, Article 84 and Benishangul-Gumuz Regional State Woreda Power Decentralization Administration Established Proclamation No. 8/2002, Article 17

²⁹² Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, Article 84 (1-3) and Benishangul-Gumuz Regional State Woreda Power Decentralization Administration Established Proclamation No. 8/2002, Article 17

²⁹³ Hawa, M., 2015. *Speaker of Woreda Council* [Interview] (10 February 2015)

²⁹⁴ Hawa, M., 2015. *Speaker of Woreda Council* [Interview] (10 February 2015)

The second organ of woreda administration is Woreda Administrative Council, which is the highest executive organ of the woreda and is accountable to the Chief Administrator and Woreda Council.²⁹⁵ As stated in article 91(2) of the revised regional constitution, Bambasi Woreda Administrative Council is comprised of Chief and Deputy Chief Administrator as well as heads of sector offices which are accountable to the regional administrative council in addition to the Woreda Council.²⁹⁶ Accordingly, Bambasi Woreda Administrative Office comprises nine sector offices namely, Capacity Building and Civil Service Offices, Revenue and Customs Office, Governance, Security and Justice Coordination Office, Militia Office, Economy and Fiancé Office, Administrative Office, Women's, Youth Public Affairs Communication Office, HIV/AIDS Prevention and Protection Office, and Justice Office; each of these office are headed by Woreda Cabinets which nominated by Woreda Administrator and approved by Woreda Council.

The third organ of the woreda administration is the judiciary which has the highest power of adjudicating cases as the first instance court of the region. In accordance with the federal and regional constitutional principles of independence of the judiciary.²⁹⁷

4.2.2.2.Kebele Administration

Kebele administration is the lowest administrative extension of the regional state next to the Woreda administration. The Kebele administration is accountable to the city or woreda council. Hence, kebele administration of Bambasi Woreda, as the regional constitution under article 45 (2), is established through settlement pattern, language, identity and consent people reside in the area. However, according to the Benishangul-Gumuz Regional State Woreda Decentralization Establishment Proclamation No. 86/2002 article 11 (2), 5,000 and above number of population is the requirement for establishment of these Kebele administration in addition to the requirement of the regional constitution stated under article 45 (2).²⁹⁸ Accordingly, Bambasi Woreda

²⁹⁵ Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, Article 91 (1)

²⁹⁶Ibid, Article 91(2)

²⁹⁷ Constitution of the Federal Democratic Republic of Ethiopia Proclamation No.1/1995, Article78 and Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, Article 65

²⁹⁸ Benishangul-Gumuz Regional State Woreda Power Decentralization Administration Established Proclamation No. 8/2002, Article 11 (2)

administration had 33 kebeles, from which most Kebele are villages resulted from settlement programs of the regional state and previous governments of the country.

As clearly stipulated under article 97 (2) of the revised regional constitution, the administrative organizational structure of kebele administration are structured in Kebele council, Kebele Administrative Council and Social Court.²⁹⁹ The Kebele Council is established as the highest authority³⁰⁰ whose members is directly elected by respective Kebele residents; and is accountable to the people who elected them.³⁰¹ The Kebele Council is composed of the speaker and deputy speaker of the house; and member of the council is determined by national election law of Ethiopia, the regional constitution and proclamation in accordance with number of each Kebele residents. As Ms. Hawa Mohamed says, the Kebele Council also had standing committees namely; Law, Governance and Justice affairs standing committee, Economy, budget and finance affairs standing committees, Capacity Building and social affairs standing committee, and Women's, youth public affairs communication standing committee whose members are 5-7 depending on the necessity of man power needed for that committee.³⁰²

The next branch of Kebele Administration is Kebele Administrative Council; comprises the Administrator and Deputy Administrator and workers elected from social service-rendering governmental institutions within the kebele.³⁰³ Kebele Administrator is appointed by the Kebele council upon the recommendation by political party or parities with majority seat in the council³⁰⁴ and the deputy administrator and other administrative councils are nominated by the Kebele administrator and approved by the Kebele council.³⁰⁵ There is also 'Kebele manager' (ቀበሌ ስራ አስኪያጅ) who have relatively had educational background for providing technical support and supervision for all activities in the Kebele; assigned by the woreda administration with professional payment.³⁰⁶

²⁹⁹ Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, Article 97(2)

³⁰⁰ Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, Article 98 (1)

³⁰¹ Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, Article 98 (1)

³⁰² Hawa, M., 2015. *Speaker of Woreda Council* [Interview] (10 February 2015).

³⁰³ Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, Article 102 (1)

³⁰⁴ Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, Article 104 (1)

³⁰⁵ Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, Article 105 (2(c))

³⁰⁶ Esa, H., 2015. *Chief Administrator of Bambasi Woreda* [Interview] (12 February 2015).

The last branch of Kebele administration is the Kebele Social Court which has the power of adjudicating cases in the kebele.³⁰⁷ According to the regional constitution article 108 (1), “Kebele social courts are established as a social judicial organs of the Kebele”.³⁰⁸ The Kebele social courts are nominated by the Kebele administrator upon the opinion of Kebele residents and approved by the Kebele council³⁰⁹for the duration of the mandate of the kebele.³¹⁰

³⁰⁷ Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, Article 99 (1-10)

³⁰⁸ Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, Article 108 (1)

³⁰⁹ Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, Article 99 (4)

³¹⁰ Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, Article 108 (3)

CHAPTER FIVE

DATA ANALYSIS AND INTERPRETATION

5.1.INTRODUCTION

This chapter attempts to give a general qualitative description on trend of political participation in general and the right to political participation of ‘non-indigenous’ people in Bambasi Woreda. This will be made by looking at the basic elements of the right to political participation; i.e. the right to elect and be elected, the right to participate and influence decision making and the right to fair representation of ‘non-indigenous’ people in Bambasi Woreda. The right to elect and be elected of ‘non-indigenous’ people to take position or responsibility for any level of administration ranging from Kebele up to federal government would be assessed in light of the regional and federal constitutions in reference with the international human rights framework. And the right to participate on public decision making system and influence for their best interest would be assessed through the discussion of the situation of ‘non-indigenous’ people access to basic social service and goods, as well as protection and guarantee of basic freedoms like freedom of expression, movement and demonstration. In addition to this, the right to get fair representation of ‘non-indigenous’ people for kebele, Woreda and Regional Councils as well as to the federal houses would be also the focus area of the description of this chapter.

Data interpretation and analysis of this chapter is based on the response of interviews with the elected and assigned officials at woreda and kebele levels and community members at woreda level. Besides, some data on issues of representation and election matters are retrieved from Woreda Administration, civil services, Woreda Council and Woreda Courts reports and documents of the woreda as well as observation of the researcher plays significant portion of the chapter. The analysis and interpretation process under this chapter is conducted through organizing, categorizing and tabularizing in to subtopics and sorting them accordingly. Much of the analysis depends on qualitative description sometimes with qualitative data of the general situation of electorate and representational rights.

5.2. AN ASSESSMENT OF THE RIGHT TO POLITICAL PARTICIPATION IN BAMBASI WOREDA

The effective participation of all individuals and groups in political and public affairs underpins the realization of human rights and form a central component of rights-based strategies aimed at eradicating discrimination and inequalities to achieving long lasting development.³¹¹ Bambasi woreda administrator, Esa Hojellie, also seems like to agree with this general principle. He state that “since political participation is a basic human right, democratic administration shall enable public participation on political matter in each and every decision making process that affects them and guarantees their right to participate in election and to join any political associations in accordance with the regional and federal constitution.” As the right to participation on a basis of equitable and fair manner in public and political life is a central feature of the concept of inclusive democracy,³¹² Esa Hojellie also clearly states, “The woreda residents had the right to take part in political matters of their woreda directly or indirectly through their representatives regardless of the ethnic, religious, language and other affinities for all woreda residents and take part in election to have their own representative and to represent their communities”.

The right to political participation of local communities in Bambasi Woreda can also be summarized, if not all inclusive, in to the right to elect and be elected, the right to get fair representation and the right to take part and influence public decision making and formulation of policy directives at any level. Accordingly, these rights are exercised in different ways directly by residents or indirectly through chosen representatives.

Hence in the next few section the paper try to assess the right to political participation in these three areas under the woreda and Kebele administrations with data which was collected from interview and direct field observation together with documents, manuals and report papers of the woreda administrations.

³¹¹ A/HRC/13/23, para. 56; Committee on the Elimination of Discrimination against Women, General Recommendation No. 28 (2010), para. 18; and Committee on the Elimination of Racial Discrimination, General Recommendation No. 25 (2000).

³¹²Universal Declaration of Human Rights, article 21; Human Rights Committee, General Comment No. 25 (1996), para. 21; and A/HRC/22/29, paras. 7–9

5.2.1. The Right to Elect and be Elected

The right to vote and contest in election for having one's own representative and to hold public position in any level of public administration is one of the basic political rights of citizens and manifestation of democratic process and administration.³¹³ Hence, the right to elect and be elected is basic right that people of Bambasi woreda are entitled to exercise their right to make decision directly through election or indirectly through their representatives. Even though, the right to elect and be elected most literally referred only to election which is conducted through secret ballot, referendum which exercise directly in public meeting by raising their 'vote hand' is also other form of election for assessing public interest and make decision as stipulated under the amended electoral law of Ethiopia.³¹⁴

Hence, as clearly stated under the UDHR article 21 (3) and ICCPR article 25 (b) in which Ethiopia signed in 1948 and 1993 respectively, people of the woreda have the right to freely participate in national election as voter of their candidate or be a candidate in electoral contestations. More specifically and directly the right to vote and be elected are clearly stipulated under the FDRE constitution article 38 (1) which reads as, "Every Ethiopian nationals had the right to vote, and be elected at periodic elections to any office at any level of government..."³¹⁵ Nevertheless, the right to elect and be elected is omitted in the revised constitution of Benishangul-Gumuz Regional State, Bambasi Woreda residents can be entitled their right to elect and be elected by the federal constitution and the international human right instruments.

According to head of the Bambasi Woreda Election Pool, Alihend Merqeni, 2015 Ethiopian National Election,

*every resident of the woreda who have woreda resident identity card and Ethiopian citizen whose age is above 18 and free from any criminal charges that prohibit him/her right to elect had the right to register and take voters card for the 2015 national election of Ethiopia.*³¹⁶

³¹³ A/HRC/13/23, para. 56; Committee on the Elimination of Discrimination against Women, General Recommendation No. 28 (2010), para. 18; and Committee on the Elimination of Racial Discrimination, General Recommendation No. 25 (2000).

³¹⁴ Electoral Law of Ethiopia Amended Proclamation No. 532/2007, Article 32.

³¹⁵ Constitution of the Federal Democratic Republic of Ethiopia Proclamation No.1/1995, Article 38 (1)

³¹⁶ Alihend, M., 2015. *Coordinator Bambasi Woreda Election Pool* [Interview] (11 February 2015)

According to him, there is no any kind of preference and restriction for registering and taking an ‘election card’ based on ethnic, language, religion or any social and biological difference as clearly stipulated under the FDRE constitution article 38 (1(c)).³¹⁷

According to the coordinator of the Bambasi Woreda Election Pool, there are around 35 election pools from which 2 of them are in Bambasi Town. The rest 33 are organized for each 33 kebele of the woreda administration.³¹⁸ Hence, residents of each kebele and Bambasi town have been registered and get their electoral identity card from their respective election pools.³¹⁹ The ‘indigenous’ and ‘non-indigenous’ people of the woreda administration are getting registered without any limitation. For example, according to the coordinator of election pool-1, Mr. Ahmed Yesuf, “from the registered 881 Number of voters, 239 are Bertas, 370 are Amhara, 132 are Oromo, 98 are Tigray and 42 are others”.³²⁰

However, the right to contest in election for holding public office had some clear difference that being an Ethiopian and woreda residence identity card holder, and being age of above 21 are clearly stipulated conditions provided by the amended Electoral law of the country.³²¹ Coordinator of Bambasi Woreda Election Pool also says that, to contest in election as candidate, one should be woreda resident for at least two years.³²² Except these few requirements by law and any other specifications of the regional or federal norms, the woreda residents had the right to contest in election to assume public position at any level of government.

The electoral right of Bambasi Woreda resident is not only limited to the right of voting in secret ballots and putting themselves in to electoral contestation as candidate of their localities. However, according to the woreda chief administrator, and coordinator of the Bambasi Election Pools, the woreda residents also had the right to directly participate in referendums.³²³ According to them, for example, residents who had residence identity card, and capable to participate in political

³¹⁷ Alihend, M., 2015. *Coordinator Bambasi Woreda Election Pool* [Interview] (11 February 2015) and Constitution of the Federal Democratic Republic of Ethiopia Proclamation No.1/1995, Article 38 (1(c))

³¹⁸ Alihend, M., 2015. *Coordinator Bambasi Woreda Election Pool* [Interview] (11 February 2015).

³¹⁹ Alihend, M., 2015. *Coordinator Bambasi Woreda Election Pool* [Interview] (11 February 2015).

³²⁰ Ahmed, Y., 2015. *Coordinator of Election pool-1* [Interview] (11 February 2015)

³²¹ Electoral Law of Ethiopia Amended Proclamation No. 532/2007, Article 45 (1c).

³²² Alihend, M., 2015. *Coordinator Bambasi Woreda Election Pool* [Interview] (11 February 2015).

³²³ Esa, H., 2015. *Chief Administrator of Bambasi Woreda* [Interview] (12 February 2015) and Alihend, M., 2015. *Coordinator Bambasi Woreda Election Pool* [Interview] (11 February 2015).

matters, had been participating in popular referendum on the land law and family laws amendment process that were initiated in regional level in 2010.³²⁴

5.2.2. The Right to Fair Representation

The right to fair representation is one of the rights that enable the large group of people to participate in decision making system of the public/government indirectly through their representatives.³²⁵ Additionally, beyond the opportunity to participate in decision making process, fair representation is also a right by itself for group of people and even for loosely associated group of people to lobby decision that affect their interest.³²⁶ The federal system of Ethiopia also had a clear statement on representational rights that shall be conducted through direct popular election and through appointment for the two federal houses- House of People Representatives and House of Federation.³²⁷ Similarly, regional states had also their own representative directly elected by the people through regular elections.³²⁸

As one of regional state of Ethiopia, Benishangul-Gumuz regional state also had its own representative of people that are elected by people of the region through regular election which can best reflect the representation of ethnic groups of the region from each and every woreda administration of the regional state.³²⁹ Each and every administrative units of the region also had their own representative of people who run the legislative power of the woreda elected by the people similarly with the federal and regional level in regular election.³³⁰ Hence, as one of the woreda administration of Benishangul-Gumuz Regional State, Bambasi Woreda had its own representative of people which sent to the regional council and their own representatives of people

³²⁴ Esa, H., 2015. *Chief Administrator of Bambasi Woreda* [Interview] (12 February 2015) and Alihend, M., 2015. *Coordinator Bambasi Woreda Election Pool* [Interview] (11 February 2015).

³²⁵ Beza, D., 2013. The right of Minorities to political participation under the Ethiopian Electoral system. Volume 7.1, p. 1.

³²⁶ Beza, D., 2013. The right of Minorities to political participation under the Ethiopian Electoral system. Volume 7.1, p. 1.

³²⁷ Constitution of the Federal Democratic Republic of Ethiopia Proclamation No.1/1995, Article 53.

³²⁸ Constitution of the Federal Democratic Republic of Ethiopia Proclamation No.1/1995, Article 50 (5).

³²⁹ Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, Article 48

³³⁰ Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, Article 48

in the woreda administration called, Woreda Councils, and Kebele representatives called, Kebele council, who elected by the people that can best represent in kebele and woreda level.³³¹

Bambasi Woreda Council is representatives of the people in each kebele and ethnic groups in which people can get their representational voice in governmental decision making system. According to Ms. Hawa Mohammed, the speaker of woreda council, each kebele administration is expected to have their own representative that are directly elected by their respective residents directly.³³² However, she also states that:-

*Since the non-indigenous people clearly outnumbered the indigenous people in some kebele administrations, the woreda administration tries to develop special representation mechanism to protect the interest and right of indigenous people in their own region and woreda.*³³³

She also states, each kebele send five up to seven representatives to the woreda council. The number of representative of each kebele had been determined in accordance with the national electoral law and regional laws through direct consideration of the population dynamics of the respective kebeles.

In addition to the representative that each kebele had in the woreda council, kebele residents also had their own representative at kebele level which is known as- kebele Council. According to Hawa Mohammed, each kebele had its own council with 100 members that regularly and directly elected by the resident of each kebeles.³³⁴

5.2.3. The Right to Take Part and Influence Public Decision Making

The right to take part and influence public decision making is the other mode of exercising the political right of citizens to safeguard their interest and pattern of decision making process and system of the government. Hence, Bambasi Woreda residents should also entertain this right so as to reflect their interest in the decision making system and also to pattern the decision making power of the woreda administration. Accordingly, residents of Bambasi Woreda participate in political

³³¹ Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, Article 86

³³² Hawa, M., 2015. *Speaker of Woreda Council* [Interview] (10 February 2015).

³³³ Hawa, M., 2015. *Speaker of Woreda Council* [Interview] (10 February 2015).

³³⁴ Hawa, M., 2015. *Speaker of Woreda Council* [Interview] (10 February 2015).

affairs of the woreda directly through taking part on public meetings and discussions, through organizing in to 20-25 or 10-15 groups of people and also individually by providing complaint and opinion directly to concerned administrative offices or indirectly through its own representatives.

According to Esa Hojelle,

Direct participation in our woreda administration is exercised in each and every Kebele administration and ‘villages’ (አጠጥቆ) through public meetings held one day per week on Sunday by the initiation of the woreda or kebele administration or just sending our representative to ‘edir’ or ‘equb’ meetings to discuss on policy directives, implementation procedures as well as any social, political and economic problems; and collect their opinions on any issues including political matters. The collected information, opinions and complains from local communities are used as input for formulation of policy directives and laws in each political level of administration in accordance with their mandate as per the regional constitution.³³⁵

Esa Hojelle states that the Woreda Administrative Council with Kebele Administrators has periodic secessions ones per week that the Woreda Administrative Council and Kebele Administrators would discuss about any issues including political matters and implementation of formulated policy directives with each and every kebele local communities. Kebele administrator or both representatives from Woreda Administrative Council and Kebele administrators’ discuss with the community and report to the Woreda Administrative Council or Woreda Council which will used to formulate policy directives to the Woreda Council or directly reported to the Zonal and Regional Administrative Council for higher decision making. Beyond the formal session ones per week, Kebele Administrators with representatives from Woreda Administrative Council are expected to identify one individual with each and every ‘Mahiber’³³⁶, ‘equb’³³⁷ and ‘edir’³³⁸ associations who responsibly discus social, political and economic issues with members of these ‘mahiber’, ‘edir’ and ‘equb’ association. The discussion results were reported to the kebele and

³³⁵ Esa, H., 2015. *Chief Administrator of Bambasi Woreda* [Interview] (12 February 2015)

³³⁶ It is an association for mutual help which established by the mutual agreement of community members to collaborate each other in different activities that need many labor force.

³³⁷ It is credit association focusing on the mobilization of money at equal amount and for equal benefits in a limited member of the community. It also promotes saving habit among members and provides credit to members.

³³⁸ It is an association for mutual help and burial. It is established by the mutual agreement of community members to collaborate each other whenever any member or their family Members face adverse situations.

woreda administrative council or council for further actions and responses to their problem. Esa Hojelle states, “Either we report to the higher administrative level or try to provide alternative solutions and response for their problem or questions depending with the nature of the problem ad level of authority that we do have”.³³⁹

There is also another alternative that local people can participate and influence formulation of policy directives and decision making system. Even though, policy directives are directly come from the regional state, the woreda administration also had its own constitutional power to formulate its own action plans and issues directives for its own internal rules.³⁴⁰ Regarding with this, Esa Hojelle says: -

There is one-to-five associations of local communities in which one among them take leadership responsibility and discuss on their social, political and economic problems that they face and either they try to solve the problem or just directly report to the kebele and woreda administrative councils hierarchically so that these administrative levels can respond to their problem or formulate action plans and directives on issues or report to the higher administrative level for further and durable action. Additionally, the woreda administration in association with Kebele administration also tries to organize young Kebele residents in to ‘twenty- twenty five’ and ‘ten-fifteen’ group of people and addressed them either to agricultural and other economic and political activities to respond to their problems.³⁴¹

Participation of the Kebele residents in social, political matters through their representatives and their contact with woreda and Kebele council is not blocked after they elect them. Rather it continues and the council members of both administrative levels conduct public discussion on action plans that are formulated by them and policy directives formulated by the regional state. As interview with the speaker of woreda council, Ms. Hawa Mohammed:-

Each Kebele Council conducts discussion and public meeting with Kebele residents depending from the question of the kebele residents or initiation of the Kebele council itself in ‘edir’, ‘equb’, villages (ጎጥ), and Kebele level on the socio-political and economic matters. Then the

³³⁹ Esa, H., 2015. *Chief Administrator of Bambasi Woreda* [Interview] (12 February 2015)

³⁴⁰ Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, Article 87 (2)

³⁴¹ Esa, H., 2015. *Chief Administrator of Bambasi Woreda* [Interview] (12 February 2015)

*Kebele councils conduct monthly session to issue working directives for the Kebele and prepare monthly reports to the woreda council on last day of each month.*³⁴²

Therefore, the local people will also face and contact with another government organ/office which discuss with them directly on their social, political and economic problems. The woreda council is the first public representative which is closer to the people and has day to day eye contact on their problems with local residents of each Kebele.

Ms. Hawa Mohammed also states that:-

*The woreda council also conducts regular session for every three months unless and otherwise the speaker of the council calls special session for special and urgent cases that comes from Kebele councils or initiated by the members of the council itself depending on the existed problem or issues which needs urgent response and measure. Under its formal and special session, the council formulates woreda level policy directives, and also prepares report on its formal session which reported to the zonal and regional council for further and higher level policy directives.*³⁴³

According to her, in the formal sessions, different groups of people are invited to participate and provide constructive comments and suggestions for the council and interested individuals who attend the regular session of the Woreda Council which also similarly followed by the Kebele Councils. Therefore, the voice, suggestion, comment and complaints of the local communities are basic inputs of the woreda and Kebele council for providing action plans and direction and prepare report to the higher decision making process of the regional administration.

Ms. Hawa Mohammed also states that each and every standing committee in kebele and woreda levels also sends their representative to the general public meetings of the woreda and kebele levels and observe and identify social, economic and political problems of the local community. She says that:-

The woreda Council had established special committees which are responsible for conducting public discussion directly and collect information regard to social, economic, and political

³⁴² Hawa, M., 2015. *Speaker of Woreda Council* [Interview] (10 February 2015)

³⁴³ Hawa, M., 2015. *Speaker of Woreda Council* [Interview] (10 February 2015)

matters from each Kebele residents. More specifically, each standing committees of the woreda council identify one representative for field work to conduct public decision on respective filed of responsibility from the Kebele residents with the Kebele Council members and prepare their own report to the regular session of the Woreda and Kebele Council in accordance their mandate.³⁴⁴

Hence, the woreda and kebele administration had exert so many efforts to make local community participant and influence the decision making of the woreda and kebele level of administration.

5.3.THE RIGHT TO POLITICAL PARTICIPATION OF ‘NON-INDIGENOUS’ PEOPLE IN BAMBASI WOREDA

Under this sub-topic the paper tries to assesses the right to political participation of ‘non-indigenous’ people of the Bambasi woreda. Hence, this section of the paper, First, discusses on the right of ‘non-indigenous’ people to take part, influence and the public decision making system, decision itself so that it best reflects their interest directly or indirectly similarly with the rest ‘indigenous’ people of the woreda administration; Second, the right to elect in any public election and their right to be elected for holding any public position under Kebele, woreda, zonal and regional level of administration similarly or equally with the rest ‘indigenous’ people of the woreda will be assessed. Lastly, their right to fair representation in any level of government equally with the rest ‘indigenous’ people will also further stressed on the discussion.

5.3.1. Participation of ‘Non-Indigenous’ People In Decision Making

The right to participate in decision making system and process of ‘non-indigenous’ people in Bambasi woreda administration had not any clear difference from the ‘indigenous’ people. However, since the right to participate in public decision making include basic freedoms like freedom of expression, movement, association, demonstration, and basic rights like the right to access basic information and opinion, there is clear identification of ‘indigenous’ and ‘non-indigenous’ people in these basic rights and freedom. Additionally, the right for the access of basic

³⁴⁴ Hawa, M., 2015. *Speaker of Woreda Council* [Interview] (10 February 2015)

social services and goods is also the major area in which the right to participate in public decision making of people are reflected on.

5.3.1.1. Freedom of Movement, Expression, Association and Demonstration for ‘Non-Indigenous’ People in Bambasi Woreda

Making decision is the composite result of basic freedoms in which people can enthusiastically express their own interest and feeling in all steps and forms of decision making.³⁴⁵ This is because these basic freedom give confidence trusteeship for the ‘non-indigenous’ people on the existing local administration in the woreda specifically and in the federal government generally.³⁴⁶

In Bambasi woreda administration, since the ‘non-indigenous’ people are considered as internal emigrants even by the woreda or kebele administration, the ‘indigenous’ also creates their own circle that makes themselves as distinct and owner of the woreda administration. For example, the resident of village 44 g’ot 2, Seyid Hassen, who migrates from Amhara region before 10 years from West Gojam, Guzara area, states that :-

*Because they consider us as dependent and emigrant who comes to share their advantage the ‘indigenous’ people develop mistrust and unfriendly approach to us in some areas. Due to this mistrust and unfriendly approach we are suspicious to the woreda and regional administration that there will be a forceful eviction if they believed that we cause some problem in the area.*³⁴⁷

According to him, this suspicion and mistrust between people and woreda and regional government also affect their confidence to enjoy their basic freedoms and rights as well as services and goods in the woreda administration.

There is also house-to-house search of kebele residents in searching of new ‘emigrants’ or ‘comers’ by the kebele and woreda administrator, especially in ‘non-indigenous’ kebeles and ‘mixed’ kebeles, to find out those people who come from different areas and did not have resident identity

³⁴⁵Klein, H., 2005. "The right to political participation and the information society". pp. 1-2., Ian, V. D., 1996. A conceptual map of political participation. *Journal of American Institute*, p. 15.

³⁴⁶Klein, H., 2005. "The right to political participation and the information society". pp. 1-2., Ian, V. D., 1996. A conceptual map of political participation. *Journal of American Institute*, p. 15.

³⁴⁷ Seyid, H., 2015. *Farmer* [Interview] (10 February 2015).

card in Bambasi woreda. Temesgen Molla, resident of Amba 16, states that: - “there is house-to-house search and weekly check on some kebeles, in kebeles where non-indigenous people have the largest presence in search of new emigrants from different regional state without direct permission of the regional government for any economic activity.” According to him, each and every kebele residents cannot be visited by their ‘homeland’ families unless and other wise there is a direct permission from the regional government.

On the other hand, some interviewees stated that, even though there is no direct restriction on basic movement and expression, directly or indirectly in one or the other way, their freedom of association and demonstration against any policy and actions leads to a serious action that reached up to forceful eviction. For example, an interviewee, residence of Amba 16 Kebele, go’t 2, who did not want to state his name states that:-

Sometimes the kebele administrator and woreda administrators directly intimidate us that if they get any case and wrong action they can forcefully evict to the area where we come from. Since we are emigrants who came in search of better economic opportunity, we did not expect any kind of opportunity to participate and influence the decision making process of the woreda administration³⁴⁸

Hence, the door-to-door search and eviction as punishment in Bambasi woreda administration highly frustrates residents (especially non-indigenous people) to freely move from place to place and express their feelings for their best interest and influence the decision making system in the area.

Besides, some interviewees stated that since the woreda in particular and regional states in general highly initiate and welcome economic cooperative associations of ‘non-indigenous’ people, it is also too hard to think that these groups do have any opportunity to influence the decision making system of the woreda administration. According to Assegid Wasie, resident of Keshmando Kebele, who come to the woreda administration for agriculture in cooperation with six co-farmers:-

When we come here, we are welcomed by the regional and woreda administration as cooperative farming in formal and legal resident. Now we need more workers in our farm

³⁴⁸Anon., 2015. *Farmer* [Interview] (10 February 2015)

*land. However, because of the serious restriction for new emigrants from different area, it is difficult to get new workers and servants. If we ask to for having any opportunity to change the situation here to get more servants and workers, they suspect us that we call our friends and relatives to increase our presence in the area to dominate them.*³⁴⁹

Additionally, according to some residents, any association in Bambasi woreda administration is purely economic or social like-‘Idir’, ‘Equb’, ‘Mahiber’ and so on. Even though they try to discuss on some social, economic and political matters in these social associations, unless and otherwise there is representative of the kebele and woreda administration, any kind of association and demonstration in the area will result in forceful eviction and termination of their contract to live there. For example, according to the ‘Idir’ leader of go’t-3 of Village 44, Mekonen Sirage, “beyond calling meeting and asking for sending kebele or woreda leader representative in our ‘Idir’ to discuss together and express our opinion, there is no any kind of demonstration and if we do I hope so there will be a serious punishment.”³⁵⁰ According to Wondimu Feleke, resident of go’t-3 Bambasi 02 Kebele, also:-

*Any appointment, nomination and representation always goes through the eyes of ‘indigenous’ people while any economic contribution and burdens are always pushed towards us. Why they did to us is not clear but it seems that the regional government and even federal government also gives them unlimited power and ride off our right at least to ask.*³⁵¹

Therefore, relatively speaking the right to movement, expression and demonstration of ‘non-indigenous’ people in Bambasi Woreda are limited by so many factors than the ‘indigenous’ people in the region just because they come from other regions of the country.

5.3.1.2. The Right of Access to Information and Opinion

The right to information is basic right not only to make decision or participate on it, but also to survive and be an active competent in any social, economic and political matters. It is an informed

³⁴⁹ Assegid, W., 2015. *Farmer* [Interview] (10 February 2015)

³⁵⁰ Mekonen, S., 2015. *Farmer* [Interview] (10 February 2015).

³⁵¹ Wondimu, F., 2015. *Farmer* [Interview] (10 February 2015)

society or individual who can actively participate on decision making process and who can make better decision on any economic, social and political matters.

However, since there is lack of basic services and goods in woreda administration, most kebele resident of Bambasi Woreda did not know what is going on in woreda and regional or federal administration of their country. Hence, according to some interviewees, it is very blind to think that each kebele resident are informed about what is being done in their woreda administration. However, if there is anything that needs public voice or meeting, they will be informed to them through their kebele administrator or g'ot coordinator and their social association leaders. But, this problem is not only to some kebeles but also to the whole kebele administration of the woreda administration.

Similarly, the kebele residents also state, the kebele administrators are very positive to any opinion and suggestions by any individual or group of people. For example, an interviewee of Bambasi 02 Kebele, Wondimu Feleke, states that “in any social and economic problem, they come to our ‘idir’, ‘Iqub’ and ‘mahibers’ and take our opinions in every meetings in addition to the general meeting that we conduct in kebele and governmental level.”³⁵²

Therefore, the ‘non-indigenous’ people of Bambasi Woreda administration had comparable opportunity to be heard their opinion and to express their feeling with the ‘indigenous’ people. But the opinions that they are allowed to provide and the information that they access are limited to social and economic matters through different mechanism. Hence, ‘non-indigenous’ people had little opportunity and chance to influence the public political decision making of the woreda.

5.3.1.3.The Right of Access to Basic Public Services and Goods

The level of provision of goods and services in any democratic government is also one of the basic indicators for the empowerment of the residents in decision making of any political community.³⁵³

As a result, the provision of social services and goods for the kebele residents in Bambasi Woreda administration is also used as one indicator of the decision making power of the residents. Hence,

³⁵² Wondimu, F., 2015. *Farmer* [Interview] (10 February 2015)

³⁵³ Anon., 2000. *Good practice hand book, Public participation in decision making local environmental Decision making, the*. Newcastle : s.n, p.16

in the next few sections, transport service, education, health services, as basic needs of any resident in ‘indigenous’ and ‘non-indigenous’ people in Bambasi Woreda were assessed to see the empowerment in decision making and their power to influence the decision making system of the woreda and kebele administration in regard to provision of basic goods and services.

A. Transport Services

Most kebeles of Bambasi Woreda administration are the result of settlement programs in which ‘indigenous’ and ‘non-indigenous’ people are resettled and relocated from one area to the other. Due to this fact, even the ‘indigenous’ people are also relocated and resettled from their ‘original-homeland’ to other areas for providing basic services and goods. However, except some kebele administration which have access to the main road from Addis Ababa to Asossa, and some kebeles which have seasonal sand road, the rest kebele administrations are expected to walk on foot, unless they use animal transport services, at least for 15 kilometer in one trip to get in Bambasi Town. According to the surveyor of Bambasi Woreda Rural Road Offices, Tagay Endale:-

From 33 kebeles, we try to connect five Kebele namely Bambasi 02, Legawerke Makal, G/metema, Womba, Dabus and Musta by seasonal sand road to Bambasi Town, center of the woreda administration. And in the near future, we try to connect at least five Kebele with Bambasi town. In the next plan, shebora, Afa-buldru, Village 55, Boshma Makal and Ida-Dabus kebeles are identified to be connected to Bambasi town.³⁵⁴

When we look these kebeles who have seasonal sand road, among five kebeles only Bambasi 02 and Legawerke kebele are ‘mixed’ kebele, however, the rest three kebeles are ‘indigenous’ kebeles in which the woreda administration in collaboration with the regional state relocate and settled them in these respective kebeles. However, from around 16 ‘non-indigenous’ kebeles of Bambasi woreda only two, Kashmando and Amba, get transport service since they are on the main road that stretch from Addis Ababa to Asossa. However, among 13 ‘Mixed’ Kebele, two of them already had seasonal sand road and three of them are in plan to be connected in the next near future by seasonal sand road as explained by Tagay Endale. The rest 4 kebeles are ‘indigenous’ kebeles in

³⁵⁴ Tagay, E., 2015. *Surveyor of Bambasi Woreda Rural Road Office* [Interview] (11 February 2015)

which three of them already had seasonal sand road transport services while the rest one kebele is in plan to be connect to Bambasi Town.

Therefore, averagely speaking, ‘mixed’ and ‘indigenous’ kebeles had better transport services than ‘non-indigenous’ kebeles of Bambasi Woreda. Hence, comparing ‘non-indigenous’ people from ‘indigenous’, ‘non-indigenous’ people had poor transport services.

B. Health services and Education

Education and health service provision is also one of the basic indicators of for the empowerment of the resident in decision making system of the woreda administration.³⁵⁵ Hence, availability, quality and teacher-to-student fixture of schools as well as the health services like availability of clinics, medicine, health officers or nurses, clean water, etc. of Bambasi Woreda kebele administration is taken as one indicator for the empowerment of ‘non-indigenous’ people to participate and influence decision making.

The Health service of each kebele of Bambasi Woreda had an identical structure and organizational setup. Whatever ‘indigenous’, ‘Mixed’ or ‘non-indigenous’ kebele administrations, each and every kebele had one clinic with at least two health officer and one nurse for human health service. According to Mestayet Abebe, Bambasi Health Service Officer, “each and every kebele administrations had three health officers. However in some kebele clinics we also had additional, BSc nurse, Pharmacists, clinical nurse.”³⁵⁶ However, Bambasi Woreda had two higher clinics; one in Bambasi Town and the other is in Village 44. Since the two areas are far apart and considering that village 44 is the largest village with many residents and also better strategic place to reach to the rest kebeles which are far from Bambasi Town, additional higher clinic is open in village 44. Village 44 is a mixed kebele administration in which both ‘indigenous’ and ‘non-indigenous’ people live together.

On the other hand, the educational service had also the same trend throughout the whole kebele in Bambasi Woreda. For example, according to Ms. Hyider Hamid, Head Officer of Bambasi Woreda

³⁵⁵Anon., 2000. *Good practice hand book, Public participation in decision making local environmental Decision making, the*. Newcastle : s.n, p.35

³⁵⁶ Mestayet, A., 2015. *Health Officer* [Interview] (11 February 2015)

Capacity Building and Civil Service Office, “each and every kebele of Bambasi Woreda had their own first and second cycle schools with respective teachers and facilities”.³⁵⁷ However, because most ‘non-indigenous’ kebeles of Bambasi Woreda are too far in distance from Bambasi Town and had no transport services, the assigned teachers easily and frequently leave the school. Ms. Hyder Hamid states, “Since most kebeles are distant from Bambasi Town and lacks basic transport service in addition to the hotness of the area, most teachers frequently leaves the schools so that schools did not provide the educational service to children’s of the residents.”³⁵⁸

5.3.2. ‘Non-Indigenous’ People in Election

Election in Bambasi Woreda is conducted as part of the national federal election program for the purpose of appointing woreda administrators, like the speaker, deputy speaker, and chairman of each standing committee of the Woreda Council, Woreda Administrative Council, Woreda Administrator, and Deputy Woreda Administrator in woreda level and speaker, Deputy speaker and chairman of each standing committee of the Kebele council, Kebele Administrator and Deputy Administrator in kebele level. Woreda residents also elect their own leader of village association and take part in public referendums.

5.3.2.1. The Right to Vote

The principle of universal and equal suffrage for all adult citizens constitutes one corner-stone of modern democracies.³⁵⁹ Minding this, election is one of the corner-stone of public participation in Bambasi Woreda that used to build democratic administration in the woreda and even in region and federal level. Hence, Mr. Esa Hojelie, states that every individual who reside in Bambasi Woreda, like that of all people of the country, are guaranteed and motivated to take part in national elections for identifying the best ruling parties which will best administer and protect their interest.

³⁵⁷ Hyder, H., 2015. *Officer of Bambasi Woreda Capacity Building and Civil Service Office* [Interview] (11 February 2015)

³⁵⁸ Hyder, H., 2015. *Officer of Bambasi Woreda Capacity Building and Civil Service Office* [Interview] (11 February 2015)

³⁵⁹ General assembly, Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, A/HRC/27/29: 30 June 2014: p. 4

As stated under the FDRE constitution article 38 (1(c)),³⁶⁰ people of Bambasi Woreda had the right to get registered and take part in public elections. However, Esa Hojeie states:-

Those people who are guaranteed such rights in our Woreda are only those people who have resident identity card from our Woreda administration. But those group of people who did not have resident identity card will not be participate in election since these group of people are expected to participate in voting in the area in which he/she had an identity card of residence.³⁶¹

According to Alihend Merqeni, Bambasi Woreda Election Pool Coordinator, in the 2015 election term when the data collection of this paper is conducted, around 23,640 voters are registered and took registration card.³⁶² Among them 11,023 are Amharas, 7,261 are Berta, 3,912 are Oromo, 356 are Shinasha, 754 are Tgray and 334 are others.³⁶³ According to him, the criteria for registering voters in the area is just having an identity card which assures they are residents of the Woreda and their age is above 18.³⁶⁴

Therefore, standing from statistical data of the woreda election board and respondents of the woreda residents, chief woreda administrator and speaker of the woreda council, the right of ‘non-indigenous’ people to participate in public election in any level of the woreda administration had better express their number and opportunity to enjoy their right to elect in Bambasi Woreda.

5.3.2.2. The Right to be Elected

Among the basic rights of citizens is the right to be elected for holding public position in any level of government. This right in Bambasi Woreda is not unique from the general principle stated under international and national levels. However, since the woreda population comprises of different groups of people which categorizes as ‘indigenous’ and ‘non-indigenous’, the number of people who want to contest in the woreda election is determined in accordance with the number of seats

³⁶⁰ Constitution of the Federal Democratic Republic of Ethiopia Proclamation No.1/1995, Article 38 (1(c))

³⁶¹ Esa, H., 2015. *Chief Administrator of Bambasi Woreda* [Interview] (12 February 2015).

³⁶² Alihend, M., 2015. *Coordinator Bambasi Woreda Election Pool* [Interview] (11 February 2015)

³⁶³ Ibid, (Not, The number of registries of the woreda election will increase since the data collection of the paper was conducted during the mid of voters registering time for 2015 National election of the country)

³⁶⁴ Ibid, (Not, The number of registries of the woreda election will increase since the data collection of the paper was conducted during the mid of voters registering time for 2015 National election of the country)

that they do have in kebele, woreda, regional councils as per determined by the regional constitution in ‘special case’. Referring this point, one of the kebele resident in Bambasi Town states:

*The limited and insignificant number of seats given for “non-indigenous” people in our Woreda clearly discourages the motive and interest of the ‘non-indigenous’ people to contest in election for any position in Kebele, Woreda, Zonal and regional councils.*³⁶⁵

According to him, the number of registries of the ‘non-indigenous’ people to participate in voting and electoral contestations are minor comparing to the number of people live in the woreda. In fact the number of registries for voting and the number of residents in Bambasi Woreda are not proportional. See the table below:-

Table 6: - The population, registered voters and candidate ratio of Bambasi woreda

Ethnic groups	Population in Percent	Registered Voters from 23,640	Number of Candidates(2005)
Berta	33.8%	31.6%	61
Amhara	35.5%	46.6%	33
Oromo	12.8%	16.5%	7
Tigray	5.2%	3.2%	11
Shinasha	0.23%	0.6%	1
Others	3.2%	1.4%	2

Source: - Bambasi woreda administration office data storage and organization office 2015

As the table illustrates, the ‘non-indigenous’ people had better score in the voters’ registration than the ‘indigenous’ people in the area. However, when we look the number of candidates in which group of people are represented, the ‘indigenous’ people take the majority of the candidates. This clearly shows that, there is less ‘non-indigenous’ people

³⁶⁵ Anon., 2015. *merchant* [Interview] (11 February 2015).

candidates and individuals who contest in election which either directly or indirectly affect and result the turn-out of interest of ‘non-indigenous’ people to contest in election.

5.3.3. Representational Rights of ‘Non-Indigenous’ People in Bambasi Woreda

The way conducted representational rights of ‘non-indigenous’ people of Bambasi Woreda is very complex. According to Ms. Hawa Mohammed, the ‘non-indigenous’ people of Bambasi Woreda have the right to fairly represent in kebele and woreda level of administration.³⁶⁶ However, according to the regional constitution article 48 (2), the representation of ‘non-indigenous’ people are determined by ‘special case representation’.³⁶⁷ The special representation system of the ‘non-indigenous’ people of the region as a whole is decided by the respective regional, zonal, woreda or kebele administration.³⁶⁸ According to Alebachew Gidey, the ‘special case’ representation of ‘non-indigenous’ people in the regional constitution implies that the regional constitution recognizes and protect the right of ‘non-indigenous’ people in the regional state council.³⁶⁹ While, according to Dr. Solomon Mebrie, special representation indicates that these groups of people are different to that political community in which they live and it is them who can politely determine their right to fair representation.³⁷⁰ According to Dr. Solomon Mebrie, unless special consideration is used for affirming a group which cannot attain the required objective criteria, it becomes the way for discriminating and curtailing the right of that group or individual who can entertain the right by itself.³⁷¹ Standing to these two contentious arguments, in the next few part, the paper devotes to assess the level of representation of ‘non-indigenous’ people in the woreda.

³⁶⁶ Hawa, M., 2015. *Speaker of Woreda Council* [Interview] (10 February 2015)

³⁶⁷ Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, Article 48 (2)

³⁶⁸ Benishangul-Gumuz Regions State Revised Constitution Approval Proclamation No. 31/2002, Article 48 (2)

³⁶⁹ Alebachew, G., 2015. *the president of the Regional Supreme court and chairman of the Regional Constitutional Inquiry Council* [Interview] (9 February 2015)

³⁷⁰ Solomon, M., 2015. *Lecturer of the Department Political science in Addis Ababa University* [Interview] (10 April 2015).

³⁷¹ Solomon, M., 2015. *Lecturer of the Department Political science in Addis Ababa University* [Interview] (10 April 2015).

5.3.3.1. Representation in Kebele and Woreda Level

A. In Woreda and Kebele council

Representation of ‘non-indigenous’ people in Bambasi Woreda is seen in ‘special representation’, the number of seats and representatives in woreda administration is determined by the Regional Council and Woreda Council.³⁷² However, the representation of ‘non-indigenous’ and ‘indigenous’ ethnic groups of Bambasi Woreda residents in the woreda council are the main challenging area in which the ‘indigenous’ people, irrespective of their population size, consistently dominate the woreda and kebele council.

Even though the representation system of the woreda and Kebele council is quite similar, there is also some unique mechanisms and approaches in which the ‘indigenous’ and ‘non-indigenous’ people are represented in the woreda and kebele council.

According to Esa Hojele, “by giving special focus and affirmation to the ‘indigenous’ people, each and every kebele administration had averagely 5-7 representatives.”³⁷³ However, according to Hawa Mohammed, the kebele representation had not one and identical system and principle in which kebele’s of the woreda sent their representative to the woreda council.³⁷⁴ According to her, in population dynamics, Bambasi Woreda kebele’s had three major categories i.e. Kebele dominated by ‘indigenous’ people (indigenous kebele), Kebele dominated by ‘indigenous’ and ‘non-indigenous’ (mixed Kebele) and Kebele dominated by ‘non-indigenous’ people (non-indigenous kebele) . She states that:-

Their representation in woreda council will be conducted in three major ways. First the indigenous kebele send their indigenous representatives, mixed kebele also initiated to send their representative through the approach of two-to-three in which when ‘non-indigenous’ people had two representatives the ‘indigenous’ people had got the right to send three representatives. However, when the ‘indigenous kebele’ send three ‘indigenous

³⁷² Alebachew, G., 2015. *the president of the Regional Supreme court and chairman of the Regional Constitutional Inquiry Council* [Interview] (9 February 2015)

³⁷³ Esa, H., 2015. *Chief administrator of Bambasi Woreda* [Interview] (12 February 2015).

³⁷⁴ Hawa, M., 2015. *Speaker of Woreda Council* [Interview] (10 February 2015)

representative’, the ‘non-indigenous kebele’ can send two ‘non-indigenous representative’ to the woreda council.³⁷⁵

However, during the interview, Both Ms. Esa Hojelie and Hawa Mohammed states that there is no any representation mechanism which centers ethnic difference and ethnic representation in the kebele and woreda level.

However, as clearly shown in the table, the ‘indigenous’ people get double opportunity and advantage than the ‘non-indigenous’ people to represent in the woreda council. As clearly stated by Ms. Hawa Mohamed, the Mixed Kebele Council and the representation approach for the ‘indigenous’ and ‘non-indigenous’ kebele in the woreda council can leads that the representational right of ‘non-indigenous’ people is subjected two-to-three representational approach, so it certainly limits the representatives of ‘non-indigenous’ people. Standing from that the number of representative of the woreda council in Bambasi Woreda administration for the current term offices looks like as below:-

Table 7: - The ethnic composition and population–representation dynamics of Bambasi Woreda Council

Ethnic group	Number of population	Representative
Berta	20,849	61
Amhara	21,898	33
Oromo	7,896	7
Tigray	3,208	11
Shinasha	7054	1
Agew	1044	1
Mao	430	1

Source: - Bambasi woreda administration office data storage and organization office 2015

As the table illustrates, the ‘indigenous’ people had a majority representation and seat in the woreda Council than ‘non-indigenous’ people of the woreda. Despite their numeric presence, even

³⁷⁵ Hawa, M., 2015. *Speaker of Woreda Council* [Interview] (10 February 2015)

Mao, with one representative, is fairly represented than ‘non-indigenous’ people. While it is only Tigray which had better representation than the rest ‘non-indigenous’ people.

Conversely, the representation of ‘non-indigenous’ people had better progress in the woreda than the regional and federal level. The ‘indigenous’ versus ‘non-indigenous’ composition of the representatives of the woreda council can signify that ‘non-indigenous’ people had better representation in the woreda council than the regional state council. ‘Non-indigenous’ people share 53 representatives, while, ‘indigenous’ people take 62 out of the total 115 representatives of the woreda council.

However, in a situation where minor ‘indigenous’ people take major seats of the woreda council, it is hard to generalized that ‘non-indigenous’ people in Bambasi Woreda Council had fairly represented. Because, in accordance their numeric majority in the area, ‘non-indigenous’ people can deserve more representatives than what they have currently.

‘Indigenous’ versus ‘non-indigenous’ people composition of standing committees of Bambasi Woreda council clearly stipulates the unfair consideration of ‘non-indigenous’ people in the woreda. According to the statistical data of the Bambasi Woreda Administration Office for Data Storage and Organization Office, each standing committee had five members.³⁷⁶ Among five members, the ‘indigenous representatives’ had clear dominance in all standing committees. The ethnic composition of the standing committees of Bambasi Woreda council is also looks like as follows:-

Table 8: - The Ethnic composition of the standing committee of Bambasi woreda council

Standing committees	Ethnic groups			
	Berta	Amhara	Oromo	Tigray
Law, governance and justice affairs standing committee	3	1	1	-
Economy, budget and finance affairs standing committees	4			1
Capacity building and social affairs standing committee	3	1		1
Women’s, youth public affairs communication standing committee	2	1	1	1
Total	12	3	2	3

Source: - Bambasi woreda administration office data storage and organization office 2015

³⁷⁶ Bambasi woreda administration office data storage and organization office 2015

Relatively speaking, the representation in kebele council is much different from the woreda council. Because the residence of some kebele are predominantly ‘non-indigenous’ people, their kebele councils’ are also the representative from the resident ‘non-indigenous’ people. However, in those kebele in which the ‘indigenous’ and ‘non-indigenous’ live together, again the majority of seats are given to ‘indigenous’ people while the representation and number of seats for ‘non-indigenous’ people are determined in special case or two-to-three approach to limit number of ‘non-indigenous’ representatives. Let us see the representation of some kebeles from each three group of kebele administration.

According to Esa Hojelle,

In those Kebele administration in which settlers are largely ‘non-indigenous’ people, the majority members of kebele administrative council and kebele councils are also ‘non-indigenous’ people. While in mixed kebeles in which the ‘non-indigenous’ and ‘indigenous’ people settled together, the kebele administrative council and kebele council are organized with the joint share of the existed ‘indigenous’ and ‘non-indigenous’ people.³⁷⁷

However, more specifically, the speaker of the Bambasi Woreda Council, Hawa Mohamed, states that: -

Kebele administration in which the ‘non-indigenous’ people had a preponderance majority population, like Village 44, had the right to organize self-administering governmental institutions. The Kebele councils and administrative councils are also predominantly ‘non-indigenous’ people. However, those kebeles’ in which ‘indigenous’ and ‘non-indigenous’ people are settled together, the representation of indigenous and non-indigenous people are also through two-to-three approach.³⁷⁸

In looking through it, from three kebele which taken one from each ‘indigenous’, ‘non-indigenous’ and mixed kebeles, the ‘indigenous’ and ‘non-indigenous’ composition of these three sample kebele councils can clearly show that the representational rights of ‘non-indigenous’ people are shortened by one-another reason.

³⁷⁷ Esa, H., 2015. *Chief Administrator of Bambasi Woreda* [Interview] (12 February 2015)

³⁷⁸ Hawa, M., 2015. *Speaker of Woreda Council* [Interview] (10 February 2015)

In ‘non-indigenous’ kebeles, the specification of seats through special representation was designed for protecting the right of, if there are, numerically small ‘indigenous’ people. However, the specification of number of seats through special representation and the two-to-three representation approach in between ‘indigenous’ and ‘non-indigenous’ people of ‘mixed’ kebeles and between ‘indigenous’ and ‘non-indigenous’ kebeles are practically used to limit the number of ‘non-indigenous’ representatives in the woreda and kebele councils.

Table 9: - ‘Indigenous’ vs. ‘non-indigenous’ and ethnic composition of Kebele councils

Kebele	Population No.	Group of people		No. of Representatives
Keshmando (Non-indigenous Kebele)	4994	Non-Indigenous	Amhara	51
			Oromo	14
			Tigray	31
	456	Indigenous	Berta	4
Bambasi 02 (Mixed kebele)	2504	Non-indigenous	Amhara	17
			Gurage	2
			Tigray	6
			Oromo	14
	2096	Indigenous	Berta	61
Must'a (indigenous Kebele)	1633	Non-indigenous	Amhara	6
			Oromo	3
	4867	Indigenous	Berta	78
			Mao	13

Source: - Bambasi woreda administration office data storage and organization office 2015

As the table illustrates, proportional to their population number, members of Keshmando kebele council are predominantly ‘non-indigenous’ people. Though the ‘non-indigenous’ people had majority share of the council, through special representation, ‘indigenous’ people also had 4 representative. Keshmando kebele had four villages and one among the four villages is the village of ‘indigenous’ people in which the kebele council gives 4 representatives for them. However, the rest 96 representatives are given to the rest villages of the kebele. When we look the representation of ‘non-indigenous’ people in Bambasi 02 kebele, despite the ‘non-indigenous’ people has significant numerical superiority, their representatives are only 39. While, though

numerically inferior, the 'indigenous' people had dominant position with 61 representatives from the whole 100 kebele council. Additionally, the representation of 'non-indigenous' people in 'indigenous' kebele is worse than the mixed kebeles. The representation of 'non-indigenous' people in Must'a kebele council shows this problem that only 9 from 100 representatives are given for 'non-indigenous' people which account 25% of the kebele resident.

B. In Woreda and Kebele Administrative Council

Representational rights of people does not necessary ends in the legislative branch or councils, rather the enforcing body of the government should also be the result of different groups of people especially in those area, state or political community in which ethnic diversities is highly prevailed.³⁷⁹ Minding this, the study also assess the ethnic and 'indigenous' versus 'non-indigenous' composition of the administrative council of Bambasi Woreda. The Bambasi Woreda administration had nine sector offices lead by administrative councils under the Bambasi Woreda administration. Except to those people who are employed by their academic merits(proficiency), all members of the administrative council who are appointed for each sector offices are unilaterally from 'indigenous' people. Hence, 'non-indigenous' people did not have any representatives in the administrative council.

However, in Kebele administrative council, especially some kebele like Keshmando, since almost all residents of the kebele is 'non-indigenous' people, the kebele administrative council are dominantly from 'non-indigenous' people. According to Esa Hojellie, in some kebeles in which residents are both 'indigenous' and 'non-indigenous', the administrative council are the composite of these two groups of people in accordance with the number of residents.

However, looking out the ethnic composition of three selective Kebele administrations which taken from representative of three type of kebeles in their 'indigenous' vs. 'non-indigenous' people composition, except 'non-indigenous' kebeles, the administrative council of 'indigenous' and 'mixed' kebeles are predominantly from the 'indigenous' people.

³⁷⁹ Birhnu, G., 2007. *Restructuring state and society: Ethnic federalism in Ethiopia*. first ed. Aalborg (East Denmark): Spirit & Department of Culture and Global studies, p.156

Table 10: - The ethnic and ‘Indigenous’ vs ‘non-indigenous’ people composition of kebele administrative council

Kebele	Population No.	Group of people		No. administrative councils
Keshmando (Non-indigenous Kebele)	4994	Non-Indigenous	Amhara	3
			Oromo	1
			Tigray	1
	456	Indigenous	Berta	-----
Bambasi 02 (Mixed kebele)	2504	Non-indigenous	Amhara	1
			Oromo	1
			Berta	3
Must'a (indigenous Kebele)	1633	Non-indigenous	Amhara	-----
			Oromo	-----
			Berta	4
	4867	Indigenous	Mao	1

Source: - Bambasi woreda administration office data storage and organization office 2015

As it is shown in the table, except ‘non-indigenous kebele’, the ‘indigenous’ people have a clear dominance on administrative council of the ‘mixed’ and ‘indigenous’ Kebeles. Disproportionately with their population, the ‘indigenous’ people has more administrative council members in the ‘mixed’ and ‘indigenous’ kebeles. However, when we look the population composition of ‘mixed’ and ‘indigenous’ kebele administrations, the ‘non-indigenous’ people have an absolute majority and half a share of the population respectively.

5.3.3.2. Representation in Zonal and Regional Administration

The representational rights of the woreda residents are not limited to the kebele and woreda administration level. Rather, they also have the right to be represented and take part in decision making system of the zonal, regional and federal administrations. As residents of the woreda and people of the region, ‘non-indigenous’ people had also the right to get fair representation in every governmental organs.

A. Representation in Zonal and Regional Council

As we have seen in chapter three of this paper, the council in each administration unit is the highest power holder which is responsible for making and formulating laws, rules, guidelines etc. that directly affects their life and interest of the local people, the representation of each and every groups of people who reside in each level of administration is necessary.³⁸⁰ Hence, Bambasi Woreda residents had the right to get represented in Zonal and Regional council. Therefore, representative of the woreda administration who sent to the zonal and regional council should be the composite result of the ethnic groups who reside in the woreda.

Minding this, Bambasi Woreda sent 6 representative for regional council. From 6 representatives in regional council 5 are Berta and 1 is Oromo. However, the numerically dominant ‘non-indigenous’ people, Amhara and the rest group of people like Tigray, Agew and others did not represented in the Zonal and Regional Council. Even, the only one ‘non-indigenous’ representative to the regional administration, from Oromo ethnic group, will not be enough for Oromos’ if there is fair and adequate representation in the regional council. Therefore, the representation of ‘non-indigenous’ people in the regional council is insignificant as we understand from the Bambasi case in which numerically dominant ‘non-indigenous’ people live.

B. Representation in Zonal and Regional Administrative Council

An effective democratic administration system of a multi-ethnic society also clearly addresses fair and equitable representation of those multi-ethnic societies in the executive branch of the government.³⁸¹ However, trying to reflect the woreda and kebele ethnic composition in the law-enforcing organ is quite difficult and unsystematic argument.³⁸² But, considering the possibility for the fair and equitable representation of different group of people in law enforcing organs of the government is also wise and mature democratic system.³⁸³ However, according to Mohammed Abdul-Aziz, Chief Administrator of Berta Nationality Administration (Asossa

³⁸⁰ Karen, B., 2003. The political representation of women and ethnic minorities in established Democracies. p. 12.

³⁸¹ Karen, B., 2003. The political representation of women and ethnic minorities in established Democracies. p. 12.

³⁸² Renee A. Irvin and John Stansbury, 1996. Citizen participation in decision making: is it Worth the Effect? p. 34

³⁸³ Renee A. Irvin and John Stansbury, 1996. Citizen participation in decision making: is it Worth the Effect? p. 34

Zone), except some coincidence, there is no any effort and movement that had been don and even planned to make the law enforcing organ the composite result of different ethnic groups.³⁸⁴

5.4. CHALLENGES FOR POLITICAL PARTICIPATION OF ‘NON-INDIGENOUS’ PEOPLE IN BAMBASI WOREDA

The ‘non-indigenous’ people are one section of society in which each and every administrative units of the Bambasi Woreda put independent of the ‘indigenous’ people. This clear identification affects their life in different ways. The right to political participation is among the mainly affected and reduced rights of the ‘non-indigenous’ people. Scholars and Bambasi Woreda residents state different factors and challenging environments that they do have in federal and woreda level.

According to Bambasi Woreda Residents, the main reason for the shortening of their right to political participation is just because they come from other region or area. Residents like Hachalu Tirfie, Assegid Wassie, Wondimu Feleke and Mekonen Sirrage believes, because just they come from other regional state their right to political participation had been taken for so many times by woreda administrator. While other resident like: - Eshetu Yimer, and Seyid Hassen say that the main reason is because regional state and Bambasi Woreda administration permit them only for social and economic activities; any political activity and decision making is reserved to the ‘indigenous’ people of the woreda.

The normative instruments and politicization of ethnicity in the woreda administration is also one of the contributing factors for shortening of the right to political participation of ‘non-indigenous’ people in the woreda. For example, the normative statement of the regional constitution which identify some group as owner of the region while nothing to guarantee and recognize ‘non-indigenous’ people constitutionally, create in-confidentiality and frustration on ‘non-indigenous’ people to confidentially defend and stand for their right in the woreda. For example, according to Desalegn Mekonen, member of Bambasi Woreda Council, states that:-

We are dependent people in which our representational right and right to contest in election are determined by the regional state but not in accordance with our interest and numeric

³⁸⁴ Mohammed, A., 2015. *Chief Administrator of Berta Nationality Administration* [Interview] (9 February 2015).

*presence. We can present and have more representatives in the woreda council if there is any limitation by the regional state.*³⁸⁵

This implies that the representational and number of candidates who contest in election in Bambasi Woreda were determined and limited by the regional state. The special case representation of the regional state for ‘non-indigenous’ people which were used to develop the two-to-three representational approach of the woreda administration to keep the dominant position of ‘indigenous’ people in woreda council were deep rooted to the constitutional statement of the regional state under article 2, 39 and 48. Desalegn Mekonen also says:-

*Even there is no any constitutional provision which state about our rights that can be used to argue and defend our right. Especially, the extent that we can participate on the political matters of the region were not clearly stated under the constitution.*³⁸⁶

However, scholars argue that, the main reason for the curtailment of the right to political participation of these ‘non-indigenous’ people is deep rooted to the ethno-territorial federal approach of the existing political system of the country. For example, Dr. Solomon Mebrie, Assistant professor of political science of Addis Ababa University, argues:-

*It is an over emphasis ethnic federal system of the country on ethnic identity and its unrealistic attempt to attach each and every ethnic group of the country to certain territory that affects the right to political participation of ‘non-indigenous’ people. Not only their right to political participation but also it makes them a secondary citizen in their country and takes their right to free movement.*³⁸⁷

According to him, since the empowerment of self-administration/determination and to establish their own administrative institution of group of people are limited to the designated home land territory, those group of people or individuals who depart from the area that they empowered were forced to lose their right to political participation and related rights. Hence, since ‘non-indigenous’ people are group of people who migrate from the area that they empowered, they already lost their

³⁸⁵Desalegn, M., 2015. *Council Memeber of Bambasi Woreda* [Interview] (11 February 2015).

³⁸⁶ Desalegn, M., 2015. *Council Memeber of Bambasi Woreda* [Interview] (11 February 2015).

³⁸⁷ Solomon, M., 2015. *Lecturer of the Department Political science in Addis Ababa University* [Interview] (10 April 2007).

right to political participation with the place that they empowered before. If it so, what about people in which they already there in the area before Ethiopian federalism is flourished in 1991? Dr. Solomon Mebrie also argues that because their major ethnic group are signed as autonomous in the other region or area, no matter they come before the introduction of federalism in the country, the federal system of the country did not establish any mechanism or system to handle these ‘non-indigenous’ people of the country.

However, even though they share the argument of Dr. Solomon, some scholars also argues, the main reason for the curtailment of the right to political participation of ‘non-indigenous’ people is the exaggerated affirmation and unscientific measurement of the regional government and lack of intervention by the federal government to protect their rights from regional tyrannies. Similarly, Dr. Abdisa Zerai, Dean of School of Journalism of Addis Ababa University, also argues:-

The regional state and some political elites of the regional state had over pronounce the right of Nation Nationality and People’s right that assured by the federal constitution to ethnic centric feeling to sustain their power and get political legitimacy from the local ‘indigenous’ people. They local political elites tries to convince indigenous people that they are protecting them from these group of people.³⁸⁸

Therefore, the federal approach of the existing political system of the country, exaggerated interpretation of affirmative action by ethno-centric political elites, weak administration, lack of awareness, etc. are among counted factors that leads to the curtailment of the right to political participation of ‘non-indigenous’ people of Bambasi Woreda.

5.5.MEASURES TAKEN TO ALLEVIATE CHALLENGES AND PROBLEM

Challenges are wide and factors are deep rooted to the institutional and organizational set up of regional state and federal government of country. Therefore, measures that should be taken to elevate the problem and dry the root cause in order to protect the right to political participation of ‘non-indigenous’ people in Bambasi Woreda shall be wide in effect and targeted to the basic source of these problems.

³⁸⁸ Abdisa, Z., 2015. *Dean of the school of Journalism in Addis Ababa University* [Interview] (8 April 2007).

Hence, the woreda administration, as the close administration level to the problem with fair autonomy and power, is responsible to take action against the existing problem. Minding this, the woreda in different kebele administrations had attempt to solve the problem through different measures like increasing the provision of basic goods and services, initiating and educating residents to actively participate in the political matter and decision making process of the woreda and kebele administration. The chief administrator of Bambasi Woreda, Esa Hojelle, states “no matter how some problems are beyond our autonomy, the woreda administration tries to initiate kebele residents in their ‘edir’, ‘equb’, and ‘mahiber’ as well as in churches and mosques of social and religious associations to discuss their problems to collect basic information for solving the problem and improve local awareness.”³⁸⁹

Esa Hojelle also states, after permission from the regional state, the woreda administration tries to collect and settled new emigrants to different areas and tries fairly address basic goods and services. He also states, for example, “The woreda administrative council tries to organize kebele residents in to 20-25 or 10-15 and elect their own chair-man as well as assign one representative from each social associations, ‘equb’, ‘edir’, ‘mahiber’, who initiate discussion among them and report to the woreda council for decision making and woreda administrative council for practical implementation and enforcement of some decisions”.³⁹⁰

He also states that, unless it is capacity problem, there is no any kind of discrimination and specification in guaranteeing their right to political participation including provision of basic goods and service in between the ‘indigenous’ and ‘non-indigenous’ people of the woreda administration. According to Esa Hojelle, the distinction of ‘indigenous’ and ‘non-indigenous’ people is just for the sake of identifying the ‘people of the region’ and others and for providing an affirmative action for rectifying historical injustice.

Similarly, the speaker of the woreda council, Hawa Mohammed states, beyond an ordinary categorization of people as ‘indigenous’ and ‘non-indigenous’, there is no any kind of special preference given to the ‘indigenous’ people that goes to the range of discrimination and exclusion of any group right to political participation. According to her, the woreda council also tries to send

³⁸⁹Esa, H., 2015. *Chief Administrator of Bambasi Woreda* [Interview] (12 February 2015)

³⁹⁰ Esa, H., 2015. *Chief Administrator of Bambasi Woreda* [Interview] (12 February 2015)

its own representative and discuss the social, economic and political problems that the residents had and tries to make a decision that used to solve the problem.

She also states that establishing self-administering 'non-indigenous' kebele administration is also one measure taken by the woreda administration for enabling the right to political participation of 'non-indigenous' people in the woreda administration. An extensive employees of our civils service is 'non-indigenous' people in which it indicates that the 'non-indigenous' people can enjoy the same right with 'non-indigenous' people.

However, woreda residents like, Hachalu Tirfie, Assegid Wassie and Wondimu Feleke states that the woreda administration had clearly push-out them from participating in political and decision making system of the woreda administration just because they are not native. Hence they believe that the action of the woreda administration is not enough to solve their problems. The discrimination in pre-text of affirmative action, the economic burden and political segregation by the woreda administration makes their life gloomy.

On grand level, the regional and federal government had also expected to take a durable solution and measure on these problems. Hence, the regional state also tries to count the measures taken to solve such problems that most rarely happen to 'non-indigenous' people. However, the regional state did not believe that the limitation of representation and candidates for election including the two-to-three approach in their regional state is discrimination against 'on-indigenous' people. For-example, the president of the regional Supreme Court, Alebachew Gidey states:-

It is good to consider and not to discriminate in between people, however, it is also our constitutional right to and even obligation as state to protect and defend the people of the region. Even though giving representation is not an obligation, the regional state gives recognition to 'non-indigenous' people to get representation and participate on political matters of the regional state. For example, the amendment of the regional constitution in 2002 enables them to get representation in the regional state council. Additionally, during the amendment of the regional land proclamation and family law, the non-indigenous people are initiated and appreciated to equally participate on discussion and referendum³⁹¹

³⁹¹ Alebachew, G., 2015. *The president of the Regional Supreme court and chairman of the Regional Constitutional Inquiry Council* [Interview] (9 February 2015).

Additionally, the Regional State Council Office, Mr. Getahun Mergiya, head officer of the regional state council, also states, there is no any discrimination and exclusion of any group of people, the right to political participation of ‘non-indigenous’ people, in representation, election and decision making, are equally enjoyed, except in few cases in which the regional state provide special preference to ‘indigenous’ people as an affirmative action to rectify historical injustice. However, he also states, “if there is no any administrative problem, the need of representation etc. is not as such mandatory for these group of people”.³⁹² Hence, this can imply that the regional state did not even believe that the representation by it is self is the rights and even they believe that it is their choice and right to permit and allow ‘non-indigenous’ people to participate in any political matters of the regional state.

The federal government of Ethiopia had the power of establishing and implementing national standards and basic policy criteria for public administration, protection and preservation of cultural and historical legacies. However, until this period, except the judicial adjudication of the House of Federation and commission of Constitutional Inquiry’s decision against the language requirement of the NEB’s decision, the federal government did not make any active measure and action against the exclusion of the right to political participation of non-indigenous people of the country.

³⁹² Getahun, M., 2015. *Head of Benishangul-Gumuz state Council Office* [Interview] (11 February 2015).

CHAPTER SIX

CONCLUSION AND FINDING OF THE STUDY

6.1. Summary and Finding of the Study

The right to political participation is citizens right of influencing the interrelation and interaction of human beings and operation of resources and power in certain political community. It is also used to manage internal power and resource struggle within certain political community or unit of political administration. Especially, in the decentralized or federal form of administration in which local administrative units are organized with some autonomy, local units are resistive for preserving their sovereign power (political) and resource from an internal and external competitor. Ethiopian federalism had also face the same challenge of power and resource competition within or between local administrative units. Especially, within the local administrative units, the internal emigrants and people who did not settle in their 'home-region' or authorized local administrative units of the country are the first group of people who seriously affected and segregated from major political and socio-economic activities due to the power and resources struggle among local residents.

In alleviating these challenges, the federal system of Ethiopia tries to create homogenous local administrative units by making an ethnic identity as marking line incongruent with the territorial demarcation of the constituent units of the federation. However, despite this, most regional states are ethnically heterogeneous. Beyond this, an internal emigrants from different areas makes every regional state more heterogeneous. However, except those 'indigenous' people who exercise their right to self-administration/determination through nationality administration, special woreda, and special kebele, the federal government did not put any mechanism and measure for protecting the rights of 'internal emigrants' or 'non-indigenous' people who settled outside their 'home-region'.³⁹³ Protection mechanism of the regional states is very cosmetics in which 'non-native' people did not get the required protection and recognition. Some regional states, like Benishangul-

³⁹³ The Home region is the region in which assigned for people or group of people legally and politically as their region. For example, Oromia region is the home region of Oromos and Afar region for Afars, Amhara region for Amhara, Agew and Oromo, Benishangul-Gumuz region for Berta, Gumuz, Shinsha and Mao-komo etc. are home regional states.

Gumuz, were further identify them as ‘non-indigenous’ people and develop different treatment that follow their identity alterably from the ‘indigenous’ people.

Benishangul-Gumuz Regional State is the first regional state which officially endorse grouping of people as ‘indigenous’ and ‘non-indigenous’ of politically authorized and non-authorized groups of people respectively. In Benishangul-Gumuz Regional States, the political activities of ‘non-indigenous’ people limited and confined them in non-political institution as civil servant. They are excluded from enjoying the right to political participation just because either they come from other region or ethnic groups which had their own authorized administrative unit. Though most officials of the regional state argues that these are affirmative measures that had been taken to protect rights of the ‘indigenous’ people of the regional states and to rectify historical injustices, scholars argues that the action is beyond the concept of affirmative action of creating equality, targeted certain group and is creating a counter product of equality.

The research investigated a case of a particular woreda from Benishangul-Gumuz Regional State i.e. Bambasi Woreda. Bambasi Woreda Administration. The case study area is the most diversified woreda administration which includes ‘indigenous’ Berta Nationality and so many ‘non-indigenous’ people of internal emigrants and settlement programs. ‘Non-indigenous’ people in Bambasi Woreda are numerically superior which covers around 64.7% of the population. While the remaining 36% constitute the ‘indigenous’ people out of which 33.8% are Berta, ‘the legal owner of Bambasi Woreda’, and 3.2% are Mao. The ‘non-indigenous’ people are strong economic source of Bambasi Woreda.

Though they are numerically superior and strong economic resource, ‘non-indigenous’ people did not have fair and equitable right to political participation in the woreda administration. For example, when we look at the right to get fair and equitable representation of Bambasi Woreda residents, ‘non-indigenous’ people of Bambasi Woreda did not have fair representative in the regional council. Out of six representative’s that represent Bambasi Woreda in the Regional State Council, only one is from ‘non-indigenous’ people.

Unlike the regional council, ‘non-indigenous’ people had an improved representation in woreda council. when we look the representation of ‘non-indigenous’ residents of Bambasi Woreda, in the

Woreda Council, among 115 members 53 representatives are assigned for ‘non-indigenous’ people who shares around 64.7% of the society. While, 62 representatives are assigned for ‘indigenous’ people who shares 36% of the woreda resident. However, comparing their numeric presence, still it does not mean that the ‘non-indigenous’ people had fair and enough representation in the woreda council. Because, non-indigenous people can deserve more representatives in the woreda council than that they have.

The place of ‘non-indigenous’ people in Woreda Council Standing Committee is not also different. Among the 20 members of the Standing Committees of Bambasi Woreda Council, there are only 8 representatives of ‘non-indigenous’ people while the remaining 12 representatives are from ‘indigenous’ Berta Nationality of Bambasi Woreda. The reason for this imbalanced representation in Bambasi Woreda Council is because of two-to-three representational system that the woreda apply.

However, unlike the Woreda Council, the Woreda Administrative Council did not give any room for ‘non-indigenous’ people. All eleven members of administrative Council, in which nine of them are heads of sector offices and the two are chief and deputy chief administrator of Bambasi Woreda, are from the ‘indigenous’ Berta Nationality. While ‘non-indigenous’ people in Bambasi Woreda had a dominant position in the non-political institutions as civil servant of the woreda administration. This clearly shows that there is a hindrance or limiting factor that makes ‘non-indigenous’ people limited on non-political institutions as civil servant.

Representation of ‘non-indigenous’ people in kebele administration is relatively better than the woreda. As discussed above, Bambasi Woreda Kebele Administration had three categories; ‘indigenous’, ‘mixed’ and ‘non-indigenous’ kebele administration. Because most ‘non-indigenous’ kebele administrations are dominated by emigrant ‘non-indigenous’ people through settlement programs, their administrative institutions are also purely ‘non-indigenous’. Which means, their Kebele Councils and Kebele Administrative Councils are from ‘non-indigenous’ people. However, when we look at the ‘mixed’ kebele administration, the situation is quite different. In these Kebeles, though ‘non-indigenous’ people are numerically superior, majority of representatives of the kebele council are drawn from the ‘indigenous’ Berta Nationality. In ‘indigenous’ kebele administration, though there is no purely ‘indigenous’ kebele administration

in populace, the kebele council is purely from 'indigenous' Berta and Mao Nationalities. The Kebele Administrative Council is also organized in the same line of the Kebele Council.

The right to elect and be elected is also one of the basic political participation rights in which the investigation focus on the study area. Hence, though they are inseparable, protection of the right to elect and be elected in the study area is investigated independently. When we look the right to elect or take part in public voting, the 'indigenous' and 'non-indigenous' people did not had any difference. Rather, in the 2015 current National Election of Ethiopia, 'non-indigenous' people had a lion share of the registered voters of Bambasi Woreda Election Pools. Even though the number of registered voters are not comparable to their number of residents of the woreda, comparing to the 'indigenous' people, 'non-indigenous' people had better share of voters. However, when we look at the right to be elected and contest in election, the number of 'non-indigenous' candidates who contest in election compared to their number is minor. It is less than candidates from the 'indigenous' people. This is due to the reason that the number of 'non-indigenous' candidates are also calculated in two-to-three approach for kebele and woreda councils. Additionally, there is also clear affiliation and encouragement to the 'indigenous' Berta Nationalities to take the dominant place in the politics of the woreda administration while discouragement through laws, decisions, provisions of services and goods of 'non-indigenous' people of Bambasi Woreda.

The other political right in which 'non-indigenous' people need to guarantee is the right to participate and influence public decision making of the woreda administration. Even though, structurally, 'non-indigenous' people of Bambasi Woreda had similar opportunity to participate on political matters and decision making system of the woreda administration, there are so many factors and discouragements that affect their opportunity and right to participate and influence the decision making of the woreda and kebele administration. For example, the door-to-door search and check of individuals wherever and whenever the administrators believes as necessary for searching new comer in the house of 'non-indigenous' people and punishment through eviction for only 'non-indigenous' people from the woreda administration frustrates them and directly affects their right to influence the decision making of the woreda and kebele administration. This door-to-door search against new immigrants also clearly affects the right of any citizens to move

from place to place and gather information which is necessary for constructive and updated information for decision making.

The other major and basic problem in the right to participate and influence public decision making of 'non-indigenous' residents is the level of access and provision of basic goods and services in the kebele administrations. For example, when we look the transport service, only two 'non-indigenous' kebeles get seasonal transport service while the rest 14 kebele administrations had not any transport service throughout the year. However, the 'mixed' and 'indigenous' kebele administration, especially 'indigenous' kebele administrations had better transport coverage and services. In education, even though almost all kebele administrations have their own first and second cycle schools, because most 'non-indigenous' kebeles lacks the provision of basic goods and services including transport and school facilities, teachers frequently leave the school. Hence, most schools of 'non-indigenous' kebeles did not provide their service to the residents. The health centers also face the same challenge and problem of losing their workers and officers. However, despite of the prevalence of these problems, none of 'non-indigenous' kebeles tries to compliant the situation for the improvement of these services and goods in the area. Therefore, this lack of provision of basic goods and services attributed to their limited influence and power of 'non-indigenous' people in decision making of the woreda.

For these problems, there are so many reasons that account for the exclusion and under-consideration of the right to political participation of 'non-indigenous' people in Bambasi Woreda. Among these, the major possible causes for this problem are summarized as follows. The first and most critical reason is the ethno-territorial autonomy approach of the federal government of Ethiopia. The territorial base approach of allocating designated 'homeland' to each largest ethnic group of the national state and the power of self-administration and territorial autonomy of the group limit the right to political participation of individuals or group of people's who already goes out from the area of their 'homeland'. Hence these groups of people, like 'non-indigenous' people of Bambasi Woreda, who move from their 'home-region' had lost their right to political participation. The second reason is the use of the ethnic or regional states autonomy approved by the federal system of the country self-indulgently to exclude the internal emigrants and non-native resident of the woreda administration. The official and constitutional distinction of people as

'indigenous' and 'non-indigenous', specification of their representation through 'special representation' and facility and service difference are a direct reflection of their exclusions from political participation rights and their capacity to influence public decision making. The third reason for the exclusion of 'non-indigenous' people from the right to political participation is the turn-out of interest of 'non-indigenous' people to participate in political matters due to different reasons. Frustration resulted from door-to-door search, punishment by eviction, lack of awareness etc. are the main basic causes for their turn-out of their interest from political participation.

6.2. Conclusion and Recommendation

As a concluding remark, the right to political participation is basic human right that entitled to every citizen of national state. As the internal human right instruments, UDHR and ICCPR, as well as domestic laws of the country, FDRE constitutions, the right to political participation is given to all citizens of the country irrespective of difference in color, race, language, nationality, resident etc. As federal state, the federating units, regional states, had also the same responsibility to protect and safe-guard the rights of all residents of the regional state and local administrative units as per the FDRE constitution and their regional constitutions. The local administrative units are good alternatives to ensure the right to political participation through self-administration/determination.

However, in Benishangul-Gumuz Regional State, despite the effort of the FDRE constitution principle of equality and non-discrimination as well as equal entitlement of right to political participation to all citizens of the country, internal emigrants literally known as 'non-indigenous' people of the region did not enjoy their right to political participation equally with 'indigenous' people. After the regional state officially endorse distinction of people of the region as 'indigenous' and 'non-indigenous', the 'non-indigenous' people of the regional state face official 'restriction' from the right to political participation. Article 39, the notable political right of self-determination and right to equally participate in established administrative institution were exclusively given to the 'indigenous' people. 'Non-indigenous' people are also extremely segregated from notable political institutions like the State Council, Administrative Council and Constitutional Interpretation Commission. There it is safe to conclude that 'non-indigenous' people are politically segregated and their right to political participation are curtailed in the regional state. Hence, it implies that the regional states is expected to improve the political participation of 'non-

indigenous' people in the regional. For this, it is possible to scholarly suggest for constitutional amendment that provoke discrimination between these two groups and fair institutional consideration of 'non-indigenous' people in major political institutions of the regional state.

However, as the case study shows, the political participation of 'non-indigenous' people in Bambasi Woreda shows better progress and improvement when we come from the region to woreda and kebele administration. The exclusion and limitation of their right to political participation in the woreda and Kebele is not very serious like that of the regional level. Even the 'indigenous' versus 'non-indigenous' people composition of the major political institutions (council and administrative council) of the woreda and kebele administration are better than the regional level. For example, when we compare representation of Amhara people in council of the regional, woreda and kebele level of administration, the representation goes from 4 representative out of 99 in regional state to 33 out of 115 in the woreda level. Even in Kebele, the Amhara people have their own kebele administration. Similarly, the representation of Oromo and Tigray people had also better improvement.

However, when we compare to the level of representation in accordance with numeric presence of 'non-indigenous' people and number of representative of 'indigenous' people, 'non-indigenous' people in Bambasi Woreda had minor representation. The two-to-three representation approach for numeric limitation of 'non-indigenous' representative in woreda council and absent of even one representative in the woreda administrative council clearly show that 'non-indigenous' people are not fairly and duly considered in administrative institution of the woreda administration. Therefore, it is possible to safely conclude that the institutional accommodation and protection of 'non-indigenous' people in the woreda administration is very less. Hence, it implies that the woreda administration were expected to establish an all-inclusive institution by voiding the two-to-three representational approach and the like.

Lack of adequate representation of 'non-indigenous' people affects their interest to participate in election and to contest in election. Hence, an insignificant candidates and representatives of 'non-indigenous' people in Bambasi Woreda had leads turn out of interest of 'non-indigenous' people participation and to contest in election. For example, even though the registered numerical size of 'non-indigenous' people outnumbers 'indigenous' people, the registered voters are disproportional

to their numeric presence in the woreda administration. The problem of 'non-indigenous' voter turn-out is attributed to the presence of insignificant candidates and representatives in the woreda administration. As stated above, insignificant candidates and representatives in the woreda administration also attributed to the two-to-three approach of the woreda administration and 'special representation' approach of regional states. Inadequate representation and lack of interest to vote and contest in election of 'non-indigenous' people also affect them to equally enjoy the provision of basic goods and services. For example, In Bambasi Woreda, the provision of basic goods and services for 'non-indigenous' people is further worse than 'indigenous' people. The freedom of speech, movement were shrink by the door-to-door search and punishment though eviction. The freedom of information and opinion of 'non-indigenous' people are also limited to social and economic issues. This clearly implies that 'non-indigenous' people are keep apart from participating in decision making of the woreda administration. Therefore, it is possible to suggest that the woreda administration shall establish a working directive which can recover back the participation of 'non-indigenous' people in decision making work to improve the political participation of 'non-indigenous' people.

The contributing factor for under-representation of 'non-indigenous' people is deep rooted to the political administration and institutional arrangement of Ethiopia. The allocation of designated 'homeland' to each ethnic groups of the country disables the enjoyment of the right to political participation of 'non-indigenous' people out of their 'home-regional state'. As the case study implies, 'non-indigenous' people are an eternal emigrants who leaves their designated 'homeland' or leave their majority ethnic decedents 'homeland'. Therefore, it possible to conclude that the source of the allocation of group of people in a designated 'homeland' is rooted to the ethnic-territorial approach of the federal system of the country. Hence, it indicates that tackling the problem needs the amendment of allocation of a designated 'homeland' to each ethnic groups which can possibly affect the right of those people who moved from their 'homeland'.

Despite the prevalence of the problem, the measures and actions taken by the woreda administration, regional states and federal government was insignificant. Due to jurisdictional limit except some administrative measures, Woreda administration cannot solve the problem. Even the issues of discussion and public meetings of the woreda residents are purely economic and

social rather than political issues which is the most critical problem for ‘non-indigenous’ people. Despite any kind of discrimination against political participation rights is void in the FDRE constitution article 38, there is no any actions and rectification of mistakes against the two-to-three approach of the woreda administration and limitation of seats in name of special representation to ‘non-indigenous’ people in the regional state. Beyond that, the federal government of Ethiopia also did not provide any kind of interventionist mechanism for protecting such internal migrants or ‘non-indigenous’ people of the country.

Hence, it implies that, as other cases that allow federal intervention in regional cases, the federal government are expected to work on developing an intervention mechanism for defending and protecting the right to political participation of ‘non-indigenous’ people in each and every level of administration. It also implies that the federal government shall put an imposition in rectifying such actions and normative instruments which will potentially and actually clash with the FDRE constitution. It also suggest that the federal government shall take the initiative and develop an intervention mechanism against the violation of the right to political participation of ‘non-indigenous’ people.

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APPENDIXES

APPENDIX ONE: - SOME PICTURES

Picture three: - chief speaker of Bambasi woreda council



Picture four:- Chief administrator of Bambasi woreda



APPENDIX TWO: - INTERVIEW GUIDING QUESTIONS FOR DATA COLLECTION

The interview guiding questions had two types. These are an in-depth interview guiding questions and Key informant interview guiding questions. These two types contain seven parts of interview guiding questions as follows.

Type One: - An In-Depth Interview Guiding Questions

I am Gizachew Wondie, a human right student at Addis Ababa University of College of Law and Governance Center for Human Rights. I am conducting graduating research on **'Indigenous' and 'non-indigenous' People's Rights in Benishangul-Gumuz National Regional State: the right to political participation of 'Non-indigenous' people in Bambasi Woreda.** In doing so, I found it is very important to get your input for desirable analysis and conclusion on the issues. Therefore, I am going to appreciate for your consent and cooperation to take part in this interview to provide necessary information for this research paper. Lastly I can assure you that the information that you provide will be used only for academic purpose and any request concerning this issues is acceptable.

Part one: -Interview Guiding Questions for 'non-indigenous' Residents

1. How many years do you live here?
2. How you come here and what you do here know?
3. Are you aware of the how rules, policies and regulations of your Kebele, woreda and region are formulated?
If yes! How?
If No! Why?
4. Do you ever participate on the formulation of policy directives?
If Yes! How?
If No! Why?
5. Do you think that 'non-indigenous' people are treated equally with the rest group of people?
6. If No! What are the areas that 'non-indigenous' people did not seen (treated) equally with 'indigenous' people?
7. What are the challenges that hinders your right to political participation?
8. What measures and efforts do you see from the local and regional government to support your right to political participation?
9. What do you recommend about the issues?

Type Two: - Key-Informant Interview Guiding Questions

Part Two: - Interview Guiding Questions for Woreda Administrator

1. Could you explain the demographic composition of your woreda administration please?
2. How are policies, rules, regulations and local development programs formulated and implemented in your Woreda?
3. Do the local people participate in the formulation process?
If yes! How?
If no! Why?
4. How could the political participation of 'non-indigenous' people of your woreda looks like?
5. How do you consider the right to fair representation of 'non-indigenous' people in your woreda administrative council?
6. How much 'non-indigenous' people participate in election and public referendum in you woreda?
7. How do you see the participation of 'non-indigenous' people to contest in election for holding public position in your woreda?
8. What kind of system and procedures used to make 'non-indigenous' people participant in political matters of your woreda?
9. What are the challenges that you face in enabling local participation in the decision making and policy formulation process?
10. What do you propose for these challenges?

Part Three: - Interview Guiding Questions for Woreda Council

1. Could you explain the demographic composition of your woreda council please?
2. How are policies, rules, regulations and local development programs formulated in your Woreda Council?
3. Do the local people participate in the formulation process?
If yes! How?
If no! Why?
4. How could the political participation of 'non-indigenous' people of your woreda looks like?

5. How do you consider the right to fair representation of 'non-indigenous' people in your woreda council?
6. How much 'non-indigenous' people participate in election and public referendum in you woreda?
7. How do you see the participation of 'non-indigenous' people to contest in election for holding public position in your woreda?
8. What kind of system and procedures used to make 'non-indigenous' people participant in policy formulation and decision making system of the council?
9. What are the challenges that you face in enabling local participation in the decision making and policy formulation process?
10. What do you propose for these challenges?

Part Four: - Interview Guiding Question for Nationality Administration

1. Could you explain the administrative structure and demographic composition of your nationality administration?
2. What is the process of formulation of laws, policies and regulations in your nationality administration?
3. Do you have mechanisms that aim to ensure participation of local people?
4. What are these mechanism? How are these being implemented?
5. Do you receive requests and applications for participation in elections or related issues?
6. Which group do often raise such request and what are the types of request?
7. Who is mandated to see these cases?
8. What are the systems and procedures that you make these groups of people's participant in decision making and formulation process?
9. Could you explain the challenge that you face during the implementation of these systems and procedures in your nationality administration?
10. What do you propose for these challenges?

Part Five: - Interview Guide for the Regional State Council

1. Could you explain the structure and demographic composition of your state council?
2. What is the process of formulation of laws, policies, strategies and guidelines in your region?
3. What are systems and practices that you have for enabling participation of people in your region?
4. For example, article 111 (6) of the regional constitution states that “the regional states have the responsibility of making the local people participant on the policy formulation process” and the FDRE constitution article 88 (2) says that “the government shall have the duty to..... Strengthen ties of equality, unity and fraternity among them”. Do you think an enabling environment and framework are in place for these political and economic objectives of the federal and regional constitutions?
5. How could you see the constitutional and political distinction of ‘indigenous’ and ‘non-indigenous’ people in your regional state?
6. How could the right to contest in election and representation of ‘non-indigenous’ people and ‘non-indigenous’ women’s looks like in your region?
7. For example, Article 38 FDRE constitution stipulates the right to vote and be elected for holding any public position at any level without any discrimination based on any ground. However, the right for fair representation of ‘non-indigenous’ and the right to contest in election is limited to the principle of special case representation. Don’t you think this limitation violates their right stated under article 38 of the FDRE constitution?
8. What kind of attempts and efforts are there for creating an enabling environment for non-indigenous people to protect their right to political participation?
9. Do you have any recommendations on regard of the issues?

Part Six: - Interview Guide for the Regional State Administrative Council

1. Could you explain the structure and demographic composition of your regional state administrative council?
2. What is the process of formulation of laws, policies, strategies and guidelines in your region?
3. What are systems and practices that you have for enabling participation of people in your region?

4. For example, article 111 (6) of the regional constitution states that “the regional states have the responsibility of making the local people participant on the policy formulation process” and the FDRE constitution article 88 (2) says that “the government shall have the duty to..... Strengthen ties of equality, unity and fraternity among them”. Do you think an enabling environment and framework are in place for these political and economic objectives of the federal and regional constitutions?
5. How could you see the constitutional and political distinction of ‘indigenous’ and ‘non-indigenous’ people in your regional state?
6. How could you manage these two group of people in the executions and implementation of policy directives?
7. How could the right to contest in election and representation of ‘non-indigenous’ people and ‘non-indigenous’ women’s looks like in your regional state administrative council?
8. Is there any challenges that the regional administration face in creating an enabling environment for the right to political participation of ‘non-indigenous’ people?
9. What kind of masers and actions are taken for these challenges?

Part Seven: - Interview guiding question for Professionals

1. What do you think about ‘indigenous’ and ‘non-indigenous’ people mean in Benishangul-Gumuz regional state?
2. What is the need for the grouping of people as ‘indigenous’ and ‘non-indigenous’ in the region?
3. Do you think ‘non-indigenous’ people are guaranteed the right to participate on political matters of the region? If yes! How?
If no! Why?
4. What are the possible challenges for “non-indigenous’ people to enjoy their right to political participation in the region?
5. What do you recommend about these challenges?

Type Three: - Observation Checklists

- ✓ Settlement area and demographic composition of identified kebeles of the woreda
- ✓ The infrastructure and provisions of basic goods and services of identified kebeles of the woreda
- ✓ The assistive educated man power of the identified kebeles of the woreda (in agricultural, health, education, etc.)
- ✓ The structural arrangement and nature of identified Kebeles of the woreda administration
- ✓ The economic activity and psychological make-up of the residents of the identified kebele administration

The profile of the respondents

The informants background in terms of their level, institution and their positions within their institutions as well as their numbers respecting their rights to remain anonymous

No	Level	Name	Position	Total
1	Region			
	Regional administrative council	Zewdu Tilahun	Head of the regional chief administrator and cabinets affairs bureau	1
	Regional state council	Getachew Mergiya	Head of the regional state council office	1
2	The council of constitutional inquiry(optional)	Alebachew Gidey	President of the regional Supreme court	1
3	Nationality administration	Name	Position	No.
	The nationality council		
	The nationality administrative council	Mohammed Abdul-Aziz	Chief Administrator of Berta Nationality Administration	1
4	Woreda	Name	Position	No.
	Woreda administration council	Esa Hojelie	Chief Administrator	1
		Tagay Endale	Survivor of rural road office (for	1
		Mestayet Abebe	Health Officer	1

		Hyder Hamid	Head officer of capacity building and civil service office	1
	Woreda Council	Hawa Mohammed	Speaker of the Council	1
	Bambasi woreda Election pool	Alihend Merqeni	Head Coordinator of Bambasi woreda Election pool	1
		Ahmed Yesuf,	coordinator of election pool-1	1
5	Professional	Abdisa Zerai (Dr.)	Dean of school of Journalism Studies	1
		Solomon Mebrie (Dr.)	Assistant proffesor of Department of IPSR	1
		Getachew Assefa (Dr.)	Dean of School of Law and Governance	1
6	Kebele Residents	Seyid Hassen	Farmer	1
		Temesgen Molla	Farmer	1
		Farmer	1
		Assegid Wassie	Farmer	1
		Mekonen Sirage	Merchant	1
		Wondimu Feleke	Merchant	1
		Hachalu Tirfe	Farmer	1
		Eshetu Yimer	Farmer	1
7	Total			22