



Addis Ababa University

College of Law and Governance Studies

Center for Federalism and Governance Studies

**The Status of New Minorities in Federal Ethiopia: The Case of
Benishangul-Gumuz Regional State**

By: ShibabawTeferi

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

November, 2017

Advisor: Dr. Regassa Bayissa

Addis Ababa University
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Declaration

I, Shibabaw Teferi, hereby declare that the thesis entitled to **the Status of New Minorities in Federal Ethiopia: The Case of Benishangul-Gumuz Regional State** is my work and has not been submitted for any degree in any other academic or university institution before. All consulted materials, secondary or primary source are properly quoted and acknowledged.

Declared by:
Shibabaw Teferi

Signature_____ Date_____

Declaration of this thesis has been confirmed by the approval of the advisor

Dr. Regassa Bayissa
Signature _____ Date _____

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Acronyms

| | |
|-------------|--|
| ANDM----- | Amhara National Democratic Movement |
| ANRS----- | Amhara National Regional State |
| ACHPR----- | African Charters on Human and Peoples Right |
| BG----- | Benishangul-Gumuz |
| BGPUDP----- | Benishangul-Gumuz Peoples Unity Democratic Party |
| BGRS----- | Benishangul-Gumuz Regional State |
| BPLM----- | Berta Peoples Liberation Movement |
| BSPDM----- | Boro-Shinasha Peoples Democratic Movement |
| CSAE----- | Central Statistics Agency of Ethiopia |
| EC----- | Ethiopian Calendar |
| EBPDP----- | Ethiopian Berta Peoples Democratic Party |
| EPRDF----- | Ethiopian People’s Revolutionary Democratic Front |
| FDRE----- | Federal Democratic Republic of Ethiopia |
| GPLF----- | Gambella Peoples Liberation Front |
| GPRS----- | Gambella Peoples Regional State |
| ICCPR----- | International Covenant on Civil and Political Rights |
| ICERD----- | International Convention on the Elimination of All forms of Racial Discrimination |
| KPLF----- | Komo Peoples Liberation Front |
| MPLF----- | Mao Peoples Liberation Front |
| MKPDP----- | Mao-Komo Peoples Democratic Party |
| NNP----- | Nation, Nationality and People |

ONRS-----Oromo National Regional State
OPDO-----Oromo Peoples Democratic Organization
PCIJ-----Permanent Court of International Justice
RS-----Republic of Sudan
SEPDM-----Southern Ethiopian People’s Democratic Movement
SNNPRS-----Southern Nation, Nationalities and Peoples Regional
State
TPLF-----Tigray Peoples Liberation Front
UN-----United Nation
UNDM-----United Nation Declaration on Minorities
WGM-----Working Groups on Minorities

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Abstract

The right of minority protection particularly national minorities is guaranteed in both international convention and domestic laws (FDRE Constitution). However, the right of new minorities whether foreigners or internal migrants were/are not yet guaranteed in two consensuses. The main objective of this study is to Analyze, examine, assess, and address the concerns and interests of the new minorities in Ethiopian federation. In fact, the ethnic federalization of territorial arrangements in Ethiopia was erected without taking into account of internal migrants who are territorially dispersed ethnic groups in each region. Currently, they lie to new minority status throughout the country. This research investigated the status of new minorities in areas of recognition, equality and non-discrimination, internal self-determination and self-government, participation and representation rights in federal Ethiopia with particular case study of Benishangul-Gumuz Regional State. For this critical looking down to the existing problems in the study area, in order to interconnect, organize and recommend, the researcher used the qualitative research approach. In accordance with this, the researcher used both primary and secondary sources of data collection. As the result, the finding shows, the status of new or internal regional minorities were remained to less exercising group rights and less participants in the key political position due to lacked consideration and commitments of political bodies, electoral formula, ethno-territorial and legal institutional arrangements in study area. So that, this research highly recommended that, both federal and regional government needs to have structural changes. In sense that, the ethno territorial arrangements among the nine federation is dangerous particularly for the new emerged minorities like in BGRS in the areas of sharing and exercising fundamental human and democratic rights. So that, in order to accommodate them better to have establish non-territorial arrangement or personal autonomy in the region. The new minorities need fair and equity representation in BG regional institutional polity. Therefore, to address their interests, the regional government needs to have erect proportional representation and upper house. The last but not the least, the new minorities in BG needs special treatment and protection through independent bodies. So that, both federal and regional government shall be establish special new minority's protection commission bodies in the two levels.

Chapter One

1. Introduction

1.1. Background of the Study

Ethiopia comprises a number of ethnic, linguistic and national groups united by a complex fabric of shared identity, history and destiny. Throughout the long history of its existence as a State it has experienced significant shifts in its territorial expansion and the consequent shifts in the number and composition of the ethno-national communities that constituted the State. There have also been significant transformations in the manners and modalities that governed the interactions between the various ethnic groups in relation to the assumption and exercise of State power.¹

Ethiopia remained with a unitary state structure during the imperial and military regimes. Emperor Haile Selassie I who continued the homogenization policy of the governments made ethnic identities a hot issue among the educated elites, students and the opponents. Therefore, the imperial regimes were anti-diversity of the country and exercising the power at the center rather decentralized the system that lead into violence.²

Following the downfall of the imperial regime, the military government's attempt to retain a unitary state and address the "national question" within the framework of Marxism-Leninism.³ To address the latter, it set up the Institute for the Study of Nationalities in 1983. Based on the Institute's recommendations, the military regime created twenty-four Administrative Regions and five autonomous Regions within the Unitary form of State, but no devolution of authority was visible.⁴ At the same time as it was making these and related efforts (e.g. in Legitimizing ethnic folk music and dance) in the direction of cultural pluralism, the regime waged a military

¹ Ethiopian Human Rights Council, (2009), Parallel Report Submitted to the Committee on Racial Discrimination. Ethiopia, August 2009.

² Mesfin Gebremikael, (2011), Federalism and Conflict Management in Ethiopia: Case Study of Benishangul-Gumuz Regional State. Department of Peace Studies, University of Bradford, (PhD dissertation).

³ According to the military regime's 1987 constitution, Ethiopian was a unitary state that "shall ensure the equality of nationalities, combat chauvinism and narrow nationalism" (Article 2). Cited from Alem Habtu, p.11.

⁴ Alem Habtu, (2003), Ethnic Federalism in Ethiopia: Background, Present Conditions and Future Prospects. Department of Sociology Queens College/CUNY, Paper Submitted to the Second EAF International Symposium on Contemporary Development Issues in Ethiopia. July 11-12, 2003, the Ghion Hotel Addis Ababa Ethiopia.

campaign against ethno-nationalist armed groups.⁵ In the last decade of its rule, ethnic-based opposition organizations had intensified their assault on the military government and ethnic nationalism became a major factor in the demise of the centralizing military regime. Finally, the process of nation building system was replaced by the process of the new operation system.⁶

In 1991, following the collapse of military junta, Ethiopia established a federal system creating largely ethnic-based territorial units, with its framers claiming that they have found a formula to achieve ethnic and regional autonomy. The long lasting questions of nationalities in Ethiopia was addressed by the current regimes that guaranteed constitutionally and legally through allowing self-governance for each and every nations, nationalities and peoples of the country with special consideration of national minorities.⁷

The input of Ethiopia's federal system in authorizing titular ethno-national groups are designing an inclusive political system that provides political space to ethno-national minorities while ensuring stability and territorial integrity of the overarching state remain as key challenge in diverse societies.⁸ The Ethiopia's post-1991 restructuring state along ethno-linguistic federal system provides territorial and political autonomy to the major ethno-national groups; redraws the boundary of the constituent units and local governments in such a way to ensure self-government and constitutionally protected autonomy.⁹

Through the formalization of the new constitution in 1995, Ethiopia to be a federal polity with nine Regional States based on ethno-linguistic patterns. Namely, Tigray, Afar, Amhara, Oromia, Somali, Benishangul-Gumuz, Southern Nation, Nationalities and Peoples, Gambella and Harari Regional States are demarcated along ethnic lines. Each Regional State has its own constitution in which minority ethnic groups may or may not be recognized.

Among the members of the federation, the Regional State of Benishangul-Gumuz is one of the developing regions and the home of multi ethnic groups in Ethiopia which is located in north western part of Ethiopia. It shares boundaries in the north and northeast with Amhara, in the

⁵ Alem Habtu, *Women's Education in Ethiopia in Historical Perspective and the (1979-91) National Literacy Campaign* (Ann Arbor, MI: UMI Company), pp. 140-148. Cited from Alem Habtu.

⁶ Mesfin Gebremikael, (2011), *supra* note 2,

⁷ Assefa Fiseha (2016), *Intra Unity Minorities in the context of Ethno National Federation in Ethiopia: Evidence from Ethiopia*. Law and governance, Centre for federal studies, Addis Ababa University, P.5.

⁸ *Ibid.*

⁹ *Ibid.*

south and southeast with Oromia and in the west with Sudan. According to the 2007 census, the total population of the region is 784,345.¹⁰ Ethnically, the Region is composed of five indigenous ethnic groups namely, Berta, Gumuz, Shinasha, Mao and Komo with cumulative total population of 446,828 and non-indigenous groups namely, Amhara, Oromo, Agew, Tigre, Kambata and others ethnic groups with their total population of 337,517¹¹ which inhabit the region.

Administratively, the Region is structured into three de facto Administrative Zones namely, Asossa, Metekel and Kamashi Zone and one Special *Woreda* (Tongo). Asossa Administrative Zone is mainly the home of Berta ethnic groups; while Metekel Administrative Zone is the home coalition of Shinasha and Gumuz ethnic groups; and Kamashi Administrative Zone is merely the home of Gumuz ethnic groups. Tongo Special *Woreda* is mainly the coalition center of Mao and Komo ethnic groups.¹² Therefore, the designation of the region based on ethnic lines is viewed as self-governing structures for only the respective legally recognized ethnic groups residing in each area of the region.

However, in all of the three Zones and Special *Woreda* of the Region except the five authorized ethnic groups, other inhabitants are relegating to 'non-indigenous' (which are politically remained to new minority status) nations-nationalities excluding from the regional state political and administrative autonomy such as in the areas of effective representation, recognition as distinct ethnic groups, personal autonomy as well as self-rule rights in both constitution and practice.

1.2. Statement of the Problem

Following the collapse of the Dreg regime, Ethiopia was created on the basis of the sovereignty of its nations, nationalities and peoples and adopted de facto ethnic-based federalism as the cornerstone for the structure and governance of the Ethiopian federation.¹³ The new Constitution proclaimed the right of every Ethiopian nation, nationality and people to self-determination including, as a last resort, secession. This right has also been set to be enjoyed and exercised with

¹⁰Central statistical Agency of Ethiopia (CSAE) the 2007 Population and Housing Census, available at: <http://www.csa.gov.et>, as accessed on 2/3/2017.

¹¹ Ibid.

¹² Birhanu Gutama Balacha, (2006), restructuring state and society: Ethnic Federalism in Ethiopia. Aalborg: SPIRIT. (SPIRIT PHD Series; No. 8).Pp.148-155.

¹³ Mesfin Gebremikael, (2011), supra note, 2,p.79.

concomitant rights such as self-administration, as well as rights to fully enjoy, preserve and promote cultural, linguistic and historical heritages of every nations and nationalities.¹⁴

Therefore, the demographic reality of each region shows that numerous ethnic groups exist within each of the regions and those groups, by asset of the constitution, place under the sovereign control of indigenous ethnic groups. Among the regions, Benishangul-Gumuz Regional State is one of the centers of the multi-ethnic groups that are grouped into indigenous and non-indigenous ethnic groups.

In accordance with the Benishangul-Gumuz Revised Constitution of 2003, the legally recognized sovereign ethnic groups in this region are Berta, Gumuz, Shinasha, Mao and Komo ethnic groups which are grouped under indigenous people's category. Whereas, the non-indigenous ethnic groups in this region are acknowledged though their existence under this constitution is grouped under the name of "others". Moreover, they are not treated as the owner of the region that relegate them to the status of the "second class" citizens because of lacking legal binding and political commitment to share sovereign power in the region.

For instance, the Revised Constitution of Benishangul-Gumuz Regional State explicitly stipulated that the 'Owner of the Regional State' is the five indigenous ethnic groups which are stated above.¹⁵ While ethnic groups like Oromo, Amhara, Agew, and others are excluded from the constitutional protection of their identities and remained to the status of "others, or non-indigenous" in the region.¹⁶ This provision effectively disowns sovereign power those mentioned ethnic groups of Ethiopians living in the region. One particular significant problem that the researcher determines is that, the status of non-indigenous/new minority ethnic groups in the region is related to the status of their right to recognition as distinct ethnic groups, to effective political representation, and internal self-administration. An indicator for such autonomy would be the degree to which the system allows the so called the "owner" of the region to participate and be represented in the administrative organs (regional/local council, executive council and council of nationalities at zonal levels) of the region.¹⁷

¹⁴ Federal Democratic Republic of Ethiopia (FDRE) Constitution, Approval Proclamation No-1, Negarit Gazeta, 1st year, No-1, Addis Ababa, 1995, Article 39.

¹⁵ The Benishangul Gumuz Regional State Revised Constitution, Approval Proclamation No.31/2003, Lissane Hig Gazeta, 8th year, No. 4, Asossa, 2002. Article, 2.

¹⁶ Ibid.

¹⁷ The Benishangul Gumuz Regional State revised constitution, 2002, Supra note 15, Article 39(4).

Moreover, the Benishangul-Gumuz Regional Government has created an inclusive approach to support the past social and political injustices in the areas. In accordance with this, an inclusive approach for the indigenous communities to give full rights to the exercise of sovereign rights including the above mentioned basic group specific rights in both national and sub-national institutions on one hand and an exclusive approach for the non-indigenous ethnic groups to deny from the basic rights of group specific rights which are left to the “status of political minorities” living in this region on the other hand.

By so doing, the Constitution has created a new system of domination of “non-indigenous” ethnic groups under the political domination by indigenous peoples irrespective of their numerical size. In line with this statement, the Revised Constitution of Benishangul-Gumuz Regional State under Article 39(4) gives the right to establish self-government for indigenous ethnic groups that declare the final determination of its own affairs within its territory. However, the non-indigenous ethnic groups in the Region in general and Zonal and Local in particular, have no standing to form their own self-government, and disable from developing their culture, language and history as well as socio-economic protection rights.

Therefore, lack of constitutional guarantee in general and unwillingness of political elites in particular in Benishangul-Gumuz, the so-called “non-indigenous” ethnic groups are left to inadequate protections of political rights including their participation and effective representation in both national and sub-national parliaments; and inadequate legislation and remedies to protect victims of such discrimination and absence of legal binding to recognize them as a distinct identities.

1.3. Objectives of the Study

There are two types of objectives for this study:

1.3.1. General Objective

General objective of this study:

- The researcher identified and analyzed the overall indicators that hindered/neglected the non-indigenous/new-minority ethnic groups from the right to recognition as a distinct

ethnic groups, political representation, self-administration and other related rights in Benishangul-Gumuz Regional State.

1.3.2. Specific Objective

The specific objectives:

- The researcher examined the status of their identities as distinct, internal self-determination, self-rule autonomy and political representation and popular participation on public decision making process in Benishangul-Gumuz Regional State.
- The researcher assessed the status of the non-indigenous ethnic communities in the polity of the region.
- The researcher also addressed the interests and concerns of the non-indigenous ethnic groups in Benishangul-Gumuz Regional State institutional set up.

1.4. Research Question

- What are the indicators to hindrance of the new minorities from effective political participation and representation in Administrative, Legislative and in other bodies of institutional set up in the region?
- How does the constitution of the regional state address the concerns and interests of non-indigenous nation-nationalities at regional state and local levels?
- What is an institutional mechanism to combat and monitor such practices of discrimination of non-indigenous ethnic groups in this institutional and political set up of the region?

1.5. Significance of the Study

This research would make an effort to come up with empirical data that the identified problems whether constitutional or practical, to reconcile them through a means of showing the ways for legalizing their concerns and interests at regional state institution. It will also intend to fill the study gap that discussed in the statement of the problem.

It had also been helpful for researchers who conduct their study on the issue of related areas in Ethiopia in general and Benishangul-Gumuz in particular. Furthermore, Benishangul-Gumuz Regional State actors or leaders, representatives and interpreters could use the study to have better information on related policies and decisions on the subject.

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 recognition as distinct identities, political representation and self-governance have taken place throughout the country. But 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, the study would be limited on the areas of Benishangul-Gumuz Regional State in which the majority of non-indigenous ethnic groups are found.

Minority rights constitute a set of rights reserved to either numerically or politically minority groups. This research does not deal with each type of these rights. It elaborates mainly basic rights such as the right to recognition, self-administration, effective political participation and representation of non-indigenous ethnic groups in the Benishangul-Gumuz Regional State in general and at local level in particular.

1.7. Research Design and Method of Study

In order to achieve the objectives and answer the research questions of the study, the researcher would undertake a case study approach using a qualitative research data analysis. Qualitative research approach helped the researcher to cross-check the existing facts to investigate through participant responses by using open ended question like what, how or other related question and explore the different documents, constitution and proclamation in both federal and regional state level. In doing so, the study intended to analyze, assess and address the existing facts and put the real status of the new minorities in relation to ethnic identity, political, and self-rule autonomy which help to understand the issue at hand.

1.8. Source of Data Collection

The study accomplished through primary and secondary sources. The primary data sources mainly included ‘non-indigenous’ people, legal documents like constitutions and proclamations,

and other concerned government officials for supporting the information that was collected from interview plus personal observation. The researcher also used secondary sources including previously conducted research papers, official statistics, journal articles and books to obtain the full picture of the study.

1.9. Sampling Techniques

1.9.1. Sampling Tools

The researcher used purposive sampling tool in order to assess, analyze and address the existing problems for the interested bodies or new emerged minorities in Benishangul-Gumuz Regional State. Purposive sampling would help the researcher to identify the key interview respondent's particularly non-indigenous people who have better experience and knowledge on the study area. During primary data collection, the researcher used the basic two data collection tools (in-depth interview and personal observation).

Accordingly, in order to explore better information on the study area from the concerned/interested groups, the researcher would use key Informants from the concerned ethnic groups and key officials of the region and interviewed them regarding the topic. Even if the working language of the region is Amharic, the interview was conducted in both Amharic and Afan Oromo languages, and then it was translated to English language. During the interview, the researcher used the techniques of recording voice which helped the researcher critically to analyze the data based on the stated problems.

The key informant interview was also conducted with selected government officials of the study area to substantiate the arguments and cross-check the problems that rose by the disadvantaged groups. Accordingly, Head of the Regional Chief Administrator and Cabinets Affairs Bureau, Officer of Regional Council, Vice Speaker of Berta Nationality Administration, Chief Speakers of Gumuz Nationality Administration, Speaker of *Woreda* Council as well as Managers of *Kebeles* (*Dibati 02 Kebele, Berber Kebele, Gipo Kebele and Gallessa Kebele*) Councils were interviewed.

In addition to the above data collection tools, the researcher gathered data through personal observation directly from the areas (for one month and two weeks or 45 days) where dominantly the 'non-indigenous' communities were settled. The researcher observed whether the non-

indigenous peoples are territorially dispersed or concentrated in the region. It was also observed that the regional key political positions such as Regional Council, and Administrative Council, in the BG are at the hands of the indigenous ethnic groups of the region. It was also observed the values and meanings of the affiliate parties to the region from the non-indigenous communities like OPDO and ANDM who have permanent offices in the region.

1.9.2. Sample Size

Geographically, as a region, Benishangul-Gumuz comprises three Zones with one Special *Woreda*, 19 *Woredas*, and 475 *Kebeles*. However, the paper was limited to the non-indigenous ethnic groups who were dominantly resided. From these, the researcher would focus on from Asossa Zone, (Asossa *Woreda*), from Metekel Zone (*Dibati Woreda*). From Asossa *Woreda*, the researcher collected data from three *Kebeles* (i.e. *Megele* 35 and 36 and *Salga* 22 *Kebeles*). From *Dibati Woreda*, the researcher collected data from 02 *Kebele* of its town and 3 *Kebeles* from rural mentioned above. The researcher selected the interviewees from non-indigenous communities (22) and official bodies (15) and the cumulative interviewees of the participants were 37.

1.10. Data Analysis

The researcher used different techniques and methods of analyzing and interpreting the data collected from documents, interview and field observation. It is in qualitative research that description of the cases, classification and interconnection of data is involved. Similarly, the researcher categorized, described and interconnected the documents reviewed with the primary data and finally concluded and recommended the data that were collected from interviewed and observation.

1.11. Ethical Consideration

The researcher took necessary ethical cares and considerations throughout the interaction in between the key informants like government officials and peoples who directly or indirectly participated in the study process. Therefore, the researcher treated the respondents in due respect and dignity as well as their responses were kept confidential for their security and safety.

1.12. Limitation of the Study

While conducting this thesis, the researcher faced different obstacles that affect the quality of the research. One of the most significant challenges was lack of well-organized and relevant data in the Region, *Woreda* and *Kebele* level council, financial and time constraints were the main factors that affect the quality of this thesis. Moreover, the actual sensitivity of the study area and the fear of the current situation in Ethiopia made anxiety of the respondents from most concerned respondents especially non-indigenous, unwilling to give answers for interview questions affected its quality. On the other side, since most key informant interviews were government officials from who belongs to indigenous nationalities, the responses that they provided for interview lacks clarity to touch the actual problems faced by the non-indigenous communities in the region. However, in order to assess, analyze and verify the existing facts, the researcher used available resources properly and communicated with the interested respondents wisely to keep the quality of the research.

1.13. Organization of the Study

This study would be divided into six chapters. Chapter one would elaborate an introductory remarks which include background of the study, statement of the problem, research question, objectives of the study, significance of the study, scope of the study, methodology, source of data, sampling techniques, data analysis, and limitations of the study.

Chapter two would explore related literature which includes conceptual framework of ethnic minorities: definition and types of minorities; ethnic minorities under general human right standard; old vs. new minorities and their status; minority-majority relation; minority rights and international convention, types of minority rights and its status. Chapter three would review the minorities and status of the new minorities (non-indigenous) under federal state structure of Ethiopia: Ethiopian federal legal overview, regional minorities and their status in federal Ethiopia and their rights in FDRE Constitution.

Chapter four would describe and discussed the detailed information about the regional state of Benishangul-Gumuz which includes geographical setting, Socio-Economic activities, Historical overview of the inhabitants of BGRS; and their administrative structures. Chapter five would interpret and analyze as well as discussed the Benishangul-Gumuz Regional State Constitution and institutional accommodation of new emerged minority status; factors for hindrance of new minorities in the region. The final chapter would forward conclusion and recommendation.

Chapter Two

2.1 Conceptual Framework of the Study

2.1.1. Concept and Definition of Minorities under General Human Rights Law

The term minority is a very broad and complex term. Despite the long history of the debate on the protection of minorities, the clarity of relevant international legal standards on minorities remains unsatisfactory. This is mainly attributed to the conclusion that, there exists no building definition on the concept of a minority as the holder of minority rights; an attempt has been made by different scholars to determine its scope of application and its right holders. The most widely cited definition of minorities is that proposed by the UN Special Rapporteur Francesco Capotorti's who asserts that:-

“a minority is a group numerically inferior to the rest of the population of a state in a non-dominant position, whose members being nationals of a state possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and who maintain, if implicitly, a sense of solidarity directed towards preserving their culture, traditions, languages, or religion.”¹⁸

This definition of a minority illustrates that persons belonging to national minority groups have the right to self-determination along with their majority population as they are to be integrated as the constituents of the people in their state of residence. Even though, the above definition is appreciated, the minorities subordinated to the existing residence are not only numerical but also political minorities. In addition to their countries or regions, there are peoples numerically majorities in other country or regions, because of the restructuring system of the country's politics, at sub-national levels, new political minorities have been emerging in countries like Ethiopia.¹⁹

Therefore, in Ethiopian case unrecognized minorities are emerged in different corners of the country and they existed at lower political position in the given regions than a numerical

¹⁸ Francesco Capotorti, (1991), Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities, New York, United Nations, p. 98.

¹⁹ Asnake Kefale, (2009), Federalism and Ethnic conflict in Ethiopia: A Comparative study of Somali and Benishangul-Gumuz Regions. Department of Political Science, Leiden University (PHD Dissertation).Pp.168-176.

minority which is politically recognized at their original residence. For instance, the five recognized ethnic groups in Benishangul-Gumuz Region such as Berta, Gumuz, Shinasha, Mao and Komo ethnic groups are politically become to have dominant position in their territories but except Berta and Gumuz the remaining ethnic groups are numerically subordinated to the internal political minorities like Amhara and Oromo in this region.²⁰

The other minority definition was framed by Jules Deschenes while serving on the UN sub-commission, was intended to refine Capotorti's definition, and frequently cited along with it should also be measured.

"...a group of citizens of a state, constituting a numerical minority and in a non-dominant position in that state, endowed with ethnic, religious or linguistic characteristics which differ from those of the majority of the population, having a sense of solidarity with one another, motivated, if only implicitly, by a collective will to survive and whose aim is to achieve equality with the majority in fact and in law".²¹

According to his framed definition of minority notably referred to the group belongs to any minority must be citizenship or nationality of the State concerned, and should also reflect the criteria of both objective factors (such as the existence of shared ethnicity, language and religion) and subjective factors (e.g., that individuals identify themselves as members of a minority group). His proposal of minority definition also depends on national minorities in both numerical and political in the given country like the present Benishangul-Gumuz Regional State in Ethiopia recognized the five mentioned ethnic groups as national minorities in the country. But the remaining new emerged minorities in different corners of the country were/are not taken into account in its definition.

Article 27 of the International Covenant on Civil and Political Rights (ICCPR) refers to "ethnic, religious or linguistic" minorities. This covenants also argued along the Capotorti definition of minorities which recognized the national minorities or indigenous minorities. Herein, the new emerging minorities such as refugees, migrants, etc...were less guaranteed in the covenants.

²⁰ Gizachew Wondie, (2015), 'Indigenous' and 'Non-indigenous' People's Rights in Benishangul-Gumuz Regional State: The Right to Political Participation of 'Non-Indigenous' People in Bambasi Woreda. Centre for Human Rights, Addis Ababa University, (MA Thesis).

²¹ Jules Deschenes, "Proposal concerning a definition of the term minority", UN Doc. E/CN.4/Sub.2/1985/31/Corr.1 (14 May 1985), para.181.

The Minorities Declaration has the broadest scope, encompassing persons belonging to national or ethnic, religious and linguistic minorities; also refers to the protection of cultural identity.²²The Human Rights Committee, in its general comment No. 23 (1994), addresses definitions only indirectly. It observes that “it is not relevant to determine the degree of permanence that the term ‘exist’ means” and goes on to adopt the expansive view that article 27 applies to everyone belonging to one of the named categories of minorities and present within a country, including “migrant workers or even visitors”.²³ It commented to ICCPR of article 27 by referring the new emerging minorities in different corners of the world, the rights guaranteed for the national minorities should also guaranteed for the new minorities (migrants, refugees) within the country or outside the countries of the world.

Therefore, as most commentators on the subject agree, the focus should be more on the non-dominant character of the group in which minorities whether numerical or political are seen as subordinate elements of the state in which they inhabited to the given territories or non-territories. The right applicable to minority groups are those applicable to all human beings but especially the right to be free from discrimination, representation, an affirmative action and self-determination as well as the right to participate in governmental actions is the core of its modalities.²⁴ Those modalities should have not only applicable to the national minorities but also applicable to the internal like (migrant societies) minorities in the given regions or provinces or cantons.

2.1.2. Types of Minority

The often-mentioned international legal provision concerning minorities is article 27 of ICCPR and is the only expression of the right to individuality in modern human rights conventions envisioned for universal application.²⁵There are various types of minorities in the world but for the sake of this thesis, the researcher focused on the following three types of minorities.

²² United Nations declarations on minority rights (1992-2012), Promoting and Protecting Minority Rights: A Guide for Advocates. United nations Human Rights office of High Commissioners, Geneva and New York, 2012. P.7.

²³ibid.

²⁴ Nadew Zerihun,(1993), The Status of Minority Nationalities under the Local Self-government of the Ethiopian Transitional Period, Department of Law, Faculty of Law, Addis Ababa University,(BA Thesis).

²⁵ International Covenant on Civil and Political Rights (ICCPR) (1966), Adopted by the General Assembly of the United Nations on 19 December 1966, Article 27.

2.1.2.1. Ethnic Minorities

Many countries have ethnic, clan or even have caste minorities that see themselves as distinct, and perhaps discriminated against, but they also see themselves as members of a larger national community that extends across the entire country.²⁶ Such minorities may be territorially concentrated or dispersed and have their own language, follow a different religion or cultural practices from the majority. These minorities may be mixed in with other groups and have few distinct cultural characters.²⁷ Ethnic minority pretends to be a generic term encompassing various types of vulnerable groups. An ethnic minority may wish to preserve its unique characteristics, which may be of cultural, historical and common decent or biological origin.²⁸ In employing the term ethnic minority, article 27 of the ICCPR does include the protection accorded to persons belonging to ethnic minorities.²⁹

2.1.2.2. National Minorities

National minorities are historical communities with a sense of being a people, which usually have their own language and often a territory within a larger country, where the majority has a different national character.³⁰ The group is considered national minority when it has an image of its collective past image and when its members are aware of and responsive to that Image.³¹ National minorities are functional societies usually territorially concentrated and have a distinct language, historical homelands and have some distinct social institutions.³² Instance of dynamic national minorities include the Quebecois in Canada, the Catalans in Spain and the Scots (who no longer speak a distinct language in Britain); Afar, Benishangul-Gumuz, Gambella and Somali ethnic groups in Ethiopia were included under national minorities.³³ Such minorities

²⁶ George Anderson and Sujit Choudhry with David Vitale (2013-14), minority rights in culturally diverse societies. Center for constitutional transitions at NYU law.P.5.

²⁷ Ibid.

²⁸ Ibid.

²⁹ ICCPR, (1966), supra note 25, Article 27.

³⁰ George Anderson and Sujit Choudhry with David Vitale (2013-14), supra note 26.

³¹ Aberra Dagafa, (2000) "The Scope of Rights of National Minorities under the Constitution of Federal Democratic Republic of Ethiopia", *Series on Ethiopian Constitutional Law*, vol. 1, AAU Printing Press, P.37.

³² Will Kymlicka, (2001), "*Politics in the Vernacular*": *Nationalism, Multiculturalism, and Citizenship*, Oxford, Oxford University Press, p.54.

³³ Proclamation No-7/1992, a proclamation to provide for the establishment of the national regional self-governments, Negarit Gazeta 51st year No-2, Addis Ababa, 14th January 1992, Article 2(7).

often seek substantial political autonomy within their country or regions, even a right to secede and form a separate country or region.³⁴

2.1.2.3. Political Minorities

Minority is not just only a numerical phenomenon; but also a political and sociological reality. From a political point of view, a minority situation is based on the degree of political participation and social inclusion rather than on numbers of members of a specific group.³⁵ Minorities are possibly undermined not so much by their weaknesses in numbers, but by their exclusion from power.³⁶ Identifying minority groups only on the basis of numbers would mean to generalize the assumption that a group inferior in numbers is also inferior as regards its political status. This statement is sometimes wrong statements in countries like South Africa, because in this country the white peoples are numerically sub-ordinate to the black peoples but they are majority at political position. Because as Robeson noted that, non-dominant position in the society, as essential defining feature of a minority, recognizes that not every statistical minority is also a political minority, in need of special protection.³⁷

The ethnic groups with political minorities always vulnerable to marginalized from internal self-government in territorially or non-territorially self-autonomy; fair representation and participation at the central polity of the ruling government. They also disable from exercising the overall power and resource sharing as well as promoting and preserving their cultural identities.³⁸

2.2. Old versus New-Minorities

Sometimes a dividing line is drawn, particularly in Europe, between minorities based on the temporal duration of settlement in a given state. According to this classification, ‘old minorities’ consist of minorities historically settled in a state. They are also described as ‘historical’, or

³⁴ George Anderson and Sujit Choudhry with David Vitale (2013-14), supra note 26.

³⁵ Borhan Uddin Khan and Muhammad Mahbubur Rahman, (2009), “Protection of Minorities:” A South Asian Discourse. Faculty of Law, University of Dhaka Bangladesh, Dhaka.p.4.

³⁶ Javaid Rehman, (2000), “*The Weaknesses in the International Protection of Minority Rights*” Hague, Kluwer Law International, p.16.

³⁷ J. Robinson, (1974), “International Protection of Minorities: A Global View”, *Israeli Yearbook on Human Rights*, p.61.

³⁸ Ibid.

‘traditional’ minorities.³⁹ On the other hand, ‘new minorities’ consist of the migrants, asylum seekers, refugees a common cultural, ethnic and linguistic background, which are living on a more than merely transitional basis in a country other than that of their origin.⁴⁰

Since European standards only recognizes national minorities who are mostly ‘old minorities’, ‘new minorities’ are not recognized as minorities in the conventional sense.⁴¹ If we look at the international jurisprudence of universal application, it appears that Article 27 of the ICCPR confers rights on persons belonging to national minorities which ‘exist’ in a state. In this connection, the Human Rights Committee has held that it is not relevant to determine the degree of permanence that the term ‘exist’ brings.⁴² Nevertheless, there is a considerable old area in between the two categories.

The WGM’s (Working Group on Minorities) commentary to the UNDM (United Nations Declaration on Minorities) affirms that those who have been established for a long time on the territory may have stronger rights than those who have recently arrived.⁴³ This system of classification is important for political actors who are recognized as national minorities than new minorities or regional minorities in the given political purpose. The Working Group on Minorities commented that the best approach is to avoid such distinction between old and new minorities for the sake of security and stability as well as promoting such minorities in such institutional participation.⁴⁴

2.2.1. The Status of Old versus New Minorities

The status of old and new minorities determined based on the following principles that emphasized by conventions, declarations, and other legally and non-legally binding instruments.

³⁹ Steve Peers, (2004), “New Minorities: What Status for Third-Country Nationals in the EU System?”, in Gabriel N. Toggenburg (ed.), *Minority Protection and the Enlarged European Union: The Way Forward*, Budapest, Open Society Institute, pp.149- 162; Roberta Medda Windischer,(2009), *Old and New Minorities: Reconciling Diversity and Cohesion - A Human Rights Model for Minority Integration*, Baden, Nomo.

⁴⁰Steve Peers, (2004), supra note 39.

⁴¹ Ibid.

⁴²Human Rights Committee, General Comment 23, *The Rights of Minorities (Article 27)*, U.N. Doc.HRI/GEN/1/Rev.1 at 52, 1994, para.5.2

⁴³ Asbjorn Eide, (2001), *Final text of the Commentary to the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*, E/CN.4/Sub.2/AC.5/2001/2, para.10.

⁴⁴Ibid.

2.2.1.1. Status of their Political Representation at Higher Institution

Political representation is a basic human right of minorities, offering them benefits such as a greater voice in decision-making regarding activities and projects affecting their interests, better access to social networks and better employment opportunities.⁴⁵ The two minorities according to the UNDM affirmed that, those who have been established for a long time on the territory may have greater political representation rights to public institutions than the new settled to the areas.⁴⁶ But one should considered, the two categories are proportionally represented in the genuine democratic system while their main difference is may be historical perspectives long living inhabitants or recent past settled inhabitants to the lands. It also might be the policies of the government that divide the territories based on ethnic lines for the purpose of governing system. Therefore, the declarations, convention and other legal and non-legal binding instruments should be taking into account fair representation of new minorities with equal to old minorities in the governmental polity of the given country.

2.2.1.2. Status of their Participation in public Service in the given Countries

*Participation in public services may include minority representation in government administration; Jobs in the government sector (civil service) at the central, provincial/state and local levels; Representation in the basic institutional polity and effective participation in public decision making process at the given country.*⁴⁷ The status of minority's weather old or new might be determined by the degree of their participation to public and private sectors. For the empowerments of the historical marginalized ethnic groups, the central or regional governments initiated the old minorities or national minorities whether qualified or not become actively participate in public services or private sectors by enrolling them through affirmative action.

Whereas the new minorities whether politically or numerically or the recent past resettled inhabitants to the country or regions become remained to less attention given by the given government of the country or region. For instance, in Ethiopian case, the legal perspectives of the country more of emphasis on national minorities which are clearly demarcated based on ethno-linguistic lines namely (Afar, Benishangul-Gumuz, Gambella, Somali, and Harari) regions are

⁴⁵A.S. Bhalla and Dan Luo, (2013), Poverty and Exclusion of Minorities in China and India.School of Contemporary Chinese Studies, University of Nottingham. Palgrave Macmillan, UK, (England). p.207.

⁴⁶ Ibid.

⁴⁷Ibid, p.236.

created for political and numerical minorities of ethnic groups. The remaining inhabitants to these regions are remained to less emphasized in both federal and regional governments because of less and non-represented in the federal or regional institutional councils.

2.2.1.3. Status of their Participation in Local Level Councils

The degree of participation at the local levels also one of the determinants of whether old or new minorities in the world wide in general and in Ethiopia in particular. For instance according to A.S. Bhalla and Dan Luo argument, India and China are created the local units and allowed participation at local level for minorities like caste groups in India. In both countries, village councils are local elected bodies responsible for development at the village level. Balancing the old and new minority status and its representation at local level proportionally is the main stepping stone for the progress of democratization and local development.⁴⁸

But in Ethiopian case with the emphasis on Benishangul-Gumuz Regional State, since the revised constitution gives more sovereign powers for the indigenous peoples, the sub-regional governments in general and local units in particular accountable to the peoples of indigenous one or national minority through directly or elected representatives at institutional bodies of lowest unit (*Woreda, Kebele, Villages*) of the region. Whereas, new emerged ethnic minorities in the region are not treated in the same vein in both the political and institutional set ups with the nationally recognized groups.

2.3. Minority-Majority Relation

The two concepts are relative and relational.⁴⁹ Accordingly, a minority exists only in relation to a majority and vice versa. The attitudes majority-minority relation is changed due to the restructuring of the new demarcation boundaries by the governments.⁵⁰ Along this statement, the redrawing boundaries along ethno-linguistic lines in federal Ethiopia were led to the emergence of a minority-majority relation in ethnic regionalization.⁵¹

⁴⁸ A.S. Bhalla and Dan Luo, (2013), supra note 45, p.238.

⁴⁹Thomas Hyiland Eriksen, (2002), *Ethnicity and Nationalism* in Thomas Hyiland Eriksen, University of Oslo; Katy Gardner, and Mitchell, University of Sussex (second eds.), *Anthropology, Culture and Society*.London, Sterling, Virginia, Pluto Press. (Published Book).Pp.120-122.

⁵⁰Ibid.

⁵¹ Asnake Kefale, (2009), supra note 19.

The federally recognized national minorities in this country were transformed the immigrants or highlanders to the new minority status. For instance, from among the nine multi-ethnic federations, Benishangul-Gumuz Regional State is a mosaic of nations, nationalities and peoples of Ethiopians. But, since the regional government was self-autonomous which recognized by federal government, recognized the five ethnic groups and they become majorities in combination.⁵² The remaining ethnic groups which accounts to 16 are unrecognized under the revised constitution of the region and called by “others” in different institutional set up of the region.⁵³

As Eriksen strongly asserted, Minorities become majorities due to the redrawn of the state’s boundaries which tends to bring new minorities in the given country or region.⁵⁴ For instance, in Ethiopian case, the national minorities as repeatedly mentioned, were recognized during the transitional period of Ethiopia under its proclamation Number of 7/1992. Those are Afar, Agnuwak, Berta, Gumuz, Harari, Nuwer, Mejengi, Shinasha, Somali, Mao, Komo, Upo, and etc... they were federally recognized as national minorities. But they become majorities at their respective regions.

The Amhara’s, Oromo’s, Tigre’s, and other ethnic groups inhabited in Afar, Benishangul-Gumuz, Gambella, Harari and Somali regional states are become new minorities and vice versa. But they are majorities at their respective regions either in numerical or political status. The same is true in other federation of Ethiopia. Generally, majority and minority concepts are inseparable and close friendship in every federating country.

2.4. Minority Rights and International Conventions

2.4.1. International Convention on Minorities as a Distinct Right

The United Nations (UN) has legally binding treaty Articles that focus on minorities. Article 27 of the International Covenant on Civil and Political Rights (ICCPR) asserts:

“In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their

⁵² More Emphasis would be given in chapter five.

⁵³ Ibid.

⁵⁴ Thomas Hyiland Eriksen, (2002), supra note 49.

group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.”⁵⁵The logic behind this Article is that, in addition to protection against discrimination, members of minority groups require particular rights to enable them to preserve and develop their ethnic, religious or linguistic characteristics.

The 1992 UN Declaration on Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UNDM)⁵⁶ is non-binding declaration. The UNDM’s Article 1(1) affirms that: “States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories, and shall encourage conditions for the promotion of that identity”.⁵⁷ Article 2(1) states that: “persons belonging to national or ethnic, religious and linguistic minorities ... have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language in private and in public, freely and without interference or any form of discrimination.”⁵⁸ Article 2(3) reflects “the right of persons belonging to minorities to participate effectively in decisions that ‘concern the minority to which they belong or the regions in which they live.’”⁵⁹

In general speaking, the logic behind this legal binding on the rights of minorities having societies throughout the world enjoys ethnic, linguistic and religious diversity. Ending discrimination against minorities requires us to protect and embrace diversity through the promotion and implementation of human right standards.

The International Convention on the Elimination of All Forms of Racial Discrimination⁶⁰ (ICERD) is another key instrument that impacts on minorities and indigenous peoples. Article 2(2) of the ICERD allows states to take special measures in the “social, economic, cultural and other fields” to ensure that marginalized groups can enjoy their human rights fully and equally. ICERD also requires states to pay particular attention to indirect discrimination, which occurs

⁵⁵ICCPR, 1966, Supra note, 25.

⁵⁶Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Adopted in New York 18 December 1992 by United Nations general assembly (GA resolution 47/135)

⁵⁷ Ibid, Article, 1(1)

⁵⁸ Ibid, Article 2(1).

⁵⁹ Ibid, Article 2(2 and 3)

⁶⁰ The International Convention on the Elimination of all forms of Racial Discrimination (ICERD) was the first treaty to be negotiated and it was adopted by the United Nations General Assembly on 21 December 1965 and entered into force on 4 January 1969.

where government policies unintentionally or intentionally cause disproportionate and/or unjustifiable harm in the form of human rights violations against minorities.⁶¹

2.5. Types of Minority Rights

For the purpose of this thesis, the researcher would be discussed the following types of minority rights:

2.5.1. Recognition and Existence

An important value that comes to picture in the discussion of minorities and their right is their official recognition as distinct ethnic groups. It is the recognition of ethnic, religious or linguistic group that gives rise to other rights. Of course, the foundation for minority protection is the rights of minorities to be recognized as minorities.⁶² Despite the importance of recognition, states deny the existence of minorities within their territory with a view of evading protection of their rights. However, this does not mean that states are reassured from their obligations and minorities lose their rights under international law.⁶³

An issue related to the recognition of minority is what number is sufficient to grant such status. Neither article 27 of the ICCPR, nor other provisions of international law related to new emerged minority rights protection does specify. In this respect, it is noted the presence of sufficient elements to indicate that a minority exists should trigger the applicability of the relevant international law.⁶⁴

The right to existence and identity of minorities is elaborately addressed by the UNDM. It obligates the states to protect the existence of minorities within their territories and encourage conditions for the promotion of national, ethnical, cultural, religious and linguistic identity of such minorities.⁶⁵ This provision confirms that protection of identity of minorities means not only that the state should abstain from policies which have the purpose or effect of assimilating

⁶¹ Ibid.

⁶² Stephen J. Roth, (1992), To Ward a Minority Convention; Its need and content, in the protection of Minority Rights and Human Rights.

⁶³ Ibid.

⁶⁴ Patrick Thornberry, (1991), International Law and the Rights of Minorities, Oxford, Oxford University Press, p.392.

⁶⁵ UNDM, 1992, supra note 56, article 1(1).

minorities into the dominant culture, but also that it should protect them against activities by third parties which have an assimilatory effect.⁶⁶

The Human Rights Committee when commenting on Article 27 underlined that states have the duty to adopt positive measures of protection in order to protect the identity of such kinds of minorities.⁶⁷ The language and educational policies of the State concerned are crucial in this regard. Denying minorities the possibility of learning their own language and of receiving instruction in their own language, or excluding from their education the transmission of knowledge about their own culture, history, tradition and language, would be a violation of the obligation to protect their identity.⁶⁸ Under the UNDM, states also have an obligation to adopt appropriate legislative and other measures to protect the existence and identity of minorities.⁶⁹

At best express recognition may be considered an additional indication of de facto existence of a minority, but in no event may the non-existence of a minority be inferred from non-recognition. The question of whether a state “recognizes” or not “recognize” minorities in its internal law cannot be decisive for international law: “Every state has the duty to carry out in good faith its obligations arising from treaties and other sources of international law, and it may not invoke provisions in its constitution or its laws as an excuse for failure to perform this duty”.⁷⁰

2.5.2. Equality and Non-Discrimination

The prohibition of discrimination is a principle which has a long history of acceptance as one of the pillars for an adequate system of minority protection.⁷¹ The Permanent Court of International Justice (PCIJ) in an advisory opinion⁷² held that minority protection consists of two main components: non-discrimination on the one hand and special measures for minority protection on the other.⁷³ However, with the adoption of the UN Charter, the principles of equality and non-

⁶⁶ Asbjorn Eide, (2001), supra notes 43, Para, 28.

⁶⁷ Human Rights Committee, (1994), supranote 42, para.6.1.

⁶⁸ Asbjorn Eide, (2001), supra notes 43, Para, 28.

⁶⁹ UNDM, (1992), supra note, 56, article 1(2).

⁷⁰ Patrick Thornberry, (1991), supra note 64, p.20.

⁷¹ Mary Ayad, (2008), “Integration is a Human Rights”, Mediterranean Journal of Human Rights, vol.12 (double issue), p.93.

⁷² Permanent Court of International Justice, (1935), Advisory Opinion Regarding Minority Schools in Albania, 6 April 1935, PCIJ Reports, Series A/B No.64, 17

⁷³ Kristin Henrard, (2000), Devising an Adequate System of Minority Protection: Individual Human Rights, Minority Rights and the Right to Self-Determination, Hague, Martins Nijhoff Publishing, p.59.

discrimination became the benchmark for the human rights regime.⁷⁴ At present, almost all international treaties and declarations relating to human rights prohibit discrimination.⁷⁵

However, the grounds on which discrimination is prohibited differ from one instrument to another, but repeated references to birth, color, gender, language, national origin, race, religion, social origin and other status clearly cover traditional minority situations.⁷⁶ Apart from these treaties and declarations, the prohibition of discrimination, at least of racial discrimination, now bears the value of customary international law.⁷⁷

The UNDM provides that “persons belonging to minorities may exercise their rights, individually as well as in community with other members of their group, without any discrimination.”⁷⁸ It also provides that such minority persons have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language in private and public freely and without any form of discrimination.⁷⁹ Herein, the words “freely and without interference or any form of discrimination” indicate that it is not enough for the state to abstain from interference or discrimination. It must also ensure that individuals and organizations of the larger society do not interfere or discriminate.⁸⁰ This instrument also needs the states to take necessary measures to ensure such equality and non-discrimination.

The principle of equality not only envisages treating equal situations in the same vein but also treating different situations differently. Particularly, in the context of groups, the right to equality and non-discrimination often raises issues of affirmative action and positive discrimination for the groups that have historically been deprived of equal opportunities.⁸¹ Asbjorn Eide, (1993), stated that, elimination of discrimination includes not only formal freedom and equality, but also includes the empowerment of those who were in the past having been the subject of discrimination.⁸²

⁷⁴ Javaid Rehman, (2003), *International Human Rights Law: A Practical Approach*, London, Longman, p.270.

⁷⁵ Javaid Rehman, (2000), *supra* note 37, pp.105-106.

⁷⁶ Gudmundur Alfredsson and Erika Ferrer, (2004), *Minority Rights: A Guide to United Nations Procedures and Institutions*, London, Minority Rights Group International, p.8.

⁷⁷ Javaid Rehman, (2000), *supra* note 36, p.104.

⁷⁸ UNDM 1992, *supra* note 56, article 3(1).

⁷⁹ *Ibid*, article 2(1).

⁸⁰ Asbjorn Eide, (2001), *supra* note, 43, para.34.

⁸¹ Javaid Rehman, (2003), *supra* note, 74, p.303.

⁸² Asbjorn Eide, *Possible Ways and Means of Facilitating the Peaceful and Constructive Solution of Problems Involving Minorities*, E/CN.4/Sub.2/1993/34, para.93.

Accordingly, it is authoritative that affirmative action and positive discrimination measures⁸³ should be taken by the states for empowering the disadvantaged minority groups so that they can be placed in an equal footing with their majority counterpart. However, these measures are “exceptions, temporary measures, often with a specified time limit”.⁸⁴ As soon as the intended goal has been achieved, affirmative action measures cease to exist, even if the beneficiary is a “traditional or old” minority groups.⁸⁵

2.5.3. Internal Self-Determination

The right of self-determination is stated in the common Article 1(1) of both the ICCPR and ICESCR “all peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”⁸⁶ Self-determination categorized into two: internal and external self-determination.⁸⁷ External self-determination refers to the right to secede from the home state. Whereas, internal self-determination is refers to the condition where the defined ethnic groups or minorities is guaranteed to administer their own affairs by their own representatives whether in a given state or region.⁸⁸

Accordingly, Sub-national entity can obtain a special status for the seekers within the umbrella of its autonomy. It guarantees the constitutional and political autonomy as it’s necessary for different forms of self-government for the concerned and interested bodies in the form of special zone, special *Woreda* or special *Kebele*. The seekers may have the right to freely determine their political status and freely pursue their economic, social, and cultural development.⁸⁹ Whereas, ethnic regionalization’s like federal Ethiopia, both external and internal self-determination rights are resided to the named respective ethnic groups. For instance, Oromo for Oromo, Amhara for

⁸³ Affirmative actions and positive discrimination measures are meant to overcome past injustices or systematic disadvantages that a particular group has been exposed to in certain segments of public life. See, Miodrag A. Jovanovich, (2005), “Recognizing Minority Identities through Collective Rights”, *Human Rights Quarterly*, vol.27, no.2, p.638.

⁸⁴ Donald L. Horowitz, (1985), *Ethnic Groups in Conflict*, Berkeley, University of California Press, p.657.

⁸⁵ Rainer Babcock, (1999), “Liberal Justifications for Ethnic Group Rights”, in Christian Juppe and Steven Luke’s (eds.), *Multicultural Questions*, Oxford, Oxford University Press, p.144.

⁸⁶ International covenant on civil and political rights, 1966, supra note 25, and International Covenant on Economic, Social and Cultural Rights, 1976, Article 1(1).

⁸⁷ www.lawanddevelopment.org/docs/self-determination.pdf accessed on 2/5/2017.

⁸⁸ Ibid.

⁸⁹ Ibid.

Amhara, Agew, and Oromo Kamise and BG for the five respective ethnic groups etc...but the remaining inhabitants to the given regions are excluded from group autonomies.

In sum, as in the common Article 1 of the ICCPR and ICESCR stated, the internal self-determination is more preferable for the minorities to determine their constitutional rights including autonomous status and right to govern through genuine democracy as well as respect their interests and will within the given territorial integrity. For instance, in accordance of the stated conventions and declarations, the considered the so-called non-indigenous communities in Benishangul-Gumuz Regional State, since they are numerically and politically minorities to the region, they are full right to enjoy internal self-determination autonomy through non-territorial proximity or cultural or personal autonomy.

2.5.4. Political Participation and Representation

Participation of minorities in all aspects of the life of the larger national society is essential, both in order for persons belonging to minorities to promote their interests and values as well as to create an integrated but pluralist society based on tolerance and discourse.⁹⁰ Accordingly, the UNDM affirms that persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.⁹¹ Herein, the right to participate in “public life” includes, among other rights, relating to election and to being elected, the holding of public office and other political and administrative domains.⁹²

To add more value to the participation right of minorities, the UNDM also prescribes that persons belonging to minorities have the right to participate effectively in decisions on the national, and where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.⁹³

2.6. Conclusion

This chapter has generally assessed the concepts and definition of minorities both internationally and internally (i.e. Ethiopia), the researcher concluded that there is no agreement between scholars on the definition of minorities i.e. under the Federal Democratic Republic of Ethiopia,

⁹⁰Asbjorn Eide, (2001), supra note 43, para.35.

⁹¹ UNDM, 1992, supra note 56, Article 2(2).

⁹² Asbjorn Eide, (2001), supra note 43, para.36.

⁹³ UNDM, 1992, supra note 56, Article 2(3).

the term minorities are not clearly defined. Even though, UN the special Rapporteur F. Caporiti tried to define the terms of minority but this UN Special Rapporteur is defined it based on national minorities with missed that of political subordination of internal new minorities or immigrants from his definition.

Therefore, according to the researcher's understanding; minority means those who are numerically and politically subordinated to the majority and they are politically, culturally, economically and socially marginalized, discriminated as well as disadvantaged groups from the countries or regions politics as a result of restructuring the country's political system. Those minorities remained subordinated as a result of boundary demarcation, dislocation and internal or external migration weather forced to settle to the new areas due to the government policy, or their interests.

Chapter Three

3.1. The Meaning of Minorities under Ethiopian Federal System

3.1.1. Exploring the Meaning of Minorities under Ethiopian Federal System

By taking the objective, subjective and the combination of both criteria's of defining minorities, Ethiopia is a land of minorities. None of ethnic groups that claims to be in a majority position at the federal /national level.⁹⁴ Away from employing the term minority nationalities and providing the defining criterion for an ethnic group in Article 39 as nations, nationalities and peoples (herein after NNP); it did not identify which groups qualify as minorities and which do not qualify it. The term NNPs has been defined as a group of people who have or share a large measure of a common culture or custom, mutual intelligibility of language, belief in common identity, a common psychological makeup and an identifiable, predominantly contiguous territory.⁹⁵

Since the whole population of the country is seen as composed of NNPs as defined above, it means that every citizen must belong to an ethnic group and define themselves along ethnic lines. Apart from this, other than setting the standard criteria of designating nation, nationality or people, the FDRE Constitution has not made any reference to the exact number of persons belonging to such a formulation. From this, one may argue that all nations, nationalities and peoples of Ethiopia are entitled to enjoy equally all the rights guaranteed by the constitution regardless of their numerical size.

As to definitional aspects of minorities, the lack of majority at national level and the relative ambiguity of the term minority nationalities as employed by the FDRE Constitution us to make some analysis to it. Accordingly, during the transitional period, the term nation or nationality was defined in proclamation No. 7/1992 as referring to a people living in the same geographical setting and having a common language and a common psychological makeup of identity. The proclamation defined minority nationality as a nationality or people which cannot establish its

⁹⁴Haileyesus Taye Chekole, (April 2012), Issues of Minority Rights in the Ethiopian Federation. European Centre for Minority Issues (ECMI) Working Paper #59, Flensburg.p.3.

⁹⁵ FDRE Constitution, (1995), supra note 14, Article 39(5).

own *Woreda* self-government because of small number of its population.⁹⁶ Later on, Article 54(3) of the new constitution inserted the term minority nationalities or peoples without defining what is meant by the term.⁹⁷ After the adoption of the new constitution, the term minority defined in proclamation No 111/1995 as a community determined by the council of representatives or its successor to be of a comparatively smaller size of population than that of other nations or nationalities.⁹⁸

A clear examination to the definitions given under the above proclamations in light of Article 54(3) of the constitution give the sense that minority nationality refers merely to those particular ethnic groups that do not have adequate number to makeup constituency so as to have their own representatives in the House of people representatives. Thus as per Article 15(2) of proclamation No 111/1995 since each electoral constituency is made up of 100,000 inhabitants when the number of a certain ethnic group is below such a requirement, it may be considered as a minority special representation in the house.⁹⁹

But currently, proclamation No 111/95 has been replaced by proclamation No of 532/2007 and come up with the new idea of minority representation. Accordingly, unlike its counterpart, the new electoral proclamation has not ascertained an electoral constituency on a fixed number of constituencies is to be determined based on the population of the country.¹⁰⁰ In short, there is no minimum numerical requirement for an ethnic group to be considered as a minority. Because for one thing, this proclamation has not defined what is meant by minority nationalities and secondly, it has left the issue of determining the numerical size of an electoral constituency based nationality.

Accordingly, the House of people representative may permit such group to have on the population size of the country rather than putting a predetermined figure. It can be argued here that the proclamation addressed the issue of ascertaining minority nationalities in a different fashion than it's previously counterpart. It states that minority nationalities believed to require

⁹⁶ Proclamation No-7/1992, supra note 33.

⁹⁷ FDRE Constitution, 1995 supra note 14, Article 54(3).

⁹⁸ Proclamation No-111/1995, a proclamation to make the electoral law of Ethiopia conform to the constitution to the federal democratic republic of Ethiopia, *Negarit Gazeta*, 54th year, No-9, 23rd February 1995, Article 2(3).

⁹⁹ FDRE Constitution, 1995, supra note 14, Article.15 (2).

¹⁰⁰ Proclamation No-532/2007, the Amended electoral law of Ethiopia proclamation, federal *Negarit Gazeta*, 13th year, No-53, Addis Ababa, 25th June 2007, Article 20(1) (b).

special representation shall be determined in advance by the House of Federation to come up with its rule of criteria.¹⁰¹ This invites the House of Federation to come up with its rule of procedures as to which nationalities require special representation.

3.1.2. The Concept of Regional Minorities in Federal Ethiopia

Ethiopia expressed differently that can be described as a nation of numerical minorities in which no single ethnic group comprises more than 50% of the total population.¹⁰² Despite the existence of more than 80 ethnic groups in the country, it is clear only nine regional states have been formed by the restructuring process of the 1990's.¹⁰³ None of the nine regional states are ethnically homogeneous.¹⁰⁴

The Ethiopian federal system seems to have taken the assumption that every ethnic groups were assigned with definite regional states by which they are able to exercise their right of self-determination. However, this process was unnoticed of the issues that would arise from sub-national ethno-cultural diversity. Even though, it has been attempted to realize a match between territorial autonomy with that of ethnic identity, thereby creating homogeneous states, the outcome was not as expected. All regional states of the Ethiopian federation to a lesser or greater extent have an ethnically diverse population.¹⁰⁵

In terms of numerical superiority and political dominance exhibited by ethnic groups, we can classify the nine regional states of Ethiopia into four: those regions are dominated by single ethnic groups that are politically and numerically superior.¹⁰⁶ Regional state in which there exists

¹⁰¹ Proclamation No-532/2007, supra note 100, (d).

¹⁰² FDRE, population and Housing Census report, 2007, supra note 10.

¹⁰³ It is worth nothing here that the constitution only created nine regional states while the country is inhabited by more than eighty ethnic groups.

¹⁰⁴ The established nine regional states are Tigray, Afar, Amhara, Oromia, Somali, Benishangul Gumuz, Gambella, Harari, and SSNP Regional states. The cities of Addis Ababa and Dire Dawa are chartered cities administered directly by the federal government.

¹⁰⁵ Those the nine regional states and the city administration are already cited above at note 115, none of them are ethnically homogenous while as a result of ethnic based regional demarcation and numerical majority it created the six regional states (Afar, Tigray, Amhara, Oromia, Somali and Harari) are ethnically homogenous and they used their own languages as a working languages at their own territory. The three regions (Benishangul Gumuz) the main focus of my thesis), Gambella, and SNNPR) are ethnically heterogeneous. But those nine regional states only recognized the so-called indigenous ethnic groups to the region, the considered migrants, settlers and refugee ethnic groups are not recognized at the regional constitution.

¹⁰⁶Tigray, Afar, Amhara, Oromia, and Somali regional states.

no numerical majority though political dominance is by few of them;¹⁰⁷ regional state in which the ones which are numerical minority dominate in the region, the politically dominant indigenous nationalities numerically added their constituent a majority over other ethnic groups.¹⁰⁸

From the above modalities of regional state formation, the concept of regional minorities is emanated. Since the regional demarcation was along ethnic lines, the ethnic groups which are not included in other regions remained too political insignificant to that regions irrespective of their numerical size. Thus minority status particularly internal minorities at the regional level are a result of ethnic groups which are politically dominant irrespective of their numerical foundations. In one ways, regional ethnic minorities under the Ethiopian context may be expressed in terms of numerical majority or political hegemony of an ethnic group.¹⁰⁹

The regional minorities has not been dealt within the Constitution and what is worse; the exercise of government power in the regional states has been an exclusionary one for these minorities. The dominant ethnic group, either numerically or politically, considers itself to be the owner of the regional state while other ethnic groups are downgraded to position of second class citizens. This situation has been expressed as a condition of creating ‘local tyranny’ since by giving a deaf ear to what is guaranteed under the federal constitution,¹¹⁰ states are practically denying minority rights from the benefits of governing system both at regional and federal level. The present situation in the Benishangul-Gumuz Regional State can best illustrate the above assertion.

¹⁰⁷ The States of SNNP by which it is created as an amalgam of different ethnic groups determined under this category.

¹⁰⁸ Benishangul Gumuz and Gambella Regional States.

¹⁰⁹ Thus an ethnic group who belongs to a majority in their mother state will find one self being reduced to a minority status at least politically outside of such state. This is the case in Benishangul Gumuz in which the non-indigenous ethnic groups like Amhara, Oromo, Tigre and the like are reduced to minority status though they are majority at their mother state.

¹¹⁰ Assefa Fiseha, (2006) Theory Versus Practice in the Implementation of Ethiopia’s Ethnic Federalism, in David Turton (ed.) *Ethnic Federalism: The Ethiopian Experience in Comparative Perspective* (James Curry, Oxford), p.136.

3.2. Old and New Minorities in Federal Ethiopia and Their Status

The contemporary legal instrument of Ethiopia appears to lack clarity to include the definition of Minority in general and the distinction of old and new minorities (internal minorities) in the country or regions in particular. However, the FDRE Constitution under its proclamation tries to identify the national minorities which are historically marginalized from the country's political discourse during the previous three Ethiopian autocratic governments which they run assimilation and integration policy. Along this line, for instance the five historically marginalized ethnic groups in Benishangul-Gumuz Region are currently become politically, economically, socially, and culturally autonomous in their respective region and they have a reserved seats in the federal house of people representative of Ethiopia.¹¹¹ This implies that, the national minorities are recognized under the provision of the FDRE constitution of Article 54(3).

The term national minorities are referred to old minorities (which long inhabited in the given territories and previously, they are political, cultural, economic and social minorities in Ethiopia). To rectify this, FDRE constitution acknowledges them by giving legal binding protection of their rights. While, according to the contemporary scholars of Ethiopia Arguments, even though, the current federal arrangements of Ethiopia is acknowledged the national minorities, it is fail to accommodate the internal new minorities in the sub-national federation.¹¹² Because the legal instrument of FDRE determines only the national minorities which are settled either sparsely or densely populated territories of the multi-ethnic regional state.

But as a result of the previous expansion movements in the 16th century and government policy in the 1974, the new minorities created in different corners of Ethiopia including Benishangul-Gumuz. They either sparsely populated or densely populated ethnic groups in the sub-national federation are neither legally nor politically acknowledged in the country. Therefore, the new internal minorities are subjected to hostile perception in the sub-national federation of Ethiopia including since they are no say at the political level as because of under/non-represented at all levels of regional government institutions of federal Ethiopia.¹¹³

¹¹¹ Proclamation No-7/1992, supra note 33 and FDRE Constitution of 1995, supra note 14, Article 54(3).

¹¹² Asnake Kefale (2009), supra note 19, P.118.

¹¹³ Ibid.

The accommodation of new internal minority is a necessary requirement for their effective political, social, cultural and economic protection in the sub-national multi-ethnic federation of Ethiopia. Having comprehensive protection helps them to determine their status at regional government key position to ensure them to enjoy the fundamental right to equality both in written legislation and in society at large either regionally or federally in Ethiopia. Unless it is difficult to reconcile the interests of internal new minorities and the state wherein new minorities reside.

3.3. Accommodations of New-Minorities in Ethiopia under FDRE Constitution

In many Countries “reasons to institutionalize minorities” accommodation varies significantly. In some places, minority accommodation is based on historical arrangements, such as the accommodation of linguistic minorities in Belgium, Canada and Ethiopia. Sometimes, group rights are acknowledged in order to correct past injustices, (as the arguments for the rights of indigenous peoples). Sometimes, identity claims can be present. Catalonia and Scotland have each made arguments for more autonomy in order to preserve their identity.¹¹⁴ Occasionally, accommodation of minorities is a result of extending rights to communities of new immigrants, (“new minorities”), the established values of tolerance and individual rights which have been enjoyed by the mainstream within the state.¹¹⁵ This thesis mainly attempts to address the status and accommodations of the internal new minorities in Ethiopia in general and in Benishangul-Gumuz in particular.

The preamble of FDRE Constitutions stipulated that “we, the NNPs of Ethiopia strongly committed in full and free exercise of our right to self-determination, to building a political community founded on the rule of law and capable of ensuring a lasting peace guaranteeing a democratic order...”¹¹⁶ in addition to this, at the supra note 15 of this thesis clearly put the protection of minorities under this constitution of Article 39(5) who are fulfill the definition in terms of both subjective and objective criteria are protected well constitutionally and those minorities which are scattered over the country and don’t inhabit in an identifiable and predominantly contagious territory are not given sufficient protection. Let us see some of the

¹¹⁴Marina Andeva, (2013), Accommodating minority groups: the politics of minorities’ protection in Italy. *Journal of Politics, New Balkan Politics* 13, 2013.P.111.

¹¹⁵ Ibid.

¹¹⁶ FDRE Constitution, (1995), supra notes 14, see preamble of this constitution.

types of minority rights in general and internal new minority rights in particular in the following sections of which are necessary for this thesis.

3.3.1. Political Representation and Participation

The FDRE Constitution under Article 61(2) clearly put each nation, nationality and people shall be represented in the house of federation by at least one member. Each nation or nationality shall be represented by one additional representative each per one million of its population.¹¹⁷ As there is no maximum limit for extra seats in the upper house, it enables more populous states to control this house while they have already controlled the lower house through election of members based on population size.

In general speaking, because of the majority vote fits all questioned the minorities in political representation and lack of constitutional space for other types of minority's particularly internal new minorities in federal house in general and in regional states in particular.¹¹⁸ Since the FDRE Constitution is allowed constitutional guarantee for national minorities especially at lower house of the federal level, the regional minorities are relegated to non-representation in the house. For instance, as the government formation of 2016 in BG shows, the so-called indigenous ethnic groups have been shared nine (9) seats of the total 547 seats at the federal House of People Representatives; among, Berta holds four (4) seats, Gumuz holds three (3) seats, Shinasha holds one (1) seats, and Mao holds one(1) seats. In addition to this, at house of federation, these named ethnic groups have been also shared five seats that nomination only considered them. Among, the total of five seats, Berta holds one seat, Gumuz hold one seat, Shinasha hold one, and Mao and Komo holds one seat each.¹¹⁹

These sharing of seats at both federal houses representational formation, among between the respective ethnic groups that intentionally to neglect the remaining inhabitants limited to non-recognition. Internal/new minorities in Benishangul-Gumuz Regional State are not represented in the Federal house of people representatives and Federal House of Federation. Because of lack of constitutional guarantee and lack of willingness of political parties as well as electoral factors in both at federal and regional levels, relegates them to non-representation. Therefore, in the shaped

¹¹⁷FDRE Constitution, (1995), supra notes 14, Article 61(2).

¹¹⁸ For further detail information see chapter five of this thesis.

¹¹⁹Benishangul Gumuz Regional State Council Office, accessed on 4/25/2017.

heterogeneous ethno-regions, their political participation and representation in federal lower and upper house in general and in regional house in particular is not properly and effectively accommodated in the political institution.

3.3.2. Internal Self-determination

Under human rights law, self-determination has two applications i.e. internal self-determination and external self-determination. Internal self-determination is all about the right of peoples within a state to choose their political status, extent of their political participation and the form of their government; whereas, external self-determination is concerned with the right to be applied to colonial situations in which territorial division of the state will be effected in forming an independent nations.¹²⁰

The realization of the right to internal self-determination has taken up two forms under the Ethiopian context. The first one is the creation of the regional (state) boundaries under the ethnic based criteria by which nine regional states have been established.¹²¹ The second approach is the formulation of territorial autonomy for the different nations, nationalities and peoples within a specific regional state. This has been realized in what has been called the “administration of nationalities” in which an ethnic group will be granted territorial autonomy to be realized via special zonal or *Woreda* administrations.

Under the FDRE Constitution of Article 39 clearly explained the political rights of every NNPs of Ethiopia for final determination and including secession. For instance, Article 39(1) precisely stipulated that every NNP in Ethiopia has an unconditional right to self-determination, including the right to secession.¹²² In line with this Article, one can argue that political rights for minority nation, nationality and people have an alternative option to claim and ask respective rights.

In contradict with the above provision; the regional constitution envisaged Article 39 for only the respective recognized ethnic groups whether regionally majority or minority ethnic groups. For instance, Article 39(4) of the Benishangul-Gumuz constitution envisaged that the nationalities (the owner of the region like Berta, Gumuz, Shinasha, Mao and Komo) are the right to exercise

¹²⁰ Fasil Nathum, (1997), Constitution for a Nation of Nations: the Ethiopian prospect, (the Red sea press, Inc.1997), p.153.

¹²¹ FDRE Constitution, (1995), supra note 14, Article 47.

¹²² Ibid, Article 39(1).

the various aspects of the right to self-determination without any fearing while the internal/new minorities like Amhara, Oromo, Agew and others have no the right to exercise the whole aspects over the right of self-determination.¹²³

3.3.3. Self-government

As Jaap de Visser, Nico Steytler and Yonatan Fessha noted in their article, the FDRE Constitution keeps door/constitutional space for the creation of new ethnic homelands open. It is not only delimited to ethnic defined states but also for ethnic groups with new emerging minorities.¹²⁴ Article 39(3) clearly and explicitly stipulated that every NNP 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 state and federal governments.¹²⁵ In line with this right, the minority ethnic groups have a guaranty to serve the right to internal self-administration along their ethnic lines at the lower units either territorially or non-territorially concentrated.

When we looking down to the regional constitution particularly the above provision is explicitly envisaged for only the owner of the region while none of the owner of the given region, are vulnerable to marginalized from exercising this right since my thesis is focused on the internal regional minorities with specifically the case study of BGRS, For instance, the ethnic groups which are remained to the name of “others” in its constitutions are not yet either constitutionally guaranteed or political willingness to exercise self-government either territorial or non-territorial power sharing autonomy for them to the region.¹²⁶

¹²³ For further detail information see chapter five of this thesis.

¹²⁴ Jaap de Visser, Nico Steytler and Yonatan Fessha, (Sep.2012), The Role of Ethnicity in the Demarcation of Internal Boundaries in South Africa and Ethiopia. Draft paper presented at the Annual Conference of the International Association of Centre’s for Federal Studies, Rome, and 20-21 September 2012. Multi-Level Government Initiative, Community Law Centre, (University of the Western Cape). P.3

¹²⁵ FDRE Constitution, 1995, supra notes 14, Article 39(3).

¹²⁶ This part is also my focus areas to look their status in the region of BG under chapter five of this thesis.

3.4. Conclusion

In the contemporary restructuring governing system of Ethiopia, ethnic based regional demarcation has failed to reach the final definition of minorities. Ethiopia is one of a multiethnic state which recognized the nine ethnic based regional states under its Article 47(1). None of the given region wins 50+1 numerical majorities. Even though, when they are not ethnic majorities but relatively greater than the remaining residents, they get constitutional guarantee in their respective regions. Along this, either numerical or political majorities or minorities dilemma were created along this demarcation. In other words, the regional majorities and national minorities are clearly identified both in interim constitution in pro.No.7/1992 and the 1995 FDRE Constitution under Article 54(3).

Accordingly, the national minorities were guaranteed in mentioned provisions, but the new emerged ethnic groups are took place and not taken into consideration them during adopted supreme law of the land. Therefore, the definition of minorities in general and new emerged minorities in particular is a necessary requirement for their effective protection and helps them to demand their individual and group rights in the sub-national states. So the federal governments of Ethiopia needs to change the ethnic based regionalization into non-territorial or personal autonomy based regional states to accommodate the dispersed ethnic groups in different corners of the country.

Chapter Four

4. The General Overview of Benishangul-Gumuz Regional State

4.1. Geographical Setting

The Benishangul-Gumuz Regional State (herein after BGRS) is located along the margins of the Blue Nile. It comprises regions that were previously administered as part of Wellega (Asossa *Awraja*) and Gojjam provinces (Metekel *Awraja*), in the western and northern parts of the Blue Nile River.¹²⁷ BGRS is located in the western part of Ethiopia, stretching along the Sudanese frontier, bordering the Amhara National Regional State (ANRS) in the north, Oromia National Regional State (ONRS) in the east, Gambella Peoples Regional States (GPRS) in the south and the international border with the Republic of Sudan (RS) in the west.¹²⁸

The Regional State occupies the total area of estimated to be 50,380 km², and is divided by the Blue Nile with the Metekel Zone and previously Pawe Special *Woreda* but currently the Pawe *Woreda* to the north (occupying over 26,560 km²) and the Asossa and Kamashi Zones, and the Mao-Komo Special *Woreda* to the south (occupying 23,820 km²).¹²⁹ Throughout the three administrative zones and Special *Woreda* in BGRS, there are a total of 19 *Woreda's* including one Special *Woreda* and 475 *Kebeles*. Its capital city is Asossa. As per the 2007 population and housing census result, the total population of the region is estimated to be 784,345 of which 86.5 percent is living in rural areas and the rest 13.5 percent is living in urban areas.¹³⁰

4.2. Socio-Cultural and Economic Activities

The main economic activities of both indigenous and non-indigenous of Benishangul-Gumuz Region mainly depend on mixed Agricultural activities.¹³¹ This means both Agriculture and Rearing Animals. Agricultural foodstuffs are mainly categorized into two based on production. These are crop production and Horticultural production. The main crops produced in the region

¹²⁷ Mesfin Gebremikael, (2011), *supra* note 2, P.189.

¹²⁸ The Benishangul-Gumuz Regional state Revised Constitution, 2002, *supra* note 15, Article 3.

¹²⁹ "Facts about Benishangul-Gumuz", April 2005 edition, year 2 Number 2, Bureau of Information and Public Participation, Co-ordination and Social Affairs, Department of Press and Public Relation (BIPPCSA), Asossa.

¹³⁰ Central statistical Agency of Ethiopia (CSAE), 2007, *supra* note 10.

¹³¹ Wolde Selassie, (1997), the Dynamic of Socio-Economic Differentiation and Change in Beles-Valley (Pawe) Resettlement Area, North Western Ethiopia. MA Thesis in Social Anthropology, Addis Ababa University, pp.81-86.

are sorghum, maize, millet, sesame, ground-nut, rice, chick-pea, Niger seed, and barber. in addition to the above, there are also other crops produced in the region by the inhabitant farmers but with small scale compared to the above crops. For instance, cow pea, beans, tobacco, cotton, sweet potato, and so on...are the best crops which some of the farmers of the region changed their daily economic activities through exchange with cash crops.¹³²

The second category of agricultural foodstuffs in the region is horticultural productions through irrigation and motor pump by the farmers. The main horticultural products are vegetables and fruits. Vegetables are includes onions, cabbage, red-beets, swiss-chard, etc... and fruits includes banana, papaya, mango, sugarcane, coffee, etc...these horticultural productive activities are played a great role in changing the daily life of the households of the region till now.¹³³

The other category of farmer's activity is animal rearing activities which the livelihood of farmers depends on. Their very existence are based on rearing animals like cattle, goats, sheep, hens, donkey, etc... these rearing livestock's are also a clue for the daily life activities of both inhabitants of Benishangul-Gumuz Region easy life to lead and led their parents in general and their children in particular with comfort through producing Foodstuffs of Horticulture.¹³⁴

The region is rich in mining resources like gold, copper, zinc, base metal and marble resources. Gold mining potentials have attracted Foreign Companies like Golden Star and St Genevies to undertake. Traditional gold mining activities are giving a livelihood for the population of the region.¹³⁵

Generally, Benishangul-Gumuz region is characterized by economic under development, immature political development, inadequate basic social services and infrastructures. The region socio-economic activity is not as such differing from the overall countrywide low standards of socio-economic development of Ethiopia.

¹³² Wolde Selassie, (1997),supra notes 131

¹³³ Ibid.

¹³⁴ Ibid.

¹³⁵ Birhanu Gutama Balcha, (2007) supra notes 12, p.152.

4.3. A Brief Historical Survey of Indigenous and Non-indigenous Communities in Benishangul-Gumuz Regional State

Benishangul-Gumuz Region is one of the homes of nation, nationality and people of Ethiopia with distinct languages, socio-economic formations and cultures. The total population of the nations-nationalities of Benishangul-Gumuz is accounted to around 784,345.¹³⁶ This number of population is not only limited to the five indigenous ethnic groups but also the non-indigenous ethnic groups share this number. The ethnic composition of the region is heterogeneous with diverse ethnic groups. Moreover, the number of the nation-nationalities of non-indigenous to region is almost equal to the number of the indigenous people in BGRS.

At the end of this sub-title, the researcher shows the ethnic composition of both indigenous and non-indigenous ethnic groups with their population size in table form. Linguistically, the indigenous ethnic group like Berta, Gumuz, and Komo are belongs to the Nilo-Saharan Language groups while Shinasha and Mao peoples belong to the Omotic Language family. The major religion that is practiced by the inhabitants of the region is Islam, Orthodox, Protestants, Catholics and traditional religions.¹³⁷

In Ethiopian federal system and principles, there is no any technical distinction of the NNPs of Ethiopia based on their long lived and recent settled/resettled to the land. But post 1991, for the purpose of political benefits, the constitution of BGRS used the techniques to distinct the peoples of the region based on their eras arrived to the region. In line with this, 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 are indigenous and who are non-indigenous people in the regional state under its constitution. Hence, the Benishangul-Gumuz Regional State Revised Constitution, Article 2 stipulates that, “indigenous nation and nationalities of the region are Berta, Gumuz, Shinasha, Mao and Komo” while the “non-indigenous people are simply referred as ‘Others’ inside the region”.¹³⁸

¹³⁶ CSAE, (2007), BGRS supra note 10.

¹³⁷ Birhanu Gutama Balcha, (2007), supra notes 12, p.153.

¹³⁸ Benishangul-Gumuz Regional State Revised Constitution, (2002), supra note 15, Article 2.

Therefore, any group of people who is not listed as ‘indigenous’ people of the regional state is considered as ‘non-indigenous’ and remained on the status of political, economic and cultural insignificance.

Table 4.1:- Demography and Ethnic composition in Benishangul-Gumuz Regional State with three Zones and one special Woreda.

| Ethnic group | BGRS | Assosa Zone | Metekel Zone | Kamashi zone | Mao Komo Special Woreda |
|--------------|---------|-------------|--------------|--------------|-------------------------|
| Agew-Awi | 33,061 | 250 | 31,312 | 109 | 8 |
| Agew-Hamyra | 1,953 | 595 | 886 | 60 | 2 |
| Amhara | 170,132 | 74,171 | 48,050 | 11,279 | 323 |
| Berta | 199,303 | 186,325 | 559 | 2,877 | 9,410 |
| Gumuz | 163,781 | 418 | 101,638 | 61,493 | 86 |
| Komo | 7,773 | 500 | 9 | 7 | 7,241 |
| Mao | 15,384 | 1,921 | 9 | 187 | 13,228 |
| Oromo | 106,275 | 32,050 | 30,654 | 24,993 | 17,569 |
| Shinasha | 60,587 | 644 | 59,702 | 81 | 1 |
| Tigray | 5,562 | 3,865 | 1,241 | 79 | 3 |
| Others | 20,534 | 10,083 | 2,307 | 438 | 139 |
| Total | 784,345 | 310,822 | 276,367 | 101,543 | 50,061 |

Source: Census Statistical Agency, 2007, Tables for BG Region.

4.3.1. Indigenous Peoples: Historical Overview

In this section the researcher explored the historical facts and events related to the settlement patterns of indigenous ethnic groups in Benishangul-Gumuz Region and their past status in administrations.

4.3.1.1. Berta

The Berta indigenous community has the population of 199,303 and accounts around 25.4% of the total population of the region.¹³⁹ They speak the Nilo Saharan languages with different dialects and most of them are the followers of Islamic religion than the Gumuz.¹⁴⁰ The name of Berta ethnic group is controversy in Ethiopian history. The word Berta in Sudanese languages refers to mean ‘slave’.¹⁴¹ Currently, Most of the Berta communities rejected the derivation of Berta rather preferable ‘Benishangul’ which means a ‘rock’.¹⁴²

In the present, they dominantly live in Asossa Zone. As different historians and scholars in 1617, the Berta families begun to settle in the areas of the Sheikhdoms of Aqoldi or Asossa and Bela-Shangul by displacing the previous settlers like Mao and Komo ethnic groups.¹⁴³ Many traditions place that at the time, much of Asossa area was dominated under the Fuji-sultanate from Sudan. After 1720 onwards, the southernmost part of the Sheikhdom of Asossa border principalities including Fazughil and Keili were incorporated under this Sultanate up to the coming of the Egyptian in 1820s.¹⁴⁴ There are also settlers from Northern part of Sheikhdom of Aqoldi or Asossa which differed from the local Berta and were known to be travelers in the region as Jabalawin or mountain dwellers.¹⁴⁵

¹³⁹ CSAE, (2007), BGRS, Supra note 10.

¹⁴⁰ Alfredo González-Ruibal and Victor M. Fernandez Martinez (ND), exhibits cultures of contact: a museum for Benishangul-Gumuz, Ethiopia. Department of Pre-History University of Complutense Madrid. Stanford Journal of Archaeology, pp.12.

¹⁴¹ Birhanu Gutama Balcha, (2007) supra note 12.

¹⁴² Mulugeta Nigusse, (2010), Self-Administration of Indigenous Nationalities of Benishangul Gumuz State of Ethiopia: Challenges and Prospects, Faculty of Law (MA THESIS), Addis Ababa University. P.45

¹⁴³ Triulzi, Alessandro, (1981), Salt, Gold and Legitimacy Prelude to the history of anomies land Bela Shangul, Wellega Ethiopia (1800-1898), Napoli. cited from Mulugeta Nigusse(2010), p. 25

¹⁴⁴ Sarah Vaughan, (2007), Conflict & Conflict Management In & Around Benishangul-Gumuz National Regional State, Report Produced Under The Ministry Of Federal Affairs, p. 24

¹⁴⁵ Triulzi, Alessandro, (1981), supra note 143.

During the previous ruling time, the indigenous Berta Peoples were considered as slave by the Ethiopian Christian Highland Kingdom in the area who was descendant from Arabs. The descendants of Arabs came from Sudan through trading and preaching Islamic religion by their religious teachers. These Muslim merchants and Islamic religion teachers were known to be 'Watawit'. It refers to that of Arabized pure Berta people settled in Ethiopia-Sudanese border frontier lands.¹⁴⁶ The Muslim merchants and Islamic religious teachers established the four Sheikdoms in Ethiopia-Sudan Frontier lands in order to enslave the peoples and control the natural resources in the area. The four Watawit Sheikdoms are (Aqoldi/Asossa, Menge/Bella Shangul, Komosha were from south of the Blue Nile River) and Sheikdom of Guba¹⁴⁷ from the north of the same river.¹⁴⁸

Among these sheikdoms of Benishangul, Bella Shangul was ruled and perhaps strengthened by Mohammed Tur El Juri, Sheikdom of Assosa/Aqoldi which lies to the south west of Benishangul ruled by Sheik Khojele al Hassan; Sheikdom of Komosha located between Aqoldi and Menge, ruled by Sheikh Muhamad Wad Mahmud Himmadi.¹⁴⁹ Formerly the Benishangul Region at that time (1881-1885) belongs to the Famaka district and paid its tribute to the Turco-Egyptian government in the Sudan. However, with the rise of the Mahadist states, the local chiefs continued to consolidate themselves and resist the Mahadist army.¹⁵⁰

After the distraction and defeat of Funji-sultanate of Sudan by Egyptian forces, Berta ethnic groups established their own form of administrative structures.¹⁵¹ However, in 1897 Menilik II who was initiated by Sudanese government attacked the Berta, because of the fact that Egyptian entered between Ethiopia and Sudan through Berta land. It was on this base that Menilik II ordered Ras Mekonnen to open war against Berta ethnic groups in order to incorporate the anxiety areas of Berta land's currently Assosa Zone which at the time the strategic places for foreign invasion to attack Ethiopia like Egyptian invasion.¹⁵² In order to defense the foreign

¹⁴⁶ Binayew Tamrat Getahun and Alemseged Debele Tsega, (2014), Centre Periphery Relations in Ethiopian Empire: The Case of Benishangul Gumuz, 1898–1941. School of Humanities and Law, History, Adama Science and Technology University.Pp.2.

¹⁴⁷ It explained under sub-title of Gumuz.

¹⁴⁸ Binayew Tamrat Getahun and Alemseged Debele Tsega, (2014), supra note 146.

¹⁴⁹ Tsega Endalew Etefa, (2006), Inter-ethnic Relation on Frontier: Metekel (Ethiopia), 1898-1991(Harrassovitz Verlag wise boden 2006), pp.48-49.

¹⁵⁰ Ibid, p.50.

¹⁵¹ Mulegeta Nigusse, (2010), supra note 142, p.39.

¹⁵² Sarah Vaughan, (2007), supra note 144, P.19.

invasion along this land, Ras Mekonnen made Mendi (the present part of Oromia) a war camp and sent his group messengers to Berta elites to peacefully surrender to the government of Ethiopia with the serious warning.¹⁵³

Following these warning, the three Berta elites of Assosa/ Aqoldi, Bella Shangul and Komosha after a long discussion on the issue decided to launch war against Ras Mekonnen. But, the sheikdom of Asossa (Sheik Khojele al Hassen) made agreement with the Ethiopia Christian kingdom or Emperor Menilik II in secret.¹⁵⁴ Then, the emperor left his autonomy over his territory. Whereas, the two strong resistant of sheikdoms were defeated by the combined forces of Kumsa Moroda, Jote Tulu and Ras Mekonnen. For instance, Tor el Jori of Bella Shangul was defeated at the battle of Fadogno and escaped to Fazughil (the place of Sudan) and Muhamad Wad Mahmud of Komosha defeated and escaped to Jebel Jerok (Sudan) in 1897.¹⁵⁵

The designation policy of divide and rule policy of Menilik II became fruitful in these Sheikhdoms. Even though, the Governors were not serving the indigenous interest but of the center and also they were instructed by the center as the policies of one of the clan superior over the other, caused conflicts between the elites of Sheikhdoms and they developed hostile relationship among the elites.¹⁵⁶ Menilik II incorporation through peaceful submission of the Sheikhdoms was completed in 1897 by surrender their lands to the current Ethiopia through indirectly negotiated with Sheikh Khojele al Hassen and this was the time when Berta started to pay tax for Ethiopian government and became under the central government control.¹⁵⁷

Since the Berta lands with their Ethnic groups surrendered to the Ethiopian Government especially following restoration of imperial authority in 1941 to the 1991 onwards, the indigenous Berta elites were totally replaced and the land was governed by governors appointed by the central bureaucratic government.¹⁵⁸ It was from that time onwards that Berta totally lost right of self-administration and failed under oppressive regime for at least 8 decades.¹⁵⁹

¹⁵³ Mulugeta Nigusse, (2010), *Supra* note 142, pp.39-40.

¹⁵⁴ Binayew Tamrat Getahun and Alemseged Debele Tsega, (2014), *supra* note 146.

¹⁵⁵ *Ibid.*

¹⁵⁶ *Ibid.*

¹⁵⁷ *Ibid.*

¹⁵⁸ *Ibid.*, Pp.1-10

¹⁵⁹ Mulugeta Nigusse, (2010), *supra* note 142.

The elites of Berta were totally replaced by these oppressive regimes of the northern elites and the puppets of the government. In the post-1991 which means ethnic based federal system accommodated them by rectifying the past social injustice and historical marginalization of Berta. Now this institution facilitates fertile ground for those marginalized groups to exercise the basic fundamental human rights and democratic rights along ethno-linguistic lines. In the Current Governmental System, they become politically, economically, culturally and numerically at dominant position over other ethnic groups like Amhara, Oromo and others.

4.3.1.2.Gumuz

The indigenous Gumuz community in Benishangul Gumuz Regional State is the other important indigenous group which is settled in two zones of the region (Metekel and Kamashi). According to the 2007 census Gumuz has a population of 163,781 and account 20.88% of the total population of the region.¹⁶⁰ They speak Nilo-Saharan with different dialects; identify themselves with different ethnic names like *Ganza*, *S'es*'etc. are organized into clans which have feuds traditionally.¹⁶¹ The Gumuz are divided in their religious beliefs. Most of them practice traditional religions. Some practice Islamic religion and a few of them practice Orthodox Christians, protestant and catholic worshippers. Their adoption of Islam and Orthodox Christianity is the result of the earlier contact with Sudanese neighbor and the highland Amhara's who forcefully converted them to Christianity in previous assimilationist governments of Ethiopia.¹⁶²

Gumuz lived in an extensive territory along the Sudanese border from Matamma in the north to the Dhedheessa valley in Wellega.¹⁶³ The Gumuz might have originally lived on a large area in Gojjam and Agew Midir including Dangla, Koso Bar (Enjebara) and Fudi Mountain until they were pushed to the less favorable area towards the hot-low lands and inhospitable areas of Metekel and across Abbay River in to Wellega present day Kamashi Zone.¹⁶⁴ They were forced to move to other places escaping the military expansions and raids in both sides of Sudan and

¹⁶⁰ CSAE, (2007), BGRS, supra note 10.

¹⁶¹ Alfredo González-Ruibal and Victor M. Fernandez Martinez (ND), supra note 140, pp.12-13.

¹⁶² Ibid, p.13.

¹⁶³ Ibid.

¹⁶⁴ Tsega Endalew Etefa, (2006), supra note 149, p.15.

Ethiopia. They moved to a place where there was no taxation and they were in search of places with better living conditions and no disease.¹⁶⁵

Gumuz region in Metekel was seen as the potential area for slave raids in the eyes of central governments of Ethiopia which enslaved them. For instance, In 1682 Emperor Iyasu I (1682-1706) sent an Agew-Awi chief called “Chihuhay who was running political power in the Gumuz communities who used the autonomy to enslave them.” In whatever case Gumuz were not given prime importance, rather than aimed to be used for the purpose of slave trade and other benefits.¹⁶⁶ To the north of Blue Nile River, there were also more or less independent sheikdoms during the collapse of the Mahadist state. One of this was “Sheikhdom of Guba” which is ruled by the Manjil Hamadan Abu Shok (1898-1938).¹⁶⁷ He was the first chief of Gumuz empowered to administer Gumuz and other ethnic groups in the same area.¹⁶⁸ As time went on, following the incorporation of Metekel into Gojjam province in 1898 Negus Takile Haimanot (1882-1901), and later his son Ras Hailu (1901-1935) gave the political privilege to Agew chiefs over the land of Gumuz.¹⁶⁹

The position of Agew local chiefs over the Gumuz land was worsened after the appointment of Qegnazmach (latter Fitawrari) Zeleke Liku (1901-1935) to administer the Belaya region (the present part of Dangur *Woreda*). He was attempted to annex Guba state and attacked Guba chief Abushok and handed him over to Negus Takile Haimanot. He was imprisoned in 1925. The attempt to the annexation of Guba was later continued under his son Sheikh Hamdan known to the Ethiopians as Dajjazimach Banja to rule in formal way of administrative system to Gumuz in Guba. Sheikhdom of Guba was the only formal self-administrative area for Gumuz communities who inhabited to the areas.¹⁷⁰

As opposed to Guba Gumuz, other Gumuz who are found in the other areas of Metekel (Dibati, Wonbara, Bulen, Mandura, Dangur districts) and Sheikhdom of Kamashi have no confined or formal way of administrative system. However, their inter-relation was based on clan leader

¹⁶⁵Tsega Endalew Etefa, (2006), supra note 149, p.15

¹⁶⁶Ibid, p.38.

¹⁶⁷ Binayew Tamrat Getahun and Alemseged Debele Tsega, (2014), supra note 146, p.4.

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

¹⁷⁰Tsega Endalew Etefa, (2006), supra note 149, p.66

which have the decisive factor in Gumuz affairs.¹⁷¹ Most of the Gumuz areas such as villages under the present Mandura *Woreda* (*Sasi, Tuni Dodushi*) became under the effective control of government after 1897. Whereas, most of present day Dibati *Woreda* villages came under the central government control in 1960 and it was during that time Dibati *Woreda* itself is found to be well established.¹⁷²

The perception that we can get from over all history is that, Gumuz ethnic groups not only inhabited the present areas of Metekel and Kamashi zones but also settled in Ethiopian territories especially in various areas of the Gojjam, Agew Midir and Gondar (Matamma) province. However, due to the oppressive regime the area become the source of slave and pushed through time to less favorable and inhospitable places.

Therefore, with the exception to that of Guba Gumuz, it is possible to say that Gumuz in other areas of Metekel have no formal administrative system and were not autonomous. In other words they were not organized in self-administrating groups, as the result they were invaded by others and exploited in slave trade as they were not recognized as human beings by the others. Even the self-ruling Gumuz areas (Guba) were also oppressed by Agew and finally they became under the control of central government which forced them to lose their rights to administer themselves. However, it was after 1991 that Gumuz got special recognition to begin to administer and formally declare its own self-autonomy.¹⁷³

4.3.1.3. Shinasha

According to the 2007 census, the indigenous Shinasha people in the BGRS, has the population of 60,587 and accounts for 7.7 percent of the total population of the region.¹⁷⁴ They are an Omotic speaking group in northwest Ethiopia near the Sudanese border with the follower of Christianity. At present, Shinasha ethnic group dominantly inhabited Bulen, Dangur, Dibati and Wonbara *Woreda* of Metekel Zone. They seem to have been a part of the historical *Gonga* population who once lived on both sides of the Blue Nile (Abbay) River. According to the

¹⁷¹ Mulugeta Nigusse, (2010), supra note 142, p.42.

¹⁷² Ibid.

¹⁷³ Ibid, p.43.

¹⁷⁴ CSAE, (2007), BGRS, Supra note 10.

traditions, the term Shinasha is related to Shinasha clan name, called “*Shinasnao*” which belongs to one of the sub clan of Shinasha (*Anifo*).¹⁷⁵

As Tsega Endalew pointed, Boro-Shinasha ethnic groups were thought and claimed that their original center was biblically Canaan.¹⁷⁶ According to his assertion, they were forced to leave their original homelands due to civil war; search of fertile/pasture lands and initially they relocated to the Horn of Africa across the red-sea. They also continued their migration to settle in Ethiopia particularly to Shewa of Ethiopia (the first settlement land for them in Ethiopia before they moved to other corner of the country) in the early 14cth.¹⁷⁷

According to his outline, due to the sixteenth century population movements; the driving forces such as demography and search of pasture lands, the majority of the Shinasha ethnic groups or Northern Gonga migrated and dispersed from Shewa to both sides of Blue Nile mainly to Northern Wellega and Southern Gojjam.¹⁷⁸ After the great Gonga kingdom is dispersed to both side of the Blue Nile River, they became weaker and weaker due to Christian invasion and Oromo assimilation. As the result they did not have their own way of self-administration.

However, they were simply organized under clan leaders in order to protect their enemies and to solve local conflicts. Since they lost many of their families and leaders as the result of war and assimilation, it was obligatory for them to accept whatever oppressive system under whatever form of the government ruled them before 1991.¹⁷⁹ The Christian invasions were made against Boro-Shinasha since the time of Emperor Susenyos (1607-1632). Majority of them were forced to move further in to unfavorable low lands of Metekel up to Guba on the Sudanese border and then

¹⁷⁵ Mulugeta Nigusse, (2010), *Supra* note 142, p.43

¹⁷⁶ https://www.scribd.com/document/204346091/Christian_influences_on... (Tsega Endalew, (2005), *Christian influences on Shinasha Oral Traditions*). Accessed on 23/02/2017. Pp.13-14.

¹⁷⁷ *Ibid*.

¹⁷⁸ The present Metekel zone and at the current time it accountable to Benishangul-Gumuz region because of the current federal system formed the administrative system of the nine regions based on ethno-linguistic line. Based on this, the Gumuz and Shinasha ethnic groups differed from the rest of Amhara ethnic groups by their culture, socio-economic activities, languages, traditions and etc. at Metekel Awraja and they are dominant over Amhara ethnic groups in their numbers. Along this line, the governments decided to merge the Southern part of Gojjam particularly Metekel with Western part of Wellega with particular of Assosa Awraja in 1991) and they settled there until now and they become the indigenous communities to Benishangul-Gumuz.

¹⁷⁹ Mulugeta Nigusse, (2010), *supra* note 142, p.45.

to Dangur.¹⁸⁰ Boro-Shinasha reached Bulen, Dibati, and Wonbara, and they claimed that they lived in these areas for more than 300 years.¹⁸¹

After the long peaceful settlement of Boro-Shinasha in Bulen and Wonbara again Oromo troops came to Wonbara from Wellega to start their traditional process of integration; as a result they were forced to lose their identities through the Oromo institutional adoption such as *Gudifacha*.¹⁸² Lastly, the project to control over all matters of Shinasha administration and to put them under the influence of central government started by king Takile Haimanot of Gojjam.¹⁸³ He further moved to Debirezeit (the small town of Wonbara), and in here new town founded Orthodox Church in 1898. During that time he appointed 12 and 5 governors for *Wonbara* and *Dangab* regions of his own messengers respectively; in both cases these governors were locally called *Quroo*.¹⁸⁴ Significant groups of the Shinasha today, live in Metekel region, northwest Ethiopia; with their ethnic identity still intact have influenced their traditions of origin, their religious beliefs and various other aspects by Christianity.¹⁸⁵

In the previous regimes, the Shinasha ethnic groups lost their ethnic identity and marginalized from political participation and self-rule in northern Wellega and southern Gojjam. They were assimilated into the Amharic, Agew and Oromo speaking groups in the regions. The governor of the time only served the interest and concern of the central government. Even if the region relatively seemed more stable, there was no attention paid to identity, language and culture of Shinasha.¹⁸⁶

Generally, the *Boro-Shinasha* ethnic groups are highly oppressed and they were not in a position to speak and develop their own language and culture, totally have no any says in the local and central affair and were not self-governing before 1991. Currently, the reverse is true for Shinasha ethnic groups in political position, the degree of acceptance of identity and their culture. They exercised self-rule autonomy, effective political representation and participation; financial autonomy and job opportunities in the current political system of Ethiopia in general and

¹⁸⁰ Tsega Endalew, (2005), supra note 176, p.17.

¹⁸¹ Mulugeta Nigusse, (2010), supra note 142, p.45.

¹⁸² Ibid.

¹⁸³ Tsega Endalew Etefa, (2006), supra note 149, p.62.

¹⁸⁴ Ibid, p.63.

¹⁸⁵ Ibid.

¹⁸⁶ Ibid, p.43.

Benishangul-Gumuz in particular. It incorporated them to formal administrative structure in Metekel administrative Zone in particular.

They formed their own political organization based on the will of both the concerned ethnic groups and the Benishangul-Gumuz elites. Based on this agreement, they formed the Boro-Shinasha People Democratic Movement (BSPDM).¹⁸⁷ While, the non-indigenous ethnic groups are denied from such benefits of rights which are granted to indigenous ethnic groups in general and Shinasha ethnic groups in particular at the region and continued their loss of identity, economic, cultural and political status.

4.3.1.4.Mao and Komo

Both Mao and Komo are indigenous old minority nationalities of the Benishangul-Gumuz Regional State. Relatively both ethnic groups have small number of population and remained to minorities at both federal and regional levels. Mao and Komo have the population of 15,384, or 1.96 percent of the total population and 7,773 or 0.99 percent of the total population of BGRS respectively.¹⁸⁸

In the present, these two ethnic groups are settled in Mao-Komo Special Woreda which was named after these ethnic groups. There are some historical indications that Mao and Komo ethnic groups were settled to the Asossa area during the 17th century. However, through time they were gradually pushed to the South Berta ethnic groups and at present they live in Tongo near Begi.¹⁸⁹ During the Transitional Government, Tongo (lowland of Begi) was one zone of the Benishangul-Gumuz Regional State.

However, due to the Transitional Government map which extended Oromia border to the Sudan across Benishangul-Gumuz created conflict over the area. Finally, Mao-Komo ethnic groups which were leads to called for referendum. The referendum was held in 2003 and the highland areas of Begi went to Oromia whereas the low land of Begi (Tongo) went to Benishangul-Gumuz. It was on this base that the present Mao-Komo special Woreda was established.¹⁹⁰ As

¹⁸⁷Tsega Endalew Etefa, (2006), supra note 149, p.43.

¹⁸⁸ CSAE, (2007), BGRS, supra note 10.

¹⁸⁹ Sarah Vaughan, (2007), supra note 144, p.23.

¹⁹⁰ Mulugeta Nigusse, (2010), supra note 142, P.46.

the result, today there are many Mao and Komo in Oromia region particularly in the Highland of Begi who are minorities in Oromia and going to lose their identities.¹⁹¹

In the long history of their settlement in the region, the Mao and Komo ethnic groups did not have formal or strong form of self-administration, except that of clan relation (clan chief).¹⁹² Their affair was decided by external bodies especially appointed by the central government of Ethiopia. During the time of unitary system, they were marginalized from administrative position; their culture and language were not given recognition by the central and local governments.¹⁹³

Currently, Mao and Komo are getting the full political exercise in the federal system of post 1991 Ethiopia. In line with this system, those two minority nationalities have the right to say on their own affairs through both directly and their representative participation. Even though, they numerically inferior to both indigenous and non-indigenous inhabitants of the region, they are fairly approached to political accommodation as compared to the non-indigenous communities like Amhara, Oromo, etc...¹⁹⁴

In general it is relatively Gumuz of Guba that had got their own form of self-administration compared to the others before 1897. However, as any other Ethiopian ethnic groups, they all become under the oppressive regime since 1897. During the nation building period, they all lost their right to administer themselves. However, after 1991 since the federal system of Ethiopia was established fertile ground for the historical marginalized ethnic groups for all of Ethiopian ethnic groups in general and the indigenous ethnic groups of BG in particular were formed their own political autonomies.

However, the current projection of ethnic based regionalization with 50+1 majority vote in Ethiopia and in BGRS in particular is a negative connotation to the non-indigenous ethnic groups. For instance, in BG, as mentioned above, the empowered ethnic groups are only five and give the political distinction names to them i.e. indigenous ethnic groups or the owner population of the region. It demarcated its zonal and district administration based on the consideration of the owner ethnic groups which means the rest ethnic groups like Amhara, Oromo and others who

¹⁹¹Mulugeta Nigusse, (2010), supra note 142, p.47

¹⁹² Ibid.

¹⁹³ Ibid, p.47.

¹⁹⁴ Ibid.

are considered non-indigenous inhabitants to the region are not proportionally represented at the political arenas but they are numerically superior to the indigenous ethnic groups.

Anyways let us see in the following historical overview of the non-indigenous ethnic groups or new minorities in Benishangul-Gumuz with their general status in the region.

4.3.2. Non-Indigenous Peoples: Historical Overview

The historical overview of the so-called the non-indigenous communities in Benishangul-Gumuz are historically divided into two: i.e. the long distant settlers (during the last 16th and early 17th century and the recent past settlers (during Dreg Regimes). Based on these divisions the researcher will go to be discussing as follows.

4.3.2.1. The Long Distant immigrants in the present day of Benishangul-Gumuz Region

Some of the so called the non-indigenous (new minorities) to this region like Cushitic Oromo and Cushitic Agew are the first settlers which are inhabited to the region next to indigenous communities of Benishangul-Gumuz. These groups originally inhabited the Ethiopian Highlands and were alien to Benishangul-Gumuz until recently.¹⁹⁵ According to the 2007 population census of Ethiopia, The so-called non-indigenous Oromo ethnic groups to the region of Benishangul-Gumuz constitutes of 106,275 and accounts to 13.55 percent per the total population of the region.¹⁹⁶

According to Van Der Beken (2014) Conclusion, the regional population of Benishangul-Gumuz shows as the result or impact of inter-regional migration to this peripheral region was due to the enforcement of military regimes resettlement policies in the 1980s.¹⁹⁷ As he described there are societies which have left out their original homelands due to the military resettlement program. But as different historians including Bahiru Zewdie (2002) and famous scholars noted that the people's migration to the region is not only due to resettlement programs but also due to demographic growth and 16th century population movements and expansion resulted in the flow

¹⁹⁵ Alfredo González-Ruibal and Victor M. Fernandez Martinez (ND), Supra note 140, p.7.

¹⁹⁶ CSAE, (2007), BGRS, supra note 10.

¹⁹⁷ Christopher Van Der Beken, (2015), Federalism, Local Government and Minority Protection in Ethiopia: Opportunities and Challenges. Journal of African Law, 59, 1, pp.150-177. University of London, 2014. Doi: 10.1017/S0021855314000205 first published online 29 Dec.2014.

of peoples from highland to the lowland areas for the purpose of finding fertile land and grass lands for their rearing animals before military resettlement policies.¹⁹⁸

As different historian and scholars pointed that, the movement and settlement pattern of Oromo in Benishangul-Gumuz believed that its origin was in both eastern and Western part of Wellega which were predominantly the Macha clan.¹⁹⁹ For instance, the Macha Oromo in Metekel increasingly moved and settled in the current *Woreda's* of Wonbara and Dibati around the beginning of the 17th century and their mission towards to move and settled to this administrative region was completed at the end of 18th century.²⁰⁰ Since they are agricultural pastoralists, they took the greater part of the fertile lands of the region like Metekel-Gojjam administrative region of Wonbara, Bulen and Dibati districts.

The Oromo in Assosa and Kamashi were mainly involved in the long distance trade or commercial relationship in 19th century with the two Wellega Oromo highlands and Berta lowlands and passed to Sudan along the route of Berta. In other side, the high attention of Emperor Menilik II to this strategic and rich in natural resource lands begun to grow-up the relationship between Oromo and Berta communities.²⁰¹

Before the current federal system of Ethiopia merged the two administrative regions (Metekel-Gojjam and Wellega provinces), Assosa zone including Mao-Komo Special Woreda are accountable to the Wellega provinces (*Assosa Awraja*). Berta, Gumuz, Mao and Komo peoples were totally assimilated by the Oromo communities in the last 19th and early 20th centuries. For instance, during Imperial Regimes, the Oromo elites were appointed by the regimes to administer the peripheral territories of Berta. The elites like Kumsa Moroda of Leqa Naqamte who was appointed by the emperor administered the lands and was responsible to collect tribute from Berta.²⁰² He made strong relation with the central government and ruled the areas for two years.

¹⁹⁸ Bahiru Zewdie, (2002). A History of Modern Ethiopia, Addis Ababa University press, Addis Ababa.

¹⁹⁹ Kassa Muleta Jara, (2015), Minority Rights Protection in the Regional State of Benishangul Gumuz: the case of Wombera Oromo in the Metekel Zone. BA Thesis in Law and Governance Studies, Addis Ababa University, p.11.

²⁰⁰ Habtamu Beyene, (2010), the 20th century Political History of Metekel Oromo: the case of Wombera and Debati. BA Thesis in History, Jimma University, pp.17-33.

²⁰¹ Binayew Tamrat Getahun and Alemseged Debele Tsega, (2014), supra note 146, Pp.1-10

²⁰² Ibid.

During his ruling over the land, the Berta peoples were subject to enslavement and exploited large minerals like gold, ivory, coffee etc...²⁰³

However, in the contemporary political system, this has been reversed and the Oromo in BG region become passive in political arenas. The five historically marginalized ethnic groups are radically changing the situation and they become active participants in politics, land use right, in exercising shared rule plus self-rule autonomy both in federal and regional institutions. Whereas, the status of Oromo ethnic groups to the region is remained to the second class citizen and inferior to political position, neglect from self-administration and resource sharing in relation to the former oppressed groups but they inhabit in the distant past.²⁰⁴

Agew is also one of the Cushitic speaking groups which inhabited in Amhara region in general and in Metekel Zone of Benishangul Gumuz in particular.²⁰⁵ According to the 2007 of population census of Benishangul-Gumuz, their numbers of population constitute 35014 per the total population of the region.²⁰⁶ In the early time, especially Agew-Awi made the strong relationship with the so-called indigenous communities of Gumuz in Metekel Administrative Zone. The early interactions of these two peoples were mainly characterized by hostile ways of interactions.²⁰⁷ Because, since the central (highlander) governments of Ethiopia appointed the local Agew chiefs over the Gumuz frontier land, they were suffered from slave raids by the appointed elites until 1940s.²⁰⁸ This paved the way for hostile relationship between Agew-Awi and Gumuz until the downfall of the imperial regimes in 1974.²⁰⁹

The Ethiopian revolution of 1974 relaxed the relationship between Agew and Gumuz peoples. This revolution was ended the age-old incompatible nature of relationship between the two communities and Gumuz given to some extent the status of political privilege.²¹⁰ The military regimes series policies on Agricultural Cooperative, peasant association, literacy campaign,

²⁰³ Habtamu Beyene, (2010), supra note 201.

²⁰⁴ Ibid, p.34.

²⁰⁵ Sergaw.H, (1972), Ancient and Medieval Ethiopia History to 1270. Addis Ababa: United Printers. Cited from Alemayew Erikhun Engida, (2015), p.1

²⁰⁶ CSAE, (2007), BGRS, supra note 10.

²⁰⁷ Alemayew Erikhun Engida, (2015), Inter-Ethnic Relation among Awi and Gumuz, North Western Ethiopia since 1974: A Shift from hostile to Peaceful co-existence. Wollo University, Department of History and Heritage Management, Dessie Ethiopia, African Journal of History and Culture, Vol.7 (2), pp.64-70.

²⁰⁸ Binayew Tamrat Getahun and Alemseged Debele Tsega (2014), supra note 146, and Alfredo González-Ruibal and Victor M. Fernandez Martinez (ND), Supra note 140, p.9.

²⁰⁹ Ibid.

²¹⁰ Ibid.

Adult training and development through cooperative Campaign, Derg attempted to integrate the two communities.²¹¹ The Gumuz who are poor in oxen plough of traditional agricultural activities shared the experiences from Agew. The need for economic cooperation and increasing the demand for fertile farmlands among Agew created fertile ground for economic agricultural alliances.²¹²

In general, after 1974 and before 1991, the day to day interaction and economic cooperation among Agew and Gumuz not only improved the images of economic activity and early history but also reduced the security problems and promote peaceful co-existence between the two communities. However, the contemporary political status of Agew in the regions of Benishangul-Gumuz paved the way to reverse and led to conflicts particularly; in recent time the conflicts occurred between settlers including Agew and Gumuz peoples in Pawe for political and resource sharing competition.²¹³ Because, since the regional revised constitution of Benishangul-Gumuz forecasting the political recognition to the five ethnic groups, the non-indigenous peoples in general and Agew people in particular were subject to exclusion from political participation and representation, exercising self-rule autonomy and recognition of identity as a distinct(culture, languages etc..).

Therefore, the ethnic groups from the so-called non-indigenous communities to the region like Agew and Oromo are claimed “we have a long historical, social, economic, cultural and political interaction” with the indigenous communities and we passed many generationstogether. But for political purpose, the BG elites used technical distinction to marginalize those claimants. In order to hinder their identities both constitutionally and practically limited to general names of ‘others’ ethnic group to the region. This negative connotation brings oppression, marginalization, exclusion and denying of their rights from exercising of group specific rights. This might lead to conflicts between indigenous and non-indigenous.

²¹¹Binayew Tamrat Getahun and Alemseged Debele Tsega (2014), supra note 146, and Alfredo González-Ruibal and Victor M. Fernandez Martinez (ND), Supra note 140, p.9.

²¹² Ibid.

²¹³ Zemelak Ayele, (2012), Decentralization, development and accommodation of ethnic minorities: The case of Ethiopia. PHD Thesis in Law, Western Cape University, pp.393-395.

4.3.1.2. The Recent Past Settlers in the present day Benishangul-Gumuz Regional State

Prior to 1974, resettlement was not a major government concern. However, after 1974 it became an issue of government agenda and the step of settlement dramatically increment. In 1974, when the Provisional Military Administration (Derg) seized power, the first swift measure in reaction to the drought affected areas was the introduction of “resettlement” into the areas rich in natural resources that had sparse population density.²¹⁴ One of the areas selected for the resettlement and viligization scheme was the present day Benishangul-Gumuz Regional State, the then Western Wellega sub-province, Assosa *Awraja*.²¹⁵ In the late 1970s and 1980s many people coming from the famine-beaten areas of Ethiopia were resettled in Benishangul-Gumuz by the military government that ruled the country at the time.²¹⁶ This has added more problems to an area already characterized by complex inter-ethnic relations.

The advent of the highlanders into the areas of the Benishangul (Berta), Gumuz, and Shinasha land started, following its incorporation into the Ethiopian state of 1897. But the massive migration and influx of the highlanders into the land of Benishangul-Gumuz had begun in the 1980s, when the first forced viligization and resettlement recruits reached the area.²¹⁷ Later, following the 1984/5 famine, people from different areas of the country were deported to settle in the Berta, Gumuz and Shinasha land in particular and Benishangul-Gumuz in general.²¹⁸ The advent of the recent Settlers into this area is therefore related to this historical process or trend.

For instance, as Wolde Selassie, (1997), pointed Pawe, which is found within the Metekel Administrative Zone, was established as a settlement area by the Dreg during the implementation of its Beles-Vally viligization programme. In the 1980s tens of thousands of people were moved from the former Gojjam and Wollo provinces as well as Kambata and Wolayita areas of the present SNNPRS to be settled in Pawe area.²¹⁹ As he pointed, these settlers have formed a distinct community in the past 33 or so years.

However, after the formation of the Benishangul-Gumuz Regional State in the 1990s, these communities were excluded from the regional and local politics despite their sheer numbers and

²¹⁴ Wolde Selassie, (1997), supra note 131, pp.35-37.

²¹⁵ Ibid.

²¹⁶ Alfredo González-Ruibal and Victor M. Fernandez Martinez (ND), Supra note 140, p.9.

²¹⁷ Wolde Selassie, (1997), supra note 131.

²¹⁸ Ibid, pp.35-37.

²¹⁹ Ibid, pp.55-65.

the fact that they occupy largely contiguous territorial areas. They were excluded for the mere reason that they were non-indigenous to the region. Angered by their political exclusion, the settlers like Amhara, Wollo, Tigre from the Northern part of the country, Kambata, Wolayita and others from Southern part of Ethiopia²²⁰ were engaged in conflict with the Gumuz which are found in the surrounding areas. In 1993, the EPRDF pressurized the regional government to establish Pawe as a *Liyu Woreda* for the settlers.

Pawe's status as *Liyu Woreda* not only has reassured it of its accountability to the regional government but also allowed the settlers to be represented in the regional council or lower house before cancellation from special Woreda. Pawe is the only known autonomous sub-regional territorial unit which is established for a non-indigenous ethnic community at the transitional period.²²¹ However, the establishment of a *Liyu Woreda* status in Pawe apparently became rejected by the regional government and remained to the status of ordinary Woreda and currently accountable to Gumuz and Shinasha indigenous communities in Metekel Administrative Zone.²²²

4.5. Administrative Structures in Benishangul-Gumuz Regional State

The Benishangul-Gumuz regional state is subdivided into three zones, one special Woreda and 19 Woreda's as well as 475 Kebeles.²²³ See the following table that shows the names of zonal administration with Woreda administration.

Table 4.2, Zones and Special/Woreda's in Benishangul-Gumuz Regional State

| Number of Zone | Name of Zone | Name of Special Woreda | Name of Woreda's | total |
|----------------|--------------|-------------------------|---|-------|
| 1 | Assosa | Mao-Komo Special Woreda | Assosa, Bambasi, Komosha, Horazab, Menge, Oda-Bildgilu and Sherkole | 7 |
| 2 | Kamashi | | Agalo-Mite, Belo-Jegonfoy, Kamashi, Sadal/Diza | 5 |

²²⁰Wolde Selassie, (1997), supra note 131.

²²¹Ibid,p.63.

²²² For further information, see chapter five of this thesis.

²²³Bureau of Information and Public Participation, Co-ordination and Social Affairs, (2005), supra note 129.

| | | | | |
|-------|---------|---|---|----|
| | | | and Yaso | |
| 3 | Metekel | | Bulen, Debati, Dangur/Manbuk, Guba, Mandura, Pawe and Wombera | 7 |
| Total | 3 | 1 | 19 | 19 |

Source: https://en.wikipedia.org/wiki/Benishangul-Gumuz_Region , accessed on 2/3/2017.

Benishangul-Gumuz Regional State had its own governing structure and institutions in which basic decision making activities are made power standard in agreement with the constitutional provisions of the region.²²⁴ Hence, in agreement with article 45 (1) of Benishangul-Gumuz Regional State Revised Constitution pointed that, the region had four tier administrative structures: (i.e. the region, the administration of nationalities and special Woreda, Woreda and Kebele) administration with respective institutions.²²⁵The Nationality administration is the new administrative system which replaces Zone. Accordingly, the regional state had three de facto administrative zone for the three dominant ethnic groups namely: Berta administrative zone (Assosa), Gumuz administrative zone (Kamashi) and the coalition of Shinasha and Gumuz administrative zone (Metekel);²²⁶ and one special *Woreda* for ‘indigenous’ minority ethnic groups (Mao-Komo special *Woreda*).²²⁷ In general, the region had three Administrative Zones, one Special *Woreda*, 19 *Woreda* and 475 *Kebele* Administrations.²²⁸

These hierarchically organized administrative organizations also have their own institutions and agencies in which decisions and decision making process are takes place. 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 powers are divided in agreement with the constitutional mandate.²²⁹

²²⁴ Benishangul-Gumuz Regional State Revised Constitution, (2002), supra note 15, Chapter four up to ten.

²²⁵ Benishangul-Gumuz Regional State Woreda Power Decentralization Administration Established Proclamation No.8/2002, Article 45 (1).

²²⁶ Ibid, Article 45 (1).

²²⁷ Ibid, Article 9 (1).

²²⁸ Ibid, Article 9(1 and 2).

²²⁹ Benishangul-Gumuz Regional State Revised Constitution, (2003), supra note 15, 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.

4.6. Conclusion

The main theme of this section is focused on the overall description of the study area which means Benishangul-Gumuz Regional State. Benishangul-Gumuz is located in the Western lowland of Ethiopia which is the hottest and warmest areas. Its socio-economic activity is not as such differing from the rest of the developing regions of Ethiopia. It is characterized by developing region which is one of an indicator of poor economic development, immature political development, inadequate basic social services like road, hydroelectric power, etc...and infrastructures. Ethnically, it is the mosaic of nations, nationalities and peoples which means it is the center of multi-cultural regions among the nine federations. In line with this statement, the regional government in its own constitution categorized the peoples of the region into two (indigenous and non-indigenous) communities. But both indigenous and non-indigenous communities to the region are passed many generations together. They are socially, politically, economically and culturally strong interaction with each other's since they inhabited to the land.

But currently, for political purpose, the Benishangul-Gumuz elites were changed the situation of strong social interaction into socio-political tensions between those who are passed many generation. For instance, the indigenous ethnic groups as guaranteed under their supreme law of the land of the region, are more beneficiary in political participation and representation, ethnic identification, self-rule autonomy, in promotion of their culture and preserving of their history as well as learning by their own mother tongue etc...than the rest of ethnic groups in the region of Benishangul-Gumuz. The status of non-indigenous/new minorities to the region are remained to political sub-ordination/minority and passive in specific group rights like representation, participation, self-rule, power and resource sharing.

Chapter Five

5. The Status of New Minorities in Benishangul-Gumuz Regional State

5.1. New Minorities and Their Constitutional Status in Benishangul-Gumuz Regional State

This chapter addresses the legal and practical status of the new minorities in Benishangul-Gumuz Regional State. For this purpose the constitution of Benishangul-Gumuz Regional State and proclamation would be analyzed together with the filed works which have been gathered through purposive interviews and personal observation of the researcher.

5.1.1. New Minorities: According to Benishangul-Gumuz Regional State Context

It is repeatedly mentioned that Benishangul-Gumuz is one of among the multi-ethnic federations of the nine regional states in Ethiopia. The region is not only ethnically heterogeneous, but also a region of multiple minorities. Asnake Kefale (2009) concluded that, none of the ethnic groups in the region constitutes more than 50 percent of the total population.²³⁰ The Post-1991 creation of the region transformed the hitherto marginalized minority groups at the borders of the Ethiopian periphery to the status of ‘owner nationalities’, while, the other inhabitants of the given peripheries like in that of BG, have become new minorities in terms of power which are restricted to the status of non-owner communities.²³¹

This thesis explored how the ethnic regionalization of Ethiopia since 1991 led to the emergence of new minority status in the regions. The regional states were created along ethno-linguistic lines which manifested their respective communities rather forecasting the creation of new emerged minorities in different corners of the country. This clearly took place in the Benishangul-Gumuz Regional State government. It constitutionally²³² categorized the inhabitants of the region into two (i.e. the indigenous and non-indigenous groups). Accordingly, the Indigenous nationalities are Berta, Gumuz, Shinasha, Mao and Komo; whereas, the non-indigenous communities are Oromo, Amhara, Agew, Kambata, Tigre and other ethnic groups. Although

²³⁰ Asnake Kefale, (2009), *supra* note 19, P.130

²³¹ *Ibid.*

²³² The Benishangul Gumuz Regional State Revised Constitution, 2002, *supra* note 15, Article 2.

they are numerically significant, they remained minorities in terms of both political and legal powers in the region.

5.1.2. Constitutional Status of New Minorities in Benishangul-Gumuz

As mentioned above, among the Ethiopian Federations, the Regional State of Benishangul-Gumuz is one of multiethnic regions. Thus, since the regional states have been endowed with the competence to adopt their own constitutions,²³³ the presence of diverse ethno-linguistic groups either as the indigenous nationalities or non-indigenous groups at best requires the region to consider its diversification pattern. The Ethiopian federations arrangement have been created to guarantee self-rule administration to the dominant groups of which Benishangul-Gumuz was established to accommodate and enable the so-called “indigenous” people in the supreme law of the region.²³⁴

The Benishangul-Gumuz Regional State Constitution was first adopted in 1996 and revised on December 2, 2002. Hence, with respect to ethnic diversity of the region, the Revised Constitution under its preamble begins with the statement “We, the nationalities and peoples of the region of Benishangul...”²³⁵ which shows the presence of different ethno-linguistic groups in the region and the attention given by the constitution of its constituent’s ethnic diversity. However, one of the problematic issues in constitutional design with respect to the accommodation of diversity is the status wherein the sovereignty of the people resides.

Since the Federal Constitution has boldly stated that nations, nationalities and peoples of Ethiopia are the bearers of sovereign power,²³⁶ one indeed expects that the regional state to provide the same standard. The Regional State Revised Constitution stated that “the peoples of the Benishangul Gumuz Regional State shall be the ultimate authority of the Regional State.”²³⁷ This seems to suggest that the Constitution is adequately aware of its diverse population and rewards sovereign power for all peoples of the region rather than to give it to the indigenous nationalities. But a closer look of other constitutional provisions manifests a negative impression as to the above principle.

²³³ FDRE Constitution, (1995), supra note 14, Article 52 (2) (b).

²³⁴ BGRS Revised Constitution, (2002), supra note 15, Article 39(4).

²³⁵ Ibid, preamble.

²³⁶ FDRE Constitution, 1995, supra note 14, Article 8.

²³⁷ BGRS Revised Constitution, 2002, supra note 15, Article 9(1).

In addition to the above provision, according to Beza's assessment of the level of constitution in accommodation of diversity of the region, he stated that the Revised Constitution of Benishangul-Gumuz Regional State is clearly identifying the communities of BG in three terms, i.e. "peoples", "other people's" and "indigenous nationalities"²³⁸ as referred in the text of the constitution. He has also clearly noted that since Article 9 of the regional revised constitution of 2002 uses the term 'peoples' to confer sovereign power of the region that includes both indigenous and non-indigenous communities.

Even though, the constitutional ground under this provision acknowledged the two groups, the reality of political practice of the government and some of the provisions of the constitution of Benishangul-Gumuz is downgraded and restricted the rights of non-indigenous communities to live and work in B.G. This reality as several scholars such as Van Der Beken (2007) argued, the so-called non-indigenous communities in Benishangul-Gumuz are not exercising the ultimate sovereign power in the region.

Furthermore, the following are some of the evidences that the researcher raised based upon the constitution that envisaged merely for indigenous communities. Primarily, Article 2 of Benishangul-Gumuz Revised Constitution clearly stipulated the owner of the region and the new comers of the region. It stated that, even though the existence of 'other' peoples known in this region, the owners of this region are residing to the above mentioned five ethnic groups. This shows that, the ultimate power including sovereignty is in the hands of these mentioned ethnic groups. Whereas, the non-indigenous communities are handicapped from exercising their sovereign power in the region; because of they are categorized to the status of "others".

The second evidence goes with Article 39 of the revised constitution of BG. Accordingly, as Van Der Beken and Yonatan Tesfaye Fesseha (2015) argued, it explicitly provided for group rights including self-determination that entrenched list of ethnic groups under Article 2 of this constitution.²³⁹ As these scholars noted, this Article only permits to benefit the right of self-determination for those constitutionally entrenched five indigenous ethnic groups to the region;

²³⁸ Beza Dessalegn, (2014), *supra* note 97, Pp.157-158.

²³⁹ Benishangul-Gumuz Regional State Revised Constitution, (2002), *supra* note 15, Article 2; Christopher Van Der Beken and Yonatan Tesfaye Fesseha, (2015), "Empowerment and Exclusion: The Legal Protection of Internal Minorities in Ethiopia" in Asnake Kefale and Assefa Fiseha (Eds.) *Federalism and Local Government in Ethiopia*. Centre for Federal Studies, Addis Ababa University, Addis Ababa. P.62.

while other ethnic groups which account more than 43 percent are excluded from the constitutional promise of the right to have group specific rights and relegated them to status of second class citizens in the region.

According to Van Der Beken, (2007), the constitutional negotiation of the indigenous ethnic minorities in Benishangul Gumuz more reflective of the interests of who's considered as majority ethnic groups to the region.²⁴⁰ However, the ethno-territorial negotiation of constitution in this region is not considered the interest and concern of new minorities under the provision of the constitution. In line with this, for instance, Pawe Woreda was formerly one of the Special Woreda's that established by the political elites of BG with the interference of EPRDF coalition parties to settle conflicts at the area. Currently, to some extent the settlers of Pawe Woreda are exercising the local political autonomy and even accommodated as well as represented at the regional council proportionally as compared to other Woreda's of the non-indigenous communities who inhabited in the region.

The establishment of this Special Woreda by the timewas mainly to settle peace and security through sharing political right for settlers. But currently the status of Special Woreda is rejected by the regional political power and reduced to ordinary Woreda that is now accountable to the de facto Administrative Zone of Metekel. Currently, the political actors belongs to non-indigenous people from this Woreda are not having a representation in Metekel Administrative Zone at executive position. Therefore, one can grasp the reason for its rejection as unconstitutional binding of the status to Special Woreda.

Since the designation of the Revised Constitution of Benishangul-Gumuz by the political elites from the indigenous nationalities, they merely supervise and monitor for accommodation of the above ethnic groups listed under Article 2 of the Revised Constitution. To this effect, the constitution expresses itself as it is a pact among indigenous people despite important presence of other ethnic groups to the status of the so called "non-indigenous" in this region. But the non-indigenous peoples are not numerically less than the indigenous peoples to the region. For instance, Amhara and Oromo constitute 21.7%, 13.55% respectively; and others constitute

²⁴⁰ Christopher Van Der Beken, (2007), Ethiopia: Constitutional Protection of Ethnic Minorities at the Regional Level, (post-doctoral research at Ghent University, law faculty, department of public law,), P.5.

approximately 10 percent.²⁴¹ This implies that more than 43 percent of the total population in constitutional and political speaking is downgraded to the status of “new comers”.

From the above mentioned argument, one can conclude that, the exclusion of constitutional negotiation of ethnic groups like the new-minorities are always politically to suffer and their voices is close to ‘the voice of voiceless’. But most of the residents are not non-indigenous in this region. For instance, Agew and Oromo ethnic groups who inhabited this region are not less than the indigenous one. They lived for more than four centuries in this territory. Therefore, one can easily grasp that, they are indigenous to this region and because of this they can claim on the basis of historical evidences that they inhabited in the region. Generally, the researcher analyzed legal and practical status of new minorities in BG in the following major areas of fundamental rights.

5.1.2.1. Recognition as Distinct Ethnic Groups

The BGRS Constitution is the supreme law of the land of the region. This constitution recognized the owner of Land refers to the so-called indigenous nationalities and the non-owner of land refers to the so-called non-indigenous communities. Accordingly, the political actors of the indigenous nationalities designed their constitutions along respected and monopolized the overall political, economic and cultural autonomy of the region. Along this, the indigenous nationalities are more advantageous than the non-indigenous communities in socio-economic, cultural and political aspects in the current governing system of the region.

Non-indigenous communities in this region are less recognized as a distinct ethnic group and relegated to “Other” Peoples. This political exclusion plus constitutional marginalization of the inhabitants of BG leads to search another option to change their ethnicity to the dominant ethnic groups. According to my informants, the local peoples and local elites who are non-indigenous nationalities particularly Oromo of BG had to become “Shinashized” to be accepted as their political ethnicity. They criticized that currently in this region, Shinashization is the sign of

²⁴¹ CSAE, (2007), BGRS, supra note, 10.

accumulation of capital, involving in political position, affirmative action, job opportunity and the sign of political inclusiveness in general.²⁴²

The regional actors and the constitution with the exception of live and work rights, were a derogatory attitude towards the non-indigenous communities and saw them as seekers or refugees and renamed them to second class citizens. This ascribed that, the constitutional drafters and political actors of the region are not interested to recognize them as distinct ethnic groups. Because, they fear that if they are recognized as a distinct ethnic groups, their claims are windup to self-determination either externally or internally. The key political position may be reduced and dominated by those claimants because of the indigenous nationalities are not more educated than them. This may lead to repeating the past injustice and marginalization.²⁴³ Therefore, the result of miss-perception leads the inhabitants of the region into lower level acceptance in the eyes of the regional government elites.

5.1.2.2. Equality and Non-discrimination

The prohibition of discrimination is a principle which has a long history of acceptance as one of the pillars for an adequate system of minority protection.²⁴⁴ In line to this, the FDRE Constitution under Article 25 and BGRS Revised Constitution under Article 26 stated that, “All persons are equal before the law and are entitled, without any discrimination, to equal protection of the law. Accordingly, the law shall guarantee to all persons right to equal and effective protection without discrimination on grounds of race, nation, nationality, color, sex, language, religion, political opinion, social origin, wealth, birth or other status.” At the same vein, Article 34(1) of BGRS Constitution stated that “Any Ethiopian of other Regional States who speaks the working language of the region has the right to be employed or assigned to serve in any public and governmental activities of the state, like the indigenous people of the Regional State.”

Under Sub 2 of the same Article envisaged that “Every person has the right to reside, to move freely from place to place, to acquire and possess property in the region.” The constitutional

²⁴² Interviewee conducted with Gemechu Nikus, Goshu Kebede, and Kinde Dessie, farmers at Gipo Kebele, on 5/28/2017

²⁴³ Interviewee conducted with Dessalegn Bogale, The BGRS Council the People Communication Linguistic employee and the Chairperson of BGUDP, on 4/25/2017

²⁴⁴ Mary Ayad, (2008), supra note 72, p.93.

guarantee of all Ethiopian citizens reflects under these provisions is not only for the non-indigenous communities but also the individuals and communities who come from other regions, have the right to work, reside, accumulate capital, move, within and out of the region as well as employed at the regional public service who knows the regional working languages without any discrimination.

Since the working language of BGRS is Amharic, the individual from non-indigenous communities can be easily recruited to the civil service. The individuals who committed to the policies and programs of the ruling parties could be empowered to employ in BGRS institutions at non-cabinet position such as Rural Road Authority, Hospitals, courts and etc. For instance, in BG Civil Service of the total 25,982 employees, the indigenous nationalities constitute 10,218(39.33%) and non-indigenous communities constitute 15,764(60.67%) respectively. This indicates more or less the non-indigenous communities are equally competed and proportionally employed based on their qualification at the regional civil service. This is due to less qualification of the individuals from indigenous groups and non-cabinet areas enhance the number of non-indigenous groups and less interest competent from indigenous groups.

However, regarding of the regional council and administrative council in this region, the non-indigenous communities are disempowered and disfranchised at the political participation and representation. For instance, in the regional council of the total 99 members, the indigenous nationalities constitute 90 seats (90.9%) and a non-indigenous community constitutes 9 seats (9.1%). This indicates the over-representation of indigenous nationalities in one hand and under/non-representation of new minorities in the other hand in the regional council.

The under-representation of new minorities at regional council created their non-representation at cabinet position or regional executive council. Because, the electoral law of the region emphasized on majority rules that since the non-indigenous communities are less in number (43%) as compared to the indigenous nationalities (57%) influenced them lacked proportionality approach at both councils of the region.

Therefore, the regional elites whatever, and whenever take their actions on other peoples, they are un-accused kings of the region and currently relegated the non-indigenous communities to demoralizing towards social attitudes and stigmatized them in order to politicize

their action. The more allocation of representation for indigenous groups created the imbalance of resource sharing and political autonomy between the inhabitants in the region. The political elites limited the representation of new minorities to minimum level. Therefore, currently, they are discriminated at key political position, and unequal distribution of economic, and less socio-cultural rights bearing from the region.

In the case of land use rights in BG, to get any piece of land what matters is not only one's ethnic back ground but also having key political authority or large amount of money or any power full relative in the administration. As my informants reported, the lands which needed for government institutions like schools, market place, bus station and etc...were confiscated from both indigenous and non-indigenous communities. But, the substitutions of lands by means of replacement or compensation were not equally treated with the indigenous one.²⁴⁵

As Ato Shimelis Milaku criticized that, the land use right in this region is far from the reality. The non-indigenous ethnic groups are often unable to get fair treatment in the eyes of courts or to obtain from state agencies services and they are entitled to extreme disparity in the distribution of resources.²⁴⁶ For instance, one of the compliant argued, in 1999 in Ethiopian calendar, the individuals belongs to non-indigenous groups were evicted from their owned lands by the local government but still no any compensation or substitution of lands granted to them.²⁴⁷ The individuals or groups from the indigenous communities were taken the compensation of their lands within a short period of time. Whereas, with the non-indigenous communities around 180 residents could not have been get any compensation for their owned lands in small Kebele of Gallessa until now.²⁴⁸ Therefore, one can argued that, they are not equally treated with the indigenous nationalities regarding land use rights.

²⁴⁵ Interviewee Conducted with Shimelis Milaku, The Compliant, Ombudsman and Decision making officer at Mayor of Asossa City Administration, on 4/28/2017.

²⁴⁶ Ibid.

²⁴⁷ Interviewee conducted with Goshu Kebede and Gemechu Nikus, farmers in Gipo Kebele, on 5/28/2017; Duguma Ayana on 5/26/2017 and Debelo Hika, on 5/30/2017, Merchants in Gallessa Kebele.

²⁴⁸ Ibid.

5.1.2.3. Internal Self-Determination

According to the FDRE Constitution in accordance with international covenants on Political and Cultural Rights, explained political rights for every NNPs of Ethiopia have the right to final determination including with secession.²⁴⁹ From this point of view one can easily understand that, there is a constitutional space for every nation, nationalities and peoples of Ethiopia including the new emerged minorities at different corners of the country without any distinction of inhabitants based on pre-dominant or post-dominant(new comers).

However, as repeatedly cited, Article 2 of the Revised Constitution of Benishangul-Gumuz clearly creates distinction between the inhabitants of the region those who are passed many generation together.²⁵⁰ Surprisingly, though the core problem concerning regional states under the current ethnic federal structure of Ethiopia is the assumption that the dominant ethnic group considers the delimited boundaries of the region as its sole property. Accordingly, the Revised Constitution boldly provides the political sprit of the new Region of BG only for indigenous nationalities through strong legal binding.

Then dichotomy created under Article 2 of the Constitution, as indicated above, have negative implications for the exercise of the right to self-determination for the non-indigenous minorities. As far as self-determination is concerned, the Amharic version of the same constitution Article 39 under its heading used the phrase that “the rights of the owners of the Benishangul Gumuz”...²⁵¹ From this one can safely grasp that, since they are constitutionally owners of the region, the various self-determination rights stated under Article 39 of the Regional State Constitution are to be envisaged only for the indigenous nationalities.

In addition to this, the researcher investigated nationality council as a problem to the non-indigenous communities in this region. In fact, the constitutional background of Nationality Administration in BGRS is not functional. But nationality council is one of the components of nationality administration which is the sense of self-rule autonomy for the listed groups in the region.²⁵² This nationality council provided only for the five owners of the region. It is organized into five councils namely, Council of Berta Nationality, Council of Gumuz Nationality, Council

²⁴⁹ FDRE Constitution,(1995), supra note 14, Preamble and Article 39(1)

²⁵⁰BGRS Revised Constitution, (2002), supra note 15, Article 2.

²⁵¹ Ibid, Article 39.

²⁵² It shall be the supreme political power of the five nationalities.

of Shinasha Nationality, Council of Mao Nationality and Council of Komo Nationality.²⁵³ This nationality council as my informants reported, three years later it was begun to serve the five ethnic groups.²⁵⁴

In Legal and practical speaking, these nationality councils are well organized, well empowered, and well functioned to accomplish internal working condition of the above mentioned nationalities. Its functions are facilitating and mutualizing the situation in expressing, promoting and preserving as well as expanding cultures; preserve and develop the languages through learning, writing and speaking; as well as protecting and promoting the historical heritages of indigenous nationalities.

In this type of non-territorial autonomy, the constitutional framework of nationality administration in BG is far from the structures and settlement pattern of the region and the inhabitant's characters. I.e. the right to nationality administration is constitutionally given to the owners of the BG but not for non-indigenous groups. For instance, Van Der Beken, (2007) in his Article argued that territorial type of nationality administrative entities is allowed for indigenous groups in accordance to the constitutional basis of BG on Article 74-83 and Pro.No.73/2008. He argued that, this territorial type of administration is difficult to manage and treat the whole peoples of the region.²⁵⁵ Because, both indigenous and the non-indigenous communities are sparsely populated and have inseparable territorial entities throughout the region. So that, this constitutional allowance of territorial self-rule autonomy is dangerous for non-indigenous communities those who are reside in the territories and may lead to local tyranny.

In accordance with the establishment of the proclamation number 73/2008, the indigenous nationalities are more accommodated than non-indigenous groups. As my informants argued that, this nationality council is a sense of self-determination of the respective ethnic groups.²⁵⁶ For instance, their respective languages formulated and their children have access to it

²⁵³ The Benishangul Gumuz Regional State Council of Nationalities and Their Offices Organization, Power and Functions and Internal Working Procedure Determination Proclamation No. 73/2008, article 8(1-2).

²⁵⁴ Interviewee Conducted with Geleta Hailu, the speakers of Gumuz Nationality Council, Gilgel Belse; Mariam Abdurrahman, Speakers of Berta Nationality Council, Asossa, April 2017.

²⁵⁵ Christopher Van Der Beken, (2007), supra note 240, pp. 105-151.

²⁵⁶ Interviewee Conducted with Dereje Gerb, Fereda Gerb, Gemechu Nikus, Kinde Dessie, Nemera Gerb and Goshu Kebede, (Farmers in Gipo Kebele, on 5/28/2017); Debelo Hika, Merchant in Gallessa Kebele, on 5/30/2017, Dessie Adimasu, Teacher in Gallessa Secondary and Preparatory School, on 5/31/2017, Duguma Ayana, Merchant in

in public school. Now their children are enrolled from grade 1-8 in their mother tongues.²⁵⁷ The children who belong to other ethnic groups need to access education in their mother tongue; but the blocks of constitutional frameworks plus lack of regional government commitments to allow language rights to access education is remained to under question.²⁵⁸

This thesis also argued that even if currently nationality administration is not workable in the basis of legal frameworks, non-territorial self-autonomy is exercised by the five indigenous ethnic groups in their respective territories through nationality council. However, the non-indigenous groups are not treated in the same vein by the regional government. During my filed work, I visited the nationality council office of Berta and Gumuz and I observed their structural make ups. They have their own speakers and deputy speakers, Standing Committees and leaderships as well as employees. In short, this implied that, they are more accommodated and politically self-autonomous. Inversely, this systematic self-administration of the five nationalities negatively affects the numerical significant societies of the so-called new-minorities of the region. The non-indigenous communities have no institutional mechanisms and political commitments to allow them to exercise either territorial political autonomy or non-territorial political autonomy at the regional or local levels.

It can be argued that the formation of the administration of nationalities in Benishangul is far from reality of the region. Because, even the five indigenous nationalities, especially the Gumuz are found territorially scattered by which it is impossible to carve out a homogenous administration. This should also be seen in light of the non-indigenous population in which they are found everywhere within the regional state and even more concentrated in identifiable territories as compared to the indigenous groups. In general, the administration of nationalities is a mechanism employed under the regional state's constitution for the purpose of realizing the various aspects of the right to self-determination to indigenous nationalities. It is made to serve the rights of the indigenous nationalities. In the same line, the regional actors should be committed to create conducive environment for non-indigenous communities who resided in the

Gallessa Kebele, 5/26/2017, Gezahgn Yizengahu, Civil Servants in Dibati Woreda Court Office, on 5/24/2017; Derssa Ejeta, Civil Servant in BGRS Administrative Council and resident of Asossa 01 Kebele, on 5/6/2017.

²⁵⁷ Ibid,

²⁵⁸ Interviewee conducted with Gemechu Nikus, farmers in Gipo Kebele, Debelo Hika Merchant in Gallessa Kebele; Duguma Ayana, merchant in Gallessa Kebele; and Adamu Derse farmers in Berber Kebele, Gezahgn Yizengahu civil servants in Dibati Woreda and Ashebir Birhanu farmers in Dibati 02 Kebele, 2017.

region through allowing territorial or non-territorial political rights. It should also open upper house in addition to the lower house at regional/local/nationality council like that of Harari region and SNNPRS to alleviate such claims from non-indigenous groups in such benefit areas.

5.1.2.4. Self-Government

Article 39(3) of the FDRE Constitution explicitly envisaged that every nation, nationality and peoples of 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 state and federal governments.²⁵⁹When we look at the regional constitution of BG particularly the above provisions is explicitly envisaged only for the ‘owners’ of the regions while the named ‘others’ in the region, are severe to marginalized from exercising this right. For instance, the ethnic groups which are remained to the name of “others” in its constitutions are not yet either constitutional guarantee or political willingness to exercise self-government through means of territorial or non-territorial power sharing autonomy for them.

In line to the above statements, the special *Woreda*'s is given for the nationality minorities of Mao and Komo which is directed by the regional actors. Whereas, the lower constitutional guarantee of non-indigenous communities, are far from exercising such rights based on quest of self-rule autonomy, resource sharing and non-territorial autonomy. Therefore, the constitutional backgrounds of BG contradict with the federal constitution which stated at the above mentioned provision that downgraded the status of non-indigenous communities to lower exercising powers. So that, the claimants can claim on the basis of the federal constitution of Article 39(3) that envisaged for NNP of Ethiopia has the right to ethnic based local government by the means of Special Woreda or Special Kebele.

²⁵⁹ FDRE Constitution, (1995), supra note 14, Article 39(3).

5.2. Institutional Accommodation of New Minority Status in Benishangul-Gumuz Regional State

5.2.1. Political Participation and Representation of New-Minorities

5.2.1.1. Regional Legislative Council

A successful legislative process usually begins with an analysis of the proposed policy with or followed by an assessment of the potential impact of the legislation with the consideration of interest groups, NGOs and citizens as a whole at a given country or regional or local levels.²⁶⁰ When we look both the former and revised constitution of Benishangul-Gumuz Regional State, it had failed to consider the interests and concerns as well as feelings and emotions of the new minorities (non-indigenous communities) during and after drafted their formal workable constitution.

To strengthen the above facts, the researcher tried to analysis on the basis of two perspectives: firstly, the constitution was only designed by political actors from the so-called members of indigenous ethnic groups. In accordance with the transitional charter under Article-3, those political actors were discussed to adopt their constitution along the interests and concerns as well as feelings of the five ethnic groups. The intentional neglecting of non-indigenous communities by the political actors, created the gaps between the inhabitants of BG in effective political representation and participation. This is due to less taking into account and less favorable the interests and concerns of the peoples of BG through constitutional and political equity. But they were passed many generations and lived together for a long period of time with the empowered ethnic groups in the region of BG.

Secondly, the parties from non-indigenous communities like ANDM, OPDO, SEPDM and TPLF were given less attention in the drafted and adoption of the new constitution of BG rather than the ‘filed operators’ of EPRDF in the region. They were not claimed why not their respective ethnic groups accommodated effectively under the adopted constitution. In addition, during the transitional period, any experts from the non-indigenous peoples by itself also were less participated on the adoption of this constitution. Therefore, these and other related factors less

²⁶⁰ Gizachew Wondie, (2015), supra note 20.

avored the interests and affairs of the non-indigenous communities in the eyes of BGRS political actors.

According to the regional constitution in its Article 45 (3) and 48 (2) stated, the representation of the ‘non-indigenous’ peoples and numerically minority indigenous peoples, Mao and Komo, are seen in especial consideration. Under Article 46(1), noted the regional state has one chambered parliament, except the five super ethnic groups, the remaining nations and nationalities of the region do not have any alternative to get representation for taking part in major decision making areas.²⁶¹

So that, since the regional state council is the majoritarian house, which is largely dominated by the indigenous people of BG, the new-minorities of non-indigenous ethnic groups are intentionally neglected from effective representation in the regional council. Ethnic composition of the BG Regional State Council of 2008 E.C onwards term of representation as the following table showing, from 99 seats, Berta took 40, Gumuz 35, Shinasha 11, Mao 2, Komo 2, Amhara 5, Oromo 2, Agew 1 and Kambata 1 seats respectively.²⁶²

Table.5.2.1.1. Regional, Woreda and Town Council in Ethnic composition

| No | Institutions | Ethnic composition per seats | | | | | | | | | | total |
|----|------------------|------------------------------|-------|----------|-----|------|------|--------|-------|---------|-------|-------|
| | | Berta | Gumuz | Shinasha | Mao | Komo | Agew | Amhara | Oromo | Kambata | Tigre | |
| 1 | Regional Council | 40 | 35 | 11 | 2 | 2 | 1 | 5 | 2 | 1 | | 99 |
| 2 | Asossa WoredaC | 108 | | | | | | 71 | 2 | | 3 | 184 |

²⁶¹ Benishangul-Gumuz Revised Constitution, Article 46(1) and Van Der Beken, (2006), supra note 24, pp.125-131.

²⁶² Beza Dessalegn, (2014), Wherein Lies the Equilibrium in Political Empowerment? Regional Autonomy for the indigenous Nationalities versus Representation Rights of Non-Indigenous Communities in Benishangul-Gumuz. Centre for federal Studies, Ethiopian Journal of Federal Studies, Vol.1, and No 2. Addis Ababa University.P.160.

| | | | | | | | | | | | | |
|---|------------------|--|----|----|--|--|---|----|----|--|--|-----|
| | ouncil | | | | | | | | | | | |
| 3 | Dibati Woreda | | 56 | 31 | | | 6 | 17 | 30 | | | 140 |

Source: Benishangul Gumuz Regional State Council Office, 4/25/2017, Asossa Woreda Council Office, 4/28/2017, Dibati Woreda Council Office, 5/23/2017.

Notes: Regional council speakers: Amhara, Regional Council Deputy Speaker: Berta

Asossa Woreda Council Speaker: Berta, Deputy Speaker: Tigre

Dibati Woreda Council Speaker: Shinasha, Dibati Woreda Council Deputy Speaker: Gumuz

As the data from the above table shows, the non-indigenous ethnic groups such as the Amhara and the Oromo with relatively large number of population size, the representation they hold in the state legislatures remains seriously under represented. To make the argument brief, the Amhara ethnic group which took the second next to the indigenous Berta in its population size in the region which constitute approximately 21.69 percent of the total population of the region. But it holds only five (5) seats of the total nominated members' council at this region. The same feature is observed with regard to the representation of the Oromo in the state council, i.e. Oromo in Benishangul Gumuz constitute 13.55 percent of the total population of the region but hold only 2(two) seats of the total nominated members in this council.

The same categories of ethnic groups from among the non-indigenous, Agew and Kambata ethnic groups' have better representation in the state council. For example, Agew constitute approximately 4.4 Percent of the total population of the Benishangul-Gumuz Regional State hold one (1) seat of the total elected offices, which is almost approaching to their population size in the region. Similar happening is observed when we see the representation seat reserved to Kambata which is constitute 0.28 percent of the total population of Benishangul Gumuz Regional State. It holds one (1) seat of the total elected offices which is approaching to their overall population size. This makes a paradox while compared with the seat reserved to Amhara and Oromo ethnic groups residing in the region.

As the above table indicates, the researcher would analysis the division of power between Indigenous and non-indigenous ethnic groups in BG at regional council into three perspectives.

Firstly, over-representation of some ethnic groups: in order to monopolize the seats, the regional government used the techniques of ethno-territorially concentrated electoral districts of the respective societies. Along this technique, Berta, Gumuz, Shinasha, Mao and Komo ethnic groups are took 90 seats from the total of 99 seats. This implied that, the regional government wanted to windup those indigenous ethnic groups politically by allowing over-representation at this supreme power position.

Secondly, under-representation of numerical significant ethnic groups: in here, since the regional government was under the five ethnic groups, the remains are categorized under non-owners. Along this, even though, Amhara and Oromo ethnic groups are numerically significant at this region but the formula of their representation is not based on their population size rather number of Woreda they concentrated. For instance, Amhara ethnic groups took the largest population size next to Berta ethnic groups but it reserved only five seats at the regional level. From these seats, three of them were represented from Pawe Woreda; the remains two seats are reserved from Asossa and Dibati Woreda.

In the same vein, Oromo ethnic groups are also have the fourth largest population size next to indigenous Berta, non-indigenous Amhara, and indigenous Gumuz peoples in the region. But, its representation is not based on the formula of its population size rather randomly selected from two Woreda's of the region which means one from Bambasi and one from Wonbara Woreda. Therefore, since the technique of the regional government is to empower the selected five ethnic groups to political and institutional position, the "others" ethnic groups were/are discouraged and under-represented in BG polity set up of institution.

The last but not the least is non-representation: since the five major ethnic groups mentioned above are took 90 seats among the total of 99 seats. It is simply to understand that there are several peoples who are inhabited at this region multiplied by voiceless under the calculation of the regional polity institution in general and regional council in particular. In this line, with the exception of Amhara, Oromo, Agew, and Kambata, the other peoples like Tigre, Wolayita, Hadiya, Silte, etc... could not have any bodies represent to them at the regional council. In short, they are categorized under non-representation in BGRS council.

5.2.1.1.1. The Representation of New Minorities at Nationality Council

The right to self-determination in Ethiopian federal system is approached to the creation of ethnic based territorial entities. Accordingly, the regional states such as Benishangul-Gumuz is created along ethnic based territorial entities but sparsely populated ethnic groups. Following the federal constitution, the BG constitution attempts to ensure the right to self-determination through the creation of nationality administration. But this territorial institutional structure is limited to the recognized five ethnic groups in the region neglecting other numerically significant ethnic groups such as Amhara and Oromo in the region.

The above argument is supported by two observatory provisions in BG constitutional frameworks. Firstly, Article 39 of the same region constitution which limits the exercise of the various rights to self-determination to those considered to be indigenous groups to the region. It doesn't guarantee such rights for those considered to be non-indigenous ethnic groups to the region under its provision.

Secondly, the ethnic composition of constitutional interpretation commission and its elected formula is envisaged under article 71(1). Accordingly, the nationality council in the ethno-territorial administration is only the composition of the respective ethnic groups in the BG which have the responsible by to elect the members of constitutional interpretation commission. Along this, the members of the commission as stipulated under the same provision nominated by the nationality council. Since the nationality council was from the respective ethnic groups, it limited nominated ethnic groups number to 20 in accordance of the constitution to favor the five recognized groups. Among this Berta holds 4 seats, Gumuzholds 4 seats, Shinasha holds 4 seats, Mao holds 4 seats and Komo holds 4 seats in the commission.

Therefore, the BG Revised Constitution limits the recognition of ethnic diversity to the above mentioned recognized ethnic groups in the region. The remaining numerical significant non-indigenous groups in the region are not to be recognized and have lacking institutional mechanisms to allow them for the exercise of group specific rights whether territorially or non-territorially. So that, in accordance of Federal Constitution, the BG Regional Government needs to allow institutional mechanism for the non-indigenous ethnic groups and recognizing them as distinct ethnic groups through amending of its constitution.

5.2.1.1.2. The Representation of New Minorities at Local Levels

The representation of new minorities at the lower level has shown the faiths of proportionality than the regional level. As the table indicated that, some of new minorities are better proportional representation at Asossa Woreda Council. For instance, Amhara and Tigre communities have representatives based on proportional formulas of their population sizes but Oromo ethnic groups have still under representation at this council as compared to indigenous Berta and new minorities Amhara and Tigre per seats.

Even though, the faith of proportionality seats observed in this council, the majority of the seats are envisaged under the indigenous Berta peoples. According to Ato Wolde Grima Gebre Silassie, and other non-indigenous representatives to the council arguments, there are formulas two by three ratios for political representation in holding and dividing seats between Indigenous Berta and Non-indigenous ethnic groups at the council of AssosaWoreda.²⁶³ Accordingly, since the Kebeles of indigenous Berta accounted to 36 Kebeles, where each Kebeles are earn three representatives in the Woreda council. On the other side, since the total numbers of the Kebeles of the settlers are 38 Kebeles, each kebeles earn two representatives in the Woreda Council. This is because of the settlers are not constitutionally guaranteed to the regional as well as to local council and lacked clear cut representational regulation.

According to Wolde Grima G/Silassie argument on this formula if equal number of political representation is given for all Kebeles of the Woreda, the indigenous Berta may be remain to subordinate position to the settlers within their respective named territorial entities. For instance, the settlers have 38 kebeles and will get more political representation than the indigenous Berta which has 36 Kebeles in the council. Because of this fear of domination, the Berta political actors designed the already mentioned mechanism which would ensure the majority seats to be reserved for the indigenous Berta in the Woreda council.²⁶⁴

As the data indicate at the above table (5.2.1.1), the Oromo with a total population of 10.4 percent took two seats and the Tigre with a total population of 1.38 in the Woreda has taken 3

²⁶³Interviewee Conducted with Ayalew Degu from Salga 22, on 4/28/2017; Mestayit Jalata from Megele 35, on 4/27/2017; and Moges Debash from Megele 36 Kebeles (Farmers) on 4/27/2017; and Wolde Grima G/Silassie, Deputy Speaker in Asossa Woreda Council, on 4/26/2017.

²⁶⁴ Interviewee conducted with Ato Wolde Grima Gebre Silassie, Deputy Speaker at Asossa Woreda Council, on 4/26/2017

seats in the Woreda council and also the individuals from Tigre took a position of the deputy speaker of the Woreda Council. This approach of giving representation in the region as well as in the Woreda for the ethnic groups has no clear cut procedures for the reason that it neglects the population size of each ethnic group. For instance, in the legislative council the Berta in addition to its executive control, it also took the position of the speaker of the council whereas the Tigers took its deputy speaker irrespective of their Population size. So that, the overall decision making process is led and accomplished by respective peoples of Berta.

In addition, Dibati Woreda is also a multi-ethnic character by its nature. As my informants reported, in its nature the ethnic composition of Woreda Council is proportional. This council has a total of 140 seats. From among, Gumuz holds 56 seats, Shinasha Holds 31 seats, Amhara holds 17 seats, Agew holds 6 and Oromo holds 30 seats. The indigenous nationalities are also still collected higher seats than the non-indigenous communities. In fact, the non-indigenous communities are better proportional seats as compared to the regional council but still they are subordinated to them in decision making process in the Woredacouncil. Ato Debelo Hika, who is the former representatives of the Oromo ethnic groups, complained "the Oromo nation took the dominant position in the Woreda council but their voice could not get the chance to be heard to date.²⁶⁵ In the same vein, one of my informants who represented Amhara nation in the Woreda Council claim that, the Amhara interests and concerns are not heard and accepted in the public decision making process.²⁶⁶

Generally, the overall statements indicated under the legislative council, the sharing of power base seats between indigenous nationalities and non-indigenous communities showed the monopolization of power under the indigenous nationalities at the regional level and little power sharing is reflected at lower level than at nationality council. This implied that, the lesser acceptance of non-indigenous communities by the regional political actors or elites relegated them to new comers in the region of BG.

²⁶⁵ Interviewee conducted with Ato Deblo Hika from Gallessa Kebele, the former representatives of the Oromo people in Dibati woreda, on 5/30/2017.

²⁶⁶ Interviewee conducted with Ato Adem Ahamed from Berber Kebele on 6/01/2017; Bitew Degu from Gipo Kebele on 5/28/2017; W/r Sefefech Tilahun from Dibati 02 Kebele on 5/24/2017; and Ato Umer Mersha from Gallessa Kebele on 5/30/2017; they are representatives of Amhara in Dibati Woreda Council

5.2.1.2. Regional Administrative Council

Members of regional administrative council are mostly appointed from the regional state council. Since the indigenous ethnic groups are dominating 90 seats of the total 99 seats from the regional legislative council,²⁶⁷ the non-indigenous people remained under unrepresented to this institution. The actual practical operation is incompatible with the constitutional decrees and intentions. The 2008E.C regional administrative council formation indicates the overall core position was/is dominating by the indigenous one. The following table shows the current monopolization of key political position by them in the composition of cabinet of BG.

Table.5.2.1.2. Regional, Woreda and Town Administrative Council in Ethnic composition

| Number | Institutions | Ethnic composition/seats | | | | | | | | | | total |
|--------|----------------------------|--------------------------|-------|----------|-----|------|------|--------|-------|---------|-------|-------|
| | | Berta | Gumuz | Shinasha | Mao | Komo | Agew | Amhara | Oromo | Kambata | Tigre | |
| 1 | Regional executive Council | 7 | 6 | 4 | 1 | 1 | | | | | | 19 |
| 2 | Assosa Woreda | 14 | | | | | | 1 | | | | 15 |
| 3 | Dibati Woreda | | 7 | 7 | | | | | 1 | | | 15 |

Source: BGRS Administrative Council Office, 4/25/2017, Assosa Woreda Administrative Council Office, Dibati Woreda Administrative Council Office, 5/24/2017.

Notes: BGRS President: Berta, Vice President: Gumuz

Assosa Woreda Administrative Heads: Berta, Deputy Administrative Heads: Amhara

Dibati Woreda Administrative Heads: Gumuz, Deputy Heads: Shinasha

²⁶⁷ Benishangul-Gumuz Regional State Revised Constitution, (2002), supra note 15, Article 61(3(f)).

As the above table shows unlike in the composition of ethnic groups in the Benishangul-Gumuz Regional State Council, the executive council is exclusively constituted by the indigenous ethnic groups which are proportional to their population size in the region. In this council, a clear negligence of non-indigenous ethnic groups was/is taking place. To this view following the 2008E.C/2016 government formation from the total of 19 seats in the cabinet, the five ethnic groups such as Berta has hold 7 seats, Gumuz has holds 6, Shinasha has holds 4, the Mao and Komo each holds 1 seats.²⁶⁸

Regarding to the distribution of political appointments in the regional government does not follow specific regulations or directives. But the regional government simply distributed the seats based on the population size among the indigenous nationalities. Inversely, the participation of the non-indigenous communities in BGRS at executive council is no existent and not represented at all in the region. According to my informants from the political party leaders of the two dominant non-indigenous ethnic groups, they highly complained for their non-representation in the administrative council. According to their critics, a representative at the cabinets in the region appointed the leaders from their respective ethnic groups without consideration of other inhabitants is due to their higher allocation seats in one hand and under-represented in the regional legislative bodies on other side. Due to this reason, the very important issues of non-indigenous communities are ‘dressing windows’ in the eyes of administrative council of BG.

The regional government should be taking into account the diversity pattern of the region. As it has already been discussed earlier, the practices of political participating of the non-indigenous in the political affairs of the state, has not clear cut rules and regulations followed by the regional government. This can be observed in the way of distributing/allocating executive position in the region. For instance, if we see the situation in Dibati Woreda, the Amhara has got one legislatures to be represented in the regional council but on the other hand has no seats at cabinet positions at the Woreda administrative council. The contrast is also observed from the Oromo side. That is they have one seat at the cabinet position made at the Woreda administrative council but has no representatives at the state council.

²⁶⁸BGRS Administrative Council Office, Documentation Profile, Accessed on 4/25/2017.

In order to bring sustainable peace and stability in multi-ethnic society like that of the BGRS, the regional government should have legalized the representation of the peoples through enacting different directives, rules and regulations to administrative council in particular and regional council in general.²⁶⁹ According to Alebachew Geda who is the chairman of the legal and administrative affairs standing committee in Regional Council Office argument, even though, the non-indigenous groups are non-represented at cabinet position, they are well accommodated, and get involved in the political affairs of the region at non-cabinet bureaus. For instance, some are appointed as the legal advisors; some are appointed as also experts of agriculture and rural development; some are also appointed as heads of regional administrative at the position of Cabinet Secretariats and Deputy Bureau Heads of different bureaus in the region.

The researcher give a comment to his argument is that, since the key political position and the overall decision making system are run by cabinets, the non-cabinets have no say anything on the already decided by the regional cabinets. Therefore, since the new emerged ethnic minority groups are excluded from the key political decision system, they have no power to give and reflect their ideas during public decision making time.

5.2.1.2.1. The Status of Political Representation at Local Administrative Council

The practice of participation of non-indigenous in the political affairs at the local level also has no clear rule and regulation that lead their affairs to good faiths. This striking point indicates under or non-political representation scheme of new minorities in the executive council of the Woreda's. For instance, at Assosa Woreda Administrative Council, as the data shows in the above table (5.2.1.2), from the total of 15 cabinet positions 14 of the seats are controlled by the indigenous Berta and only one cabinet seat is set for the Amhara settlers.²⁷⁰

Due to lack of legal binding formulation in distribution of seats at this council, brings the superiority and inferiority approach at key political position during public decision making in the Woreda. For instance, as my key informant's argument and my personal observation, the Amhara who at the Woreda constitutes large population size took only one cabinet seat. Butthe

²⁶⁹ Interviewee conducted with non-indigenous ethnic groups of political leaders in BGRS: Ato Gemechu Dachassa, OPDO members and party leaders in peoples communication Heads, on 5/9/2017; and Ato Memberu Zowede ANDM members and party leaders in BGRS branch, on 5/8/2017.

²⁷⁰ Assosa Woreda Administrative Council Office, 4/26/2017.

Oromo ethnic group who has significant population in this Woreda has no representatives at cabinet position in the Administrative Council. Since they were/are less represented at the cabinet position, they have no power to hear at local public decision making.²⁷¹ Therefore, the under representation of Amhara and non-representation of the Oromo in this political organization is due to the quota given to the Woreda in the State Council.

At Dibati Woreda Administrative Council, as the data indicated at the above table (5.2.1.2), from the total of 15 seats of Cabinets positions, Indigenous Gumuz took 7 seats and Shinasha also took 7 seats. Whereas, the non-indigenous Oromo took 1 seat and Amhara and Agew have remains to non-representation at Woreda cabinet position.²⁷² This is also due to lack of uniformity besides allocating seats for the whole inhabitants in the Woreda council, took place the political domination of indigenous Gumuz and Shinasha over the non-indigenous ethnic groups of Amhara and Oromo who are constitute large in population size in this Woreda.

This lack of uniformity increases the quest for having a more seat in the regional as well as at local government administrative levels is not only from the non-indigenous side but also from indigenous one. For instance, in the year of 1993 onwards, Representation in regional council was not depended on the number of population rather number of Woreda. In this base, Gumuz which has small number in population size than Berta ethnic group were sends more representatives to the regional parliament and it accumulates more seats than Berta. This increases the Berta demand to form Woreda in each village of their lands and currently, it collected more seats than Gumuz in the house. This shows that clear legal institution does not formulated and provide arrangement for executive power sharing and representation of each ethnic group in the regional council.

Therefore in order to alleviate the observed problems and guarantee a better representation of the non-indigenous communities, the regional government should consider the following elements; firstly, the regional government need to identify from among the ethnic groups reside in the region; which ethnic group is supposed to get a seat before deciding the number of representation

²⁷¹ Interviewee Conducted With Ato Ayalew Degu from Salga Kebele 02 on 4/28/2017; and Mestayit Jalata from Megele 35 on 4/27/2017.

²⁷² Dibati Woreda Administrative Council Office, 5/24/2017.

made at the regional level in the governmental organs of both at legislature, and executive position. Secondly, the regional government before determining executive power-sharing should considers the diversity pattern of each respective Woreda plus their population size and the whole inhabitants should be taking into account.

5.2.2 The Political Representation of New-Minority Status in Other Institutions of Benishangul-Gumuz Regional State

There are also institutions in addition to institutional set ups of both legislative and executive organs that need to show the political representation pattern in BGRS. These are judiciary, constitutional interpretation commission and constitutional inquiry and public civil services.

5.2.2.1. Constitutional Interpretation Commission

Political representatives of ethnic group in the Regional Constitutional Interpretation Commission are composed of only indigenous representatives without giving any space 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 accounted to twenty...”²⁷³ Since, the non-indigenous people of the region had not given any opportunity to be represented in the Regional Constitutional Interpretation Commission, whatever cases raised by them is relegated to the voice of voiceless.

Similarly, in accommodating non-indigenous people, the Regional Council of Constitutional Inquiry is not 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.”²⁷⁴ When we look this in the current situation, the president and vice president of the state supreme court are from Gumuz and Berta nations; 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

²⁷³ Benishangul-Gumuz Regional State Revised Constitution (2002), supra note 15, article 71(1)

²⁷⁴Ibid, Article 72.

nationalities. Therefore, any of non-indigenous nationalities are not appointed in regional council of constitutional inquiry.

Therefore the institutional and political accommodation of ethnic groups at least in the above mentioned institutions are reflecting the strong and effective accommodation of indigenous nationalities of the region and reflecting less attention and accommodation of non-indigenous communities in this region. The exclusive approach of political elites for non-indigenous people in these institutions shows that, they are passive and handicapped from exercising of effective political power, proper representation, Self-rule autonomy/internal Self-determination, resource sharing in general and decision making power in particular in the region.

5.2.2.2. Public Civil Service

Ensuring political participation and economic dimension of any ethnic group is not only limited to the basic three tier of institutional set up of government but also go beyond the public civil service of the given country or region. In exploring the Benishangul Gumuz Regional State regarding diversity patterns in the civil service bureau, it issued the civil servants proclamation as an important legal instrument for servants regardless of their ethnic backgrounds.²⁷⁵

The civil servants proclamation of Benishangul Gumuz under Article 13(1) stated that "there shall be no discrimination among job seekers or civil servants in filling vacancies because of their ethnic origin, sex, religion, political outlook or any other ground".²⁷⁶ This provision may be perceived in two ways; firstly, it provides equal chance for all job seekers regardless of their ethnic background. Secondly, it may also initiate especially those job seekers who are from the disadvantaged groups like indigenous nationalities and females through affirmative action/preferential treatment. Accordingly, the same proclamation under its Article 13(3) (g) and (h), gives a preferential treatment for female candidates and members of nationalities comparatively less represented in the non-cabinet office.²⁷⁷

Besides the above provision, the proclamation had an interesting provision with regard to job seekers or candidates with disabilities to give priorities in their appointment while they meet the

²⁷⁵ The BGRS Civil Servants Proclamation number of 29/2002 was directed by the BGRS government of public civil service Bureau in 2002.

²⁷⁶ Ibid, Article 13(1).

²⁷⁷ Ibid, Article 13(3) g and h.

minimum passing score.²⁷⁸ As the provisions in the proclamation shows, one can understand it as an accommodative character for the two categories of people in the region (indigenous and non-indigenous).It gives the chance for job opportunity for those job seekers of any ethnic background and on the other hand for those job seekers from members of nationalities comparatively less in the government office it guaranteed a preferential treatment. The following table shows the profile of the ethnic composition at Public Civil Service Bureau in BGRS.

Table.5.2.2.2. Civil Servant based Ethnic composition in BGRS Civil Service Bureau

| Number | Ethnic groups | Number of civil servants | Totals | Remarks |
|--------|---------------|--------------------------|--------|---------|
| 1 | Berta | 3,215 | 25,982 | |
| 2 | Gumuz | 2,374 | | |
| 3 | Shinasha | 4,337 | | |
| 4 | Mao | 213 | | |
| 5 | Komo | 79 | | |
| 6 | Amhara | 5,812 | | |
| 7 | Oromo | 5,520 | | |
| 8 | Agew | 1,048 | | |
| 9 | Gurage | 345 | | |
| 10 | Tigre | 631 | | |
| 11 | Kambata | 117 | | |
| 12 | Others | 2,291 | | |

Source: BGRS Civil Service Bureau planning and information, Ato Binyam, planning and information statistics Officer, April, 2017.

As the table indicates one can observe a small figure of all the indigenous nationalities except Shinasha who have a better educated and better participation in the regional bureaucracy as compared to the remaining indigenous nationalities. In other words, the Berta and Gumuz who have the dominant position in the politics of the state and with relatively large population size took insignificant position in the regional bureaucracy. As the data indicated at the table, the

²⁷⁸ The BGRS Civil Servants Proclamation number of 29/2002, supra note 275, Article 13(4)

non-indigenous communities are better accommodated at the civil service than their accommodation in the legislative and executive councils of BG.

This is not because of the regional government need to empower and encourage the person belonging to the non-indigenous communities rather the more qualified competent from the person belong to them. My informants strongly argued that even though, the affirmative action is guaranteed for the person belonging to the so-called owner nationalities, they are still passive in job seeking competition and less educated as well as lack of interests as a civil servants than seeking on key political position.²⁷⁹ The nature of their seeking jobs through their qualification or professionals are low. This does not mean that, they are not educated but most of them are interested to more involve at key political position than in ordinary civil service in the region.

One of the aims of the regional government is to empower the indigenous nationalities to the regional government offices through providing affirmative action. Along this, the regional government public civil service provided that preferential treatment through setting quota for those indigenous nationalities. For instance, during competition for employment, the fresh job seeker from the indigenous nationalities of Berta is given 30 percent, Gumuz given 25 percent, Shinasha given 20 percent, Mao and Komo each given 10 percent's.²⁸⁰ The job seeker from non-indigenous communities has not been accounted in the quotas or benefits of affirmative action which is guaranteed to the owner nationalities.²⁸¹

More priorities are given to the indigenous candidates who meet the minimum passing score by the name of dignity than the so-called non-indigenous one. The preferential treatment is not given for job seekers of the non-indigenous communities in line to their overall population size in the region. But during my filed observation, the situation of the effective participation and representation status of the non-indigenous communities in the civil service is better than the other institutions of the regional government. Because, since this institution needs the qualified persons, the non-indigenous communities are better qualified and enrolled than the person belongs to the indigenous one. But, their enrollment to the civil servant is not based on the

²⁷⁹ Interviewee conducted with Mr. Birhanu Zeleke, an expert in Dibati Woreda Civil Service Office on 5/23/2017.

²⁸⁰ Interviewee conducted with Mr. Binyam, an ICT operator in BGRS Civil Service Bureau on 4/27/2017.

²⁸¹ Ibid.

preferential treatment that guaranteed from regional government rather their individual efforts and the availability of high qualified persons than the indigenous nationalities in BGRS.

Generally, the point which needs to be taken into account with regard to the affirmative action in addition to enable the indigenous nationalities, the regional government needs to consider the non-indigenous communities those who were born there, in job opportunities and other educational benefits. The regional government shall also consider the following points. First, the job opportunity which reserved to the indigenous groups seems like overstatement when compared to their overall population size in the region. Thus, it should match to the principle of proportionality. Second, the regional government shall consider enrolled students of the non-indigenous ethnic groups to educational opportunities whether in teacher training or university training college. The regional government shall also take into account of the new graduated students for job seekers of person belongs to the non-indigenous communities through giving equal chance with the children of the indigenous one. This will reduce the quest of more representation from the non-indigenous side.

5.3. Factors for the Hindrance of New Minorities

5.3.1. Legal Factors

In order to accommodate and balance the needs and interests of all ethnic groups in diversified state, stipulated in the constitution is a need for regulations about representation, power-sharing, resource sharing and trust building at all levels. The designation of self-administration was formulated during the Ethiopian transitional government. The legal background of self-governing autonomy based ethno-linguistic line was also get sounds between the coalition of EPRDF and the affiliate parties. This ethnic-based regionalization is adopted under both transitional charter and 1995 FDRE Constitution. In line to this, Article 3, under proclamation number of 7/1992 of the transitional charter identified 63 nations, nationalities and peoples which can form their own ethno-territorial based regions.

Accordingly, under sub 1 of the same article stated the five national minority ethnic groups (namely Berta, Gumuz, Shinasha, Mao and Como) under region six in order to exercise their power among themselves in their respective territories. Other inhabitants like Amhara, Oromo,

Agew and others who were lived for more than four centuries to the new emerged region were/are not guaranteed under the interim Constitution of 1992. This legal framework made to empowered these super five ethnic groups to the owner of BG and relegated or hindered the numerical significant ethnic groups to political exclusion.

Later on, the 1995 FDRE Constitution of Article 47(1) was also refers back to Article 3(1) of the proclamation number 7/1992 which provides the list of nations, nationalities and peoples which are members of the given state. This provision is also the reason for the potential to give more priority to the five indigenous nationalities to call themselves as the owner of BG. Therefore, both the transitional charters and 1995 FDRE Constitution are the major factors to empower the 2003 revised constitution of BG to distinct the inhabitants of the new region into two(indigenous nationalities and non-indigenous communities). Accordingly, the currently authorized regional elites are practicing to monopolize the overall political advantages from the region.

Accordingly, the constitution of BGRS leaves out the diversification of ethnic groups in the region, it distinct the ethnic groups of the region. This revised constitution exclusively guaranteed for the five ethnic groups to exercise fundamental human rights (both individual and group rights) that explained under chapter three of the revised constitution in BGRS in accordance with the law that Ethiopia was adopted from international law. Inline to this accordance, the constitution of BGRS under Article 2 stated that the owner of the region are the listed above only through promoting and supporting as well as facilitating the way to heard their voices at regional governmental institutional set up.

Whereas, the so-called the non-indigenous ethnic groups in this region are constitutionally less guaranteed. The researchers would looks their less constitutionally guarantee in four major spheres. Firstly, Article 2 of the revised constitution restricted and excluded other numerically significant population which are inhabited for a long period of time and gives superiority to the five ethnic groups. In accordance to this provision, the new-minorities are not the right to exercise the sovereign power in this region. This sense of exclusion developed sense of second class citizens in the minds of them.

Secondly, Article-39 of the same constitution restricted the rights of group specific rights to the indigenous ethnic groups (national minorities or old minorities but currently they are majority at

their region). Whereas, the new minorities (majorities in their mother land of the given region but minorities in other regions) to the region are excluding from the exercising of group specific rights which referred as the right to self-determination internally or externally that allowed for the so-called ‘owners’.

Therefore, the inhabitants of the region counted under non-owners had not the right to claim group specific rights particularly self-determination right. As my informants criticized, “*If they complain to quest about the right of self-rule autonomy, the regional political elites are stigmatized their names by saying OLF or Ginbot Sebat (7)*” and imprisoned them without any question because of lack of constitutional right to the region.²⁸² Thirdly, under-representation and non-representation of the new minorities at regional council had implied to less constitutional guarantee. Even though, in Article-45 sub 3, the same constitution of the region stated that, the special consideration for representation of other inhabitants determined by law.²⁸³ But during the time of my research conduct, there is no law enacted by the state council to help the implementation of the special representation of the new minority ethnic groups in the region.

This lack of legal binding to guarantee of representation, leads them to under and non-representation irrespective of their population size. For instance, Amhara and Oromo ethnic groups are accounted to relatively the largest ethnic groups in their population size in the region ranked top four. But their representation was not determined by their population number rather territorial settlement patterns or districts. The representative of Amhara nominated from three Woreda’s such as from Asossa-1, Pawe-3 and Dibati-1. The representatives of Oromo are nominated from two Woreda’s such as Bambassi-1 and Wombera-1. This implied that, the non-indigenous ethnic groups are not the right to have equal representation with the indigenous one. Because in one side, there is no legal binding and in the other side, the policy of representation in regional state council is not proportional system of representation rather the first past the post system and ruling party program. These combined factors lead to under-representation and non-representation of the new minorities in the region.

²⁸² Interviewee Conducted with Debelo Hika, the former representatives of Oromo in Dibati Woreda and currently private owners engaged at Merchant in Gallessa Kebele, 5/30/2017; and Gezahgn Yizengahu, Civil Servants in Dibati Woreda Court Office,5/24/2017.

²⁸³ Benishangul-Gumuz Regional State Revised Constitution, (2002), supra note 15, Article 45(3).

Fourthly, non-representation of new minority ethnic groups in regional state constitutional interpretation commission: the revised constitution of BGRS under Article-71(1) stated that a constitutional interpretation commission composed of four representatives drawn from each indigenous nationality and whose total number of members is twenty, which hears and decides on matters of constitutional issues or questions of interpretation. Since the new-minority ethnic groups were not having representatives, their concerns and interests as well as their affairs are not raised by those representatives because of they are not represented from them. Part and parcel, they respect and promote the constitutional advantages of their respective ethnic groups. Therefore, the factor of lack of constitutional guarantee of the non-indigenous or new-minority ethnic groups, leads to less protection by the political top officials in the region.

Generally, the former and the revised constitution of Benishangul Gumuz Regional State had been failed to consider and accommodate the interests and concerns of the so-called non-indigenous nation-nationalities during drafted their current working constitution. Because, these drafted constitution was implemented by political actors and lawmakers from the so-called indigenous nationalities in BG. This technique purposely or intentionally excluded the political bodies, professionals and lawmakers from non-indigenous communities. In line to these negative implications, since the constitutions of BG was drafted and implemented by the indigenous political actors, none of them are constitutional guarantee to respect their human and democratic rights as well as represented and participated at key political positions of BGRS.

5.3.2. Political Factors

Political willingness is the determinants of envisaging the way for institutional security to accommodate the diversity. It prohibits such discrimination related with land rights, political participation, effective representation, recognition as a distinct ethnic groups, self-rule administration etc...are some of the majors which genuine political activities takes into account. However, the regional government of BG is doing the reverse for the non-indigenous/new minority status.

In line with this one of my interviewee said that:

“Non-indigenous ethnic groups are still repressing when they demand their rights particularly group specific rights. They vulnerable to marginalized from the regions

political beneficiary's. They treated worse than indigenous one in criminal case and even in prison house.²⁸⁴ They said also that we are characterized under lacked registration as distinct ethnic groups, in both constitution and political practice; distrust towards political representation at the region. We are not treated as the residents of the region that alienated from political participation in BG.”²⁸⁵

As they argued that, it emanated from lack of political willingness to accommodate non-indigenous ethnic groups who have lived for long period of time together with the more accommodated ethnic groups. According to the above reports, since the regional actors are from indigenous nationalities, political elites are monitoring and supervising the interests and concerns of their respective ethnic groups to the region. Whereas, even though, the political representations from the non-indigenous communities are nominated but since they are child dependence of the political actors of the indigenous nationalities, they supervise and monitor the issues in accordance with their individual interests and concerns as well as the saying of the indigenous political actors. Because of these factors, new minorities are informally and officially excluding from the capacity to influence the public decision making power, participation in institutional politics as well as social life effectively.

5.3.3. Ethno-territorial Factors

An ethno-linguistic regional arrangement particularly in multi-ethnic federation like BGRS is a manifestation of the superiority and inferiority approach. For instance, the five recognized ethnic groups which are entitled to define in their ethnic homelands in the region allow them to political rights in order to access resources, powers, self-administration, adequate representation, access to fair justice and other regional opportunities. Whereas, the non-indigenous ethnic groups who are out of the designated homelands became subjected to deny from such rights of chances mentioned above. This seems enumerated the superiority of the five ethnic groups and the inferiority of other residents in access of the above regional opportunities.

²⁸⁴ Interviewee conducted with Deblo Hika, the former representatives of Oromo ethnic groups in Dibati Woreda Council and Merchant in Gallessa Kebele, 5/30/2017; Ayalew Degu the representative of Amhara in Asossa Woreda and farmer in Salga 22 Kebele, 4/28/2017.

²⁸⁵ Ibid.

The 2003 revised constitution of BG is one of the benchmark of the regional governing guide which shall endow and manifest the pattern of diversification in the region. But it doesn't allow veto power for those non-indigenous minorities through the means of installing upper house at the regional level. Lack of non-territorial institutional arrangements lead them as severe to under-representation in institutional bodies of the region; political marginalization and partial justice. Therefore, the federal government should be enforcing the BGRS government to consider and follow the concerns and interests of new minorities through establishing non-territorial institutional set up in the region.

5.3.4. Electoral Factors

As Article 15(1) of proclamation 7/1992 stated, the constitutions and other laws are enacted by the national or regional Councils. Since the electoral formula of Ethiopia was the plurality system of election, the majoritarian fits the minority votes. In line to this, the Benishangul-Gumuz Regional State Council is a majoritarian house which enacted proclamation or other laws without the consideration of the interests of new minorities in the region. Even if new minority representation may be able to complain against such influence of the majority decision at the house, it may be dismissed by the same as trivial point or as incredible thing, as the majority will prevail. More over the majority representatives see minorities dishonestly. Hence, in passing legislation they may disregard the situation of new minorities. The national minorities or regional majorities capable of forming their own self-government may stand in solidarity against new minorities. Because of they have common interests in swallowing up new minorities as their subject.

As repeatedly said, BG is a multi-ethnic region in a multi-ethnic federal country in which both national minorities and new minorities are bounded at the same spot of land (local level). No one is independently bounded at the given spot areas. But when the BGRS Council passes legislations, it passed by considering of only national minorities in which by intentionally imposed on new minorities in the region. They have no possibility of a wider participation in the national or regional council on equal terms with the national minorities or indigenous nationalities. This problem is emanated not only from BG electoral system of one size fits all but also from Ethiopian electoral policy. Therefore, either Federal or BGRS Electoral policy should

be formalized based on the proportional way of accommodating the peoples of the country or regional state without discrimination.

5.3.5. Ethno-Party Line Factors

The accountability and transparency of ruling party to the society is one of the mechanism to accommodate the diversification of society in the given federal country or region. The Benishangul-Gumuz Regional State has its own ethnic based party which is combined the five indigenous communities. This party is known as Benishangul Gumuz Peoples Unity Democratic Party (BGPUDP). Before the establishment of this coalition of ethnic based party programs, there are parties that nominated and represented the five ethnic groups. For instance, Berta People Liberation Movement(BPLM, later Ethiopian Berta Peoples Democratic Party (EBPDP)), which was an influential parties; Gumuz People Liberation Front(GPLF), Boro-Shinasha People Liberation Front (BSPLF), Mao People Liberation Front (MPLF), Komo People Liberation Front (KPLF) later they formed joint parties called Mao-Komo Peoples Democratic Party (MKPDP). Among these parties, BPLM later EBPDP was an influential party which needs regional self-autonomy in general and regional executive position in particular.²⁸⁶ Because of this interest conflicts, as Mulegeta (2010) argued, the tension erupted in the region for several times.

Two factors less emphasized made by the regional government. Firstly, the revised constitution does not provide any scheme for executive power sharing. Secondly, the representation at regional council is not considered population size than number of electoral districts based quotas. As the same Authors argued that, the non-legal binding of power sharing at executive council for them is less predictable to handle such conflicts raised from individual or groups. This is also hindered the case of other ethnic groups who are inhabited at the region for four centuries and above.

The Ethiopian Berta Peoples Democratic Party was unwillingness to the representation of non-indigenous ethnic groups and denies their affairs at any level of the regional government. Later on, as mentioned above, BGPUDP is currently the centralized ethnic based coalition ruling party at the region which closed the rooms out the respective ethnic groups aside other ethnic group's

²⁸⁶ Mulugeta Nigusse, (2010), supra note 142.

affair. Since, the decision making process is led by the cabinet of the region, violates the right of any claims related with land use right, political participation, representation, self-rule, recognized as a distinct ethnic identity and the like from the non-indigenous communities. This implied that, this coalition party is not willing to aware the non-indigenous communities for proportional representation at key political position.

The regional government of BG advocates the autonomy of indigenous nationalities based on devolving power, resource and privilege accumulation that benefits their leaders against the benefits of non-indigenous communities due to lack of political will and enforcement. In the same vein, lack of influential actors among the non-indigenous communities particularly those dependent political actors on shoulders of the owner political actors of BG cannot exercise their political rights properly. They only follow their individual interests that political participation can have for them in this region.

The political elites of Benishangul-Gumuz is basically from the indigenous nationalities in which they dominated the decision making Centre. In line with this, the issues related on recognition of ethnic identity, effective political representation and participation at the institutions, internal self-government, and resource sharing were raised by the non-indigenous communities and informed to the decision making bodies through their parties. But the political leaders undermine their main needs and concerns to give response for such complain without putting relevant institutional mechanisms and policy.

In the above case, one of my interviewee said that: *“Political commitment to aware the interests and concerns of the claimants is very low. Our question of historical acceptance as nation in the region is closed to empty rhetoric.”*²⁸⁷,

This mean those ethnic group having equal history and age with indigenous one are forgotten in governmental structure, and land use even if intellectuals from the ethnic groups expropriated from the locality to different region due to the pressure of indigenous political leaders. Not only

²⁸⁷Interviewee conducted with Duguma Ayana and Debelo Hika, Merchants in Gallessa Kebele on 5/26/2017 and 5/30/2017 respectively; Gemechu Nikus and Goshu Kebede, Farmers at Gipo Kebele, on 5/28/2017; Ayana Adeba Kebele Manager in Gallessa Kebele Administration Office, on 5/29/2017.

this but also government officials rising there invisible hand to mobilizing the society against non-indigenous one through different methods (e.g. inappropriate use of land administration).²⁸⁸

The EPRDF Coalition Parties are existed at the region subordinate to affiliate parties and the filed operators. They are in formula, the representatives of each ethnic group who are remained to non-indigenous/new minority status. But their representativeness is not proportionally functioning. Because they are serve as the spoken man of the key political actors of indigenous nationalities in one hand and serves for their individual interest in the other hands. Their mandate is only to supervise and monitors their peoples/communities to run the motto of the regional political actors by saying embark the “BGRS to better Development” without any consideration of their people’s interest and concerns.

One of my informants criticized that, to speak genuinely the non-indigenous communities are the forefront in participating for the development of the region such as in empowering qualified manpower, to activate and re-activate the infrastructures of the region. Their involvement is starting from losing energy up to mobilize their private income and invested for regional development. For instance, the preparatory school is erected in Gallessa Kebele by the non-indigenous Diaspora of the region.²⁸⁹ This implied that how much the non-indigenous ethnic groups are faithfully participating and interesting to develop the region.

But in key political position at regional government levels, they are passive participants. Because as my informants argued, the interest of political actors over resource and political powers of the region enhanced and develop the sense of ethno-centrism. According to their arguments, if we allowed them at political position, they dominated the whole socio-economic and political position of the region. Because, the indigenous nationalities are less qualified and non-alternative regions, they are easily marginalizing from the political advantages by the more qualified communities.²⁹⁰

Because of the above misuse connotation by political elites, the non-indigenous communities are scored deaf ears for their own concerns and interests from the regional political powers and

²⁸⁸Ibid.

²⁸⁹Interviewee conducted with Ayana Adeba Kebele Manager in Gallessa Kebele Administration Office, on 5/29/2017.

²⁹⁰ Interviewee conducted with Dessalegn Bogale, the People Communication Linguistic Officer, at the BGRS Council and the Chairperson of BGUDP, on 4/25/ 2017.

resource sharing. This papers argued that, since the all inhabitants of Benishangul-Gumuz Region are counted under the regional census, they have no more any alternative/ optional region or place to live, work, exercising their political power at institutional sphere, adequate representation, socio-economic right, self-rule autonomy, land use rights and the like. For example, the Amhara, Oromo, Agew, Tigre, Kambata and others are moved to the new region of BGRSare through trade with interests and government policy program by forceful.

They inhabited to the region some of them are more than three decades and some of them are more than four centuries. This thesis argued that, the old generations were already passed out from the world. But the new generations who are born there, make mirage there, empowered to educate there, accumulated capital there and so on... are the implication of they are indigenous to the region. They are less acceptable to the Oromia, Amhara, Tigray, and SNNPRS governments but they should be more acceptable to Benishangul-Gumuz Regional State. Since they are belonged to this region, their issues, concerns and interests must be not followed by other regional governments rather than making their compromise with the Benishangul-Gumuz Regional Government. Since their birthplace is in the new region of BG, their issues, concerns, and interests shall be follow and run by the regional government of BG.

5.4. Conclusion

According to BG context, new minority means the territorially dispersed or densely populated ethnic groups due to the ethnic regionalization, remained to less exercised group specific rights. E.g. Amhara, Oromo, Agew. Tigre and others are remained to new emerged minorities in the region. These new minorities are institutionally less accommodating and representing as well as participating particularly in areas of Regional and local Councils and Administrative Council as well as in Regional constitutional interpretation commission position.

Chapter Six

6. Conclusion and Recommendation

6.1. Conclusion

The meanings and concepts of minorities in the international conventions and domestic laws like the FDRE Constitution in Ethiopia were not reaching to the consensus in its terms. So, there is no clear definition of minorities. The individuals might be thought their ideas based on its environmental knowledge's. Since, the definition of minorities depends on environmental situations that differ from continent to continent or country to country, and its meaning is relative to the given countries historical and political manifestation.

In line to the above statements, since the restructuring governing system of federalism introduced to the country, the national minorities are clearly defined and identified in the current government of federal Ethiopia. However, the regional territoriality governing system leaves out the dispersed ethnic groups who historically migrated to the lowlands due to their interests and governmental policy. Hence, the new emerged minorities are never yet recognized under the regional constitution who has been allowed to reside sovereign power to the respective peoples.

Along this, the provision of BG Revised Constitution under its Article two explicitly states that the owner of the region is the five ethnic groups like Berta, Gumuz, Shinasha, Mao and Komo. They are politically winning the general name of indigenous nationalities and the overall veto power is vesting on their hands. The sovereign power merely resides to their hands. The remaining ethnic groups those who are accounted to be 16 well known nations-nationalities in its statistics, politically and constitutionally relegated to the general name of non-indigenous communities or other peoples to the region.

Even though, the regional government has not yet recognized them under the name of minorities in its constitution, they currently took the status of new minorities in the region. They are politically victimized and non-practicing veto power in the region. But both political indigenous and non-indigenous communities to the region have passed many generations together. They have socially, politically, economically and culturally strong interaction with each other's since they inhabited the land.

But currently, for political purpose, the Benishangul-Gumuz elites are changing the situation of strong social interaction into socio-political tensions between those who passed many generations. For instance, the indigenous ethnic groups as guaranteed under their supreme law of the land of the region are more beneficiary in political participation and representation, ethnic identification, self-rule autonomy, in promotion of their culture and preserving of their history as well as learning by their own mother tongue etc...than the rest of ethnic groups in the region. The statuses of non-indigenous/new minorities to the region remained politically subordinate/minority and passive in specific group rights in both constitutional and practical; and are neglected from such advantages that are already mentioned group specific rights in this region.

The constitutional and practical distinction between the inhabitants are specification of their representation through 'special representation', facility and service difference are a direct reflection of their exclusions from fair and proportional representation, self-rule autonomy, recognition as a distinct identity and political participation rights as well as their capacity to influence public decision making in the region's institutional polity. In accordance with the provision, Article 39 in its heading strictly envisaging the rights of self-determination for the above listed owner ethnic groups to the region. Along this exclusive approach, the established administrative institutional set up merely indicates the over-representation of them irrespective of their population size in regional council and administrative council. Whereas, the non-indigenous/new-minority ethnic groups are limited to under and non-representation as well as passive in political participation in the region institutional polity set up.

The same situation happen on its article 71(1), is exclusively allowing the power to interpret the constitution for them to limit their numbers to 20 seats and divide seats into 4 between the five authorized ethnic groups equally irrespective of their population size. Constitutionally speaking, none of the relegated to non-indigenous communities are exercising and using the above envisaged group rights in the region. Even if, the revised constitution under Article 45(3) show the sense of special consideration on representational rights for them, there is no the proclamation that strengthened their political representation in the regional council. From this point of view, one can grasp, the political elites are not willing to allow the non-indigenous communities to represent and participate in the government polity fairly and share from the region's political benefits in BG.

For the above mentioned problems, the researcher identified at least four factors that hindered the indigenous communities from such exercise of group rights in BGRS throughout its findings. The first and most factors are the ethno-territorial arrangements of regional state by Ethiopian federal government. This ethno-territorial arrangement hindered the dispersed societies who migrated either by their interests or government policy became unknown in both FDRE and Regional Constitution. It manifests the already demarcated ethnic groups to the new regions like BGRS. Along this, the five coalition authorized ethnic groups to the new region of BG are ethnically and territorially recognized to this region. The non-indigenous to this region since they are ethnically both dispersedly populated and territorially concentrated they are not willing to accommodate to the region political administrative units.

The 2002 revised constitution of BG is one of the backbones of the regional governing guide which shall endow and manifest the pattern of diversification in the region. But it doesn't allow veto power for those non-indigenous minorities through the means of installing upper house at the regional level. Lack of non-territorial institutional arrangements lead them as severe to under-representation in institutional bodies of the region; political marginalization and partial justice. Since much power is vested in the hands of administrative council of the region, the non-indigenous communities are subjects to victimizing and handicapping from the regional political advantages.

Secondly, the legal factor is the second major factors that excluded the non-indigenous communities from the regional institutional representation and political benefits. Both the transitional charters and FDRE Constitution empower the national minorities those who do not have a potential to establish self-government at Woreda level. In accordance of this, the transitional charter under its proclamation number 7/1992 authorized the five ethnic groups such as Berta, Gumuz, Shinasha, Mao and Komo under new emerged region six without giving legal space for internal migrants and settlers in the land. The same has also occurred under the FDRE Constitution Article 54(3) and proclamation number 532/2007, were recognized the listed ethnic groups in the same region. This legal autonomy empowered the BGRS government to distinct the inhabitants into indigenous and non-indigenous communities under its provision. Accordingly, the legally authorized regional elites are monopolizing the overall key political position in this new region. The new-minorities are not having the right to exercise the sovereign

power in this region. This sense of exclusion developed sense of being second class citizens in the minds of other inhabitants.

Thirdly, lack of political willingness to reconcile the non-indigenous communities in the region administrative units, victimized them to political marginalization. Since the political participation right was allowed and allowing the recognized ethnic groups of the region, the overall political key areas are manipulated by the indigenous political elites. Those indigenous political elites follow and run the policy and strategies that provoke to empower the interests and concerns of their respective ethnic groups. Whereas, the political elites from non-indigenous ethnic groups are the spoken man of the regional respective actors and only provoke their individual interests. Since they are reflecting the saying of the authorized political actors to the region, the issues, interests and concerns of non-indigenous communities in the regional political benefits remained to the dressing windows.

Fourthly, the other factor that led the non-indigenous communities to under and non-representation is electoral system. Electoral system in Ethiopia in general and in Benishangul-Gumuz in particular is the British style of the first past; the post electoral formula which affects the numerical minority ethnic groups in multi-ethnic federation like BG. In line to this argument, the Benishangul-Gumuz Regional State Council is a majoritarian house which enacted proclamation or other laws without the consideration of the interests of new minorities in the region. Even if new minority representation may be able to complain against such influence of the majority decision at the house, it may be dismissed by the same as the majority will prevail. Hence, in passing legislation they may disregard the situation of new minorities; the regional majorities are capable of forming their own self-government may stand in solidarity against new minorities; because they have common interests in swallowing up new minorities as their subject.

6.2. Recommendation

As scholarly possible to suggest that, BG Revised Constitution shall be amend in accordance of the FDRE Constitution particularly Article 2, 39, and 71(1) of the named region that is manifesting discrimination and inequality between the peoples who passed many generations in the region for political benefits. This constitution shall not only consider the effective representation and participation of indigenous nationalities in its institutional polity but also shall include non-indigenous new minority status under its provisions in key political position of the region. The non-indigenous communities need to have proportional representation in the areas of BGRS Council, administrative council, constitutional interpretation commission and constitutional inquiry. So that, the regional government shall change the practice of one size fits all electoral formula to proportional representation formula to reconcile them in the region political position.

The territorially dispersed ethnic groups in this region have needs to protect their identity as a distinct ethnic group, preserving their culture, developing their languages; need effective representation and participation in the region and local level institution polity; self-government, resource and power sharing in general. So that, in order to reconcile and accommodate their individual and group rights, the regional government needs to establish non-territorial or personal autonomy for non-indigenous communities. The special objective of the regional government shall be to arrange such like types of this autonomy unless the bad effect may not be restricted in this region that caused today in Amhara National Regional State in the case of Qimant ethnic group may happen.

The other suggestion is also, the dispersed communities are always severe to the territorially concentrated ethnic groups and always swallowed by the majority one. To mitigate these problems, they need veto power and affirmative action on their own affairs in BG. So that, they need to have special protection commission for minorities and upper house at both federal and regional as well as local level that monitor their state level compliance. Therefore, the regional and federal governments should establish new minority protection commission and independent bodies as well as the upper house shall be establish in the region in general and local level in particular.

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