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Faculty of Law

**Self-Administration of Indigenous Nationalities of Benishangul
Gumuz State of Ethiopia: Challenges and Prospects**

By: Mulugeta Nigusse

Addis Ababa
March, 2010

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Gumuz State of Ethiopia: Challenges and Prospects**

**A Thesis Submitted to the A.A.U Faculty of Law Post Graduate Program in
Partial Fulfillment of the Requirements for the Award of the Master of
Laws (LLM)**

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Chapter one

1. Introduction

Formally, self-administration of Nations, Nationalities, and Peoples in Ethiopia started since the Transitional period Charter. Actual self-administration requires self efficiency. In other words for effective self-administration trained man power, resource, infrastructure, workable legal and institutional frame works are very essential. In this respect it is possible to say that all the Ethiopian nationalities faced the same problem but the degree of the problem may be different from one to other nationalities. In whatever the case there was no sufficient man power, infrastructure, finance, legal, and institutional frameworks which help them to effectively run self-administration. With these deficiencies, most of the Ethiopian Nations, Nationalities, and Peoples started to administer their affairs in their respective territory.

In the same manner Berta, Gumuz, Shinasha, Mao, and Komo ethnic groups in the Benishangul Gumuz Regional State in progress to administer themselves. These ethnic groups considered themselves as the indigenous nationalities of the region. However, there are also other ethnic groups who live in the region and have significant number of population but considered as non-indigenous.

On the base of this introductory remark the writer wants to examine whether these indigenous nationalities of Benishangul Gumuz Regional State have sufficient man power, economy, infrastructure, legal and institutional framework to administer themselves and they actually administering themselves. What challenges they faced while administering themselves, how their system of self-administration accommodates non-indigenous groups in the region, and what are the prospects if these challenges are not solved. This and the like issues are going to be addressed by the researcher.

To meet the objective proposed, this research paper is divided in to four chapters. The first chapter as usual introduces the paper, which includes background of the problem, statement of the problem, and objective of the research, research questions, and

limitations of the research...etc. The second chapter explores the conceptual framework about self-administration in general; it also defines different terms which have relation to self-administration in order to understand the overlapping concepts and principles between these terminologies. And this chapter also explores over all perspective of self administration in general.

The third chapter deals with the constitutional guarantee of right to self-administration of these indigenous nationalities of the Benishangul Gumuz Regional State. Under this chapter ethnic composition in the region, legal frameworks for self-administration and challenges that these indigenous groups faced while administering themselves are going to be discussed. Whereas, the fourth chapter explores institutional framework for self-administration of indigenous nationalities which intended to effectively manage self-administration of these indigenous nationalities at different levels of the government as well as the challenges that those institutions bring with special reference to council of nationality and neglected institutional frameworks for self-administration and also debates as to which group of nations in the region to administer urban areas are potential areas which will be addressed under this chapter. Lastly the thesis is windup by forwarding over all conclusions and recommendations.

2. Background of the Problem

The formation of modern Ethiopia in the second half of the 19th century pays attention to create one Ethiopia out of diverse people and cultures. This brings about political centralization with the effective control of the regional powers to form one united Ethiopia by imposing culture, linguistic, and religious values of one ethnic group over the other. At that time no merits had made for the collective right of nations and nationalities.¹

The roll call for social justice and national equality leads to spread out above all by the Ethiopian student movement (ESM) in 1960s. MEISON and EPRP which are the direct offspring of the ESM run as their political program nation or ethnic inequality in

¹ Merara Gudina, *Competing nationalism and the Quest for democracy, 1960-2000*(2003).p.94

Ethiopia. They thought that there are political, cultural, and language dominance of one nation, mainly that of the Amhara over the other.² The movement which ongoing by the slogan of the land to tiller includes nationality question that above all revolves on the issue of self-determination of nations, nationalities, and peoples of Ethiopia. This question was sprint by the ESM and different political parties in the center and peasants and liberation movements in different part of the country resulted in overthrowing the emperor regime (Haile Selassie) and bring in position the military dictatorship (Dergue) which runs the ideology of socialism. However, its failure to redress the past historical injustice in the country and to answer nationality questions mainly in the area of self-determination forced these liberation front's to continue their struggle against the dictator military government and become successful to remove from power the Dergue regime in 1991. The defeat of communist-military government of Ethiopia in 1991 by the Ethiopia people's revolutionary democratic front (EPRDF) opened new chapter for nations, nationalities and peoples of Ethiopia to administer themselves.

Following the overthrow of the military government the Charter adopted in July 1991 proclaimed the equal right and self-determination of peoples as the basic principle and affirmed the right of "nations, nationalities and peoples" to self-administration.³

Specifically Art 2(b) of the Charter provides that every nation, nationality and people has the right to administer its own affairs within its own defined territory and effectively participate in the federal government on the basis of freedom, fair and proper representation.

Further, proclamation no 7/1992 which established National/Regional self-governments identities 63 nations, nationalities and peoples under its article 3, out of which 48 nation were given the right to self-government at the district level or above in order to administer their affairs by themselves, where as the other nationalities whose population size was 50% less than the population of self-government district, were declared

² Ibid p.96

³ The Ethiopian Transitional charter of 1991, proc No 1 50th year Negart Gazeta No 1

minority nationalities and provided an appropriate representation in the district council.⁴ This article also identified 14 regions for the establishment of regional state including the two cities (Addis Ababa and Dire Dawa) with their sophisticated populations which constitute region for all practical purpose.⁵ Of those, four regional states were made up of large ethnic groups where as eight regional states are composed of three to thirteen identified ethnic groups.⁶

Unity depends on the recognition of and respect for diversity.⁷ This attention to unity out of diversity was legally expressed in the granting of right to self-administration to all nations, nationalities and peoples of Ethiopia. This right which was first acknowledged in the Transitional Character of 1991 again entrenched in the 1995 FDRE Constitution. The right to self-determination under the Ethiopian Constitution is very wide and includes language right, culture rights and right of self-administration. In this instance all ethnic groups in Ethiopia have the right to speak and develop their own language, to express and promote their own culture and history; they have the right to self-administration within particular territory and the right to their own representation at the regional and federal level of government (Article 39 of the FDRE Constitution). However, as the result of heterogeneity of the population, constraint of economy, trained manpower...etc within self-governing state, self-administration of nationality was not without problem as a whole.

The 1995 Ethiopian Constitution declared the sovereignty of nations, nationalities and peoples (art 8 of the FDRE Constitutions) and fashioned ethnically defined regional states which delimited on the bases of settlement patterns, language, identity and consent of the people concerned (art 46 of the FDRE Constitution). Based on this 9 regional states were established under article 47 of the FDRE constitution. To further strength

⁴ Tsegaye Tegenu: Evaluation of the operation and performance of ethnic, decentralization system in Ethiopia a case study of the Gurage peoples, 1992-2000. (2006),p.xvi

⁵ Ibid

⁶ Ibid

⁷ Christopher van der Beken, Ethiopia: Constitutional protection of Ethnic minorities at the regional level. (post doctoral research) unpublished p.1

self-administration of nationalities the FDRE constitution also provided dual federalism under art 50(2) with the intent to create legislative, executive and judiciary power at federal and regional levels.

Benishangul Gumuz Regional State is one of the Ethiopian states which are constitutionally formed by the 1995 FDRE constitution under its Art 47. The region occupies an area of 50,380km² and found in the western part of Ethiopia. To the north and northeast lies Amhara region, to the east Oromia, to the south Gambella, and to the west Sudan. The area of the region is divided by the Blue Nile .To the north of Blue Nile Mettekel zone and Pawe special Woreda occupying over 26,560k² and Assossa & Kamahis zone, and Mao-Komo special Woreda to the south occupying 23,820km².⁸ According to the 2007 censuses the region has a total population of 670,847.⁹ This population is unevenly spread over three zones, and two special Woreda. Of the regional ethnic groups Gumuz are found in Mettekel(where they are primarily interacted and mixed with Amhara and Agew population, together with the indigenous Shinasha) and Kamahis(where they mixed primarily with Oromo's), while Berta are found in Assossa zone along with the majority of the regions Amhara population and indigenous Mao and Komo. Benishangul Gumuz Regional State is a home land for various nations, nationalities and peoples who live in it both in territorially defined and dispersed way. The region is known in its heterogeneity. Of the ethnic groups that live in the regional state only Berta, Gumuz, Shinasha, Mao and Komo are guaranteed self-administration on the bases of the requirement of indigenous' nationalities (Art 2 and Art 39 of Benishangul Gumuz regional constitution). At the present the region is decentralized into three zones (Assossa, Kamahis, and Mettekel), two special Woreda's (Mao-Komo & Pawe which are found in Assossa & Mettekel zones respectively) and 18 Woreda's,

⁸ Sarah Vaughan, conflict & conflict management in & around Benishangul-Gumuz National Regional State, report produced under the ministry of federal affairs(2007) p.5

⁹ Annual pamphlet published by Benishangul Gumuz Regional State Supreme court(Haqi), vol. 1.No 7(Jun, 2001), p.40

however, in the present there is a need to implement council of nationalities administration in the region to further strength indigenous self-administration.¹⁰

The creation of the region from some parts of previous (pre 1991) Gojjam and Wellega , the settlement program in the region during the Dergue regime, the fertile soil in the region and the undersized population of the region which still attracts peoples from bordering regions specially from Amhara and Oromia, and the inter regional migration in the present seems the potential reason for the dense population of the Amhara's and Oromo's which accounts around 21.25% and 13.32% of the total population of the region respectively among the various nationalities.¹¹

Around two decades self-administration put into practice in the country, in which nation, nationalities are allowed to decide on their affairs or they are given the decision making power on the matters which concern them. In the same way the nationalities in the Benishangul Gumuz State of Ethiopia are put in situation to administer themselves in the defined territory in which they live. However, it is possible to assume that nationalities self-administration is not running without problem in that region.

Lack of trained manpower, practice of self-administration, infrastructure, and financial shortage, competition for key political or executive position among the indigenous ethnic groups...etc and the heterogeneity of the region makes self-administration difficult for endogenous nationalities among various reasons. Notwithstanding the heterogeneity of the region the constitutional setup of the region makes certain nations the owner of the land by the requirement of indigenous nationalities. These groups are the only nationalities who have the right to involve in political matters and guaranteed self-administration by the state constitution, whereas, other non-indigenous nationalities which approximately account about 42. 54%¹² of the total populations of the regional are not guaranteed political space by the regional constitution to administer themselves

¹⁰ The proclamation to establish council of Nationality administration in Benishangul Gumuz Regional State proclamation No.73/2008

¹¹ Supra at note 9

¹² Ibid

come up this the question of citizenship and human right based on the provision of the federal constitution.

The massive migration of peoples from bordering states to exploit the resource in the region without consent of any proper organs of the governments create a fear that such immigration affects the autonomy of the region as the result of further domination by non-indigenous peoples, which requires political space as the result of dominance in the future. It is on this base that the region considered those economic migrants as illegal migrant /Higewate Filiset/ and settlers as illegal settlers /Higewate Sefera/. Again this in turn creates a fear of local tyranny on the part of economic migrants. As the result it needs legal solutions which helped to maintain the autonomy of the state and the liberty of those economic migrants.

As indicated in the above statement, for the effective implementation of indigenous self-administration the regional constitution designed council of Nationality for each indigenous group with no space for the other non-indigenous groups¹³. This raises the issue of whether the newly designed council of nationality is workable on bases of economy, geography human resource...etc and its effect on non indigenous ethnic groups in the region?

3. The Research Question

The main research question in this paper is that to know whether or not these indigenous nationalities in Benishangul Gumuz Regional State are:

- adequately administering themselves and challenges that faced them while implementing self-administration and what would be the prospect if these challenges are not solved

This study is based on the analyses of key questions raised above. In this regard the following subsidiary or ancillary questions will be addressed in the paper

¹³ Art 74, The Revised Constitution of Benishangul Gumuz national Regional state (2002).

1. Are indigenous nationalities of Benishangul Gumuz State of Ethiopia adequately guaranteed self-administration in the federal and state institutions both by federal and state constitutions? Are these indigenous nationalities actually exercising their right of self-administration which is guaranteed to them?
2. What institutional mechanisms are designed to effect self-administration of indigenous nationalities? What are the pros and cons of those institutions for the endogenous nationalities themselves and other ethnic groups?
3. Is there legal framework to share executive powers among these indigenous nationalities themselves? What possible challenges can happen as the absence of legal framework for executive position?
4. What are the effects of indigenous self-administration since then?

4. Objective of the Study

The objective of this study is to investigate the challenges and prospects of endogenous nationalities self-administration in Benishangul Gumuz Regional state of Ethiopia, as the result of lack of economy, trained man power, competition for key executive power...etc and in order to forward important ideas which can balance the competing interest of the endogenous ethnic groups and non-endogenous ethnic groups in the region as such the main objectives are:

1. To explore possible impacts that can be caused over the right of indigenous nationalities self-administration as the result of lack of trained man power, resource, infrastructure.
2. To show the effect of absence of well designed legal and institutional framework to effectively run self-administration of these indigenous groups.
3. To explore how the right of self-administration of indigenous nationalities of Benishangul Gumuz regional State of Ethiopia is best protected with accommodating minorities rights in the region.

5. Significant of the Study

In the state where two and more indigenous nationalities are guaranteed self-administration, it is important to design workable legal and institutional frameworks at each administrative level to achieve effective self-administration. Unless workable legal and institutional framework on the bases of economy, trained manpower, geography...etc is designed, it is difficult to run indigenous self-administration successfully.

The need to effect self-administration of endogenous nationalities comes with the problem of discriminating other ethnic groups at regional level. However, it is very difficult to run democratic institutions and preserve human right without accommodating minority right at regional level. Though, the Benishangul Gumuz Regional State constitution of 2002 gives due care for indigenous ethnic groups, it fails to take into account the importance of the second house with practice of federal government and that of the south nation nationalities and people regional state. This constitution also guaranteed the representation of all indigenous groups in constitutional interpretation commission of the region where still non-indigenous groups are not given chance to be represented in commission.

Therefore, The central task of this study is to investigate the challenges that these indigenous groups faced while administering themselves as the result of lack of trained man power, economy, divers population of the region and absence of workable legal and institutional framework and its prospects if these challenges are not solved and to recommend ideas that indicate way out to accommodate the ethnic diversities in the region to forge unity out of diversity.

Generally the research will determine important standard which helps to solve the challenges of self-administration of endogenous nationalities of Benishangul Gumuz Regional state and help to hold harmony for multiple groups in the region.

6. Scope of the Study

The question of self-administration ranges from the highest to the lowest level of government. With this aim it may be difficult to address all villages in the region due to time and economic constraint. As the result only some administrative levels from zone, Woreda's, and kebeles are taken as sample which helped us to give over all conclusions.

Truly speaking it may not be possible to get homogenous society at each zones, Woreda's, Kebeles and town in Benishangul Gumuz Regional state. However, the concentration of these exogenous groups/economic migrants/ from bordering regions are different from zone to zone, from Woreda to Woreda and from village to village, in this case it may not be possible to address all exogenous groups in the region, as the result selected areas which are more sensitive for this paper are only taken in to consideration and conclusion is made on the bases of those samples.

7. Limitation of the Study

Difficulties of getting correct data on the day to day implementation of self-administration and migrations in to the region create some limitation to reach at over all conclusions and to predict the future exactly.

8. Research Methodology

Methodologically, this research is based on qualitative approach learned by multi-disciplinary orientations. The theoretical part is focused on the past history of self-determination which gives raise to self-government, self-rule, self-administration, autonomy...etc. As the result the study is focused on the analysis of laws that open wide door for the self-administration. On this foundation, the study made use of historical and present practical analysis of the concept of self-administration, over all analysis of self-administration of indigenous nationalities of Benishangul Gumuz Regional state, legal and institutional framework analysis of indigenous self-administration.

The theoretical analysis of the paper (chapter two) helps to appreciate the general concept of self-administration, whereas, the analysis of indigenous self-administration

(chapter three) helps to know the ethnic composition and challenges of self-administration and the institutional analysis (chapter four) helps to understand the institutional frameworks for indigenous self-administration.

9. Research Method

This study makes use of qualitative methods of data collection and analysis. As the result multi-method data collection are used for the various chapter of the paper. Therefore, both primary and secondly sources are used. Documents, reports, and data which mainly include governmental reports, publications and legislations are used as primary sources, whereas, Books, journals and other articles will be used as the secondary sources. To be specific;

- ❖ The theoretical part of the study under chapter two mainly relies on secondary and primary sources (books, articles, laws...etc) available in the different institutions.
- ❖ The data for the rest of the chapters (chapter three and four) are collected during field work in Benishangul Gumuz State. The field work is based on documentary sources, in selected zones, Woreda, and kebeles, and interviews.
- ❖ Operationally, the method of data collection includes; secondary sources, structured and unstructured interviews with key information; personal observations, primary sources (laws, regulations, rules, reports, political programs, and statements) are selectively used.

The interview was made with the total number of 73 persons but only 49 persons are cited in the research because of certain similarities and irrelevancy. Member of interviewers include political leaders, member of councils, experts, elders...etc. 76% of the interviewers are indigenous ethnic groups, whereas, 24% of the interviewers are non-indigenous ethnic groups.

In general this research relies on qualitative analyses of the following sources: academic literature, governmental documents, reports, data's, interviews, and personal observations are the mutable method adopted to complete this research.

CHAPTER TWO

2. Self-Administration: conceptual overview

2.1 Self-determination

According to the dictionary meaning self-determination refers to the right of the people of a particular country to govern their affairs and to choose the type of government they will have.¹ It is the ability or power, to make decision for oneself, especially the power of nation to decide how it will be governed.² Since the end of the First World War, the right of people to self-determination has been among the cornerstone arguments in international politics.³ Woodrow Wilson used the term self-determination in the context of nation building after World War I. He tried to incorporate the concept of self-determination in to the Covenant of the League of Nation, but was unable to succeed because the concept was considered too amorphous.⁴

The right to self-determination was deemed to be spent ahead the attainment of independence.⁵ The evolution of the concept of self-determination over the twentieth century mirrors the political struggle of our time. Its definition and application have moved from colonial to non-colonial regimes. Its role has shifted from political principle to legal rule, and then again from circumscribed liberty to irrepressible provocateur.⁶ In western political culture self-determination means the process by which people regularly elect their representative government.⁷ In many ethnic communities self-determination is thought to exist whenever an ethnic group can form its own national state.⁸ Ethnic self-determination is simply a political act

¹ Thomas, Long Man Dictionary of contemporary English (3rd ed. 2000) p.1292

² Jens Woelk, Tibetan Autonomy and self-government Myth or reality workshop in new delay Http WWW eurac. Adv (Press) Academic As /AA3 as last viewed on December 2/2009

³ Balazs vizi Minority governance and autonomy from an international political Perspective <http://www.ecmi.de/rubrik/66/vol.+1/> as last viewed on November 3/2009, P. 49

⁴ Olga N. Jourek, Ethno-Political conflict in post communist societies, prospect for resolution and prevention in the context of international law, <http://www.ecmi.de/rubrik/66/vol.+1/> P. 10, as last visited on Nov. 11/2009.

⁵ Ian Shapiro & Will Kymlicka(ed.); Ethnicity and Group right (New York University Press 1999) P. 437

⁶ Anne F. Bayefsky; self-determination in international law, quebec and Lessons Learned(York university, Toronto, Canada, 2000) p.1

⁷ Minority governance concepts in Europe .Theory and practice, <http://www.123people.com/s/tindira+balbina> last viewed on October 9/2009

⁸ Supra at note 3, P 49

which is contest for power, control and authority, the group's right to maintain their identity can be also extended to the right to self-determination⁹

Since 1945 the right to self-determination embedded in international document as one of the most basic human right.¹⁰ Legally it is Article 1 of the UN human right covenant which provides the principle of equal right and self-determination of all people. In its legal form self-determination was first concerned with colonial situations. However, with the elimination of most colonial situations, the case was made for an expanded understanding and application of self-determination.¹¹ The two International covenants which together with the UDHR comprise the international bill of Rights elaborate a broader conception of self-determination. In article 1 of both ICCPR and ICESCR, self-determination is presented as a general right and not limited to colonial situation.¹² As the result self-determination in the covenant includes both external and internal self-determination. The former refers to the right to secede from the mother state and the latter refers to the situation where the defined ethnic group or minorities in a given state is guaranteed to administer their own affairs by their own representatives.¹³ However, the broader interpretation given to self-determination was not without problem for instance, India argued that the problem of minorities should not be raised in the context of self-determination and also China declared that the concern of self-determination is national majority and not national minority.¹⁴

If the group right to preserve their own identity is accepted as it appears in different international legal measures, then they shall have the right to have their own institution to promote and control the preservation of such identity.¹⁵ It is on this base's that self-determination is considered as external and internal.¹⁶ In the second case a sub national entity can obtain a special status within the framework of autonomy, or federalism within the existing state borders.¹⁷ This makes internal self-determination a middle way between self-determination and territorial integrity in which

⁹ Supra at note 3, p.50

¹⁰ Supra at note 3

¹¹ Patrick Thornberry, International law and the right of minorities (oxford Clarendon press, 2001)P. 214.

¹² Supra at note 6, P.2

¹³ Supra at note 11, P. 216

¹⁴ Ibid P. 215

¹⁵ Ibid

¹⁶ Gyula Csurgai, Geopolitical aspects if the minority question in central and south Eastern Europe.

www.cceol.com/asp/getdocument.aspx?logid=5&id=9AA897A3 last visited on September 5/2009, P. 65

¹⁷ Supra at note 7

case the state guarantees the constitutional and political framework necessary for different forms of self-government and political autonomy.¹⁸ Internal self-determination is related to regional autonomy.¹⁹ Therefore, as to the contemporary principle of self-determination the emphasis is given to internal than external self-determination in which case autonomy and self-government are promoted.²⁰

2.2 Autonomy

Autonomy is the freedom to govern without being controlled by anyone else in a region, country, and ... etc.²¹ It refers to the ability to make your own decision without being influenced by anyone else.²² Autonomy can be understood as having or making of one's own laws, the right of self-government, and administering its own affairs.²³ It mainly relates to the right of self-government or self governing state.²⁴

The word "Autonomy" is derived from two Latin words, which mean "auto" (self) and "nomy" (law or rule). It expresses the idea of one's own right to make rules and regulations over one's own affairs. According to Jellinek it is "authority to govern, to administer and to judge one's own affairs".²⁵ Autonomy is best defined as the provision of all necessary ways such as legal, political, institutional, economic and cultural.²⁶ It generally means the arrangement for governance in which a particular community or locality has substantial power of decision making regarding policy and administration, and control over fiscal resources.²⁷ If collective

¹⁸ Supra at note 16 P. 66

¹⁹ Ibid

²⁰ Olga N, Jourek, Ethio Political conflicts in post community societies prospects for resolution and prevention in the context of international law http://lgi.osi.hu/publications/2002/213/0_TOC_MG-roman.pdf as last viewed on November 11/2009, P. 18.

²¹ Supra at note 1, P. 73.

²² Ibid

²³ J.A Simpson and E.S.C. Weiner; The oxford English Dictionary (Hat Inter vacuum Clarendon press 2nd ed. volume 1989) P. 807

²⁴ Brynan A. Garner, Black's law Dictionary (Printed in U.S of America 8th ed.)

²⁵ Gnanapala welhengramaj Minority claims: From autonomy to secession international law and state practice (Ashgate Publishing company 2000) P. 98

²⁶ Georg Brunner and Herbert Kupper, Minority Governance concepts In Europe Theory and practice, European options of autonomy: A Typology of Autonomy Modles of Minority self-governance www.ceeol.com/aspx/getdocument.aspx?logid=5&id=9AA897A3 as last viewed on November 15 P. 66

²⁷ Yash Ghai, (ed.) autonomy and ethnicity, negotiating competing claim in multi-ethnic states (Cambridge university press) p. 90

rights amount to some form of essential self-determination (political, cultural or others) they become an autonomy.²⁸

Autonomy is a pragmatic means of upholding the necessary balance between the various peoples, and communities. In principle, it is more of political concept than a legal concept, which is about negotiations between two or more parties in an effort to reach agreement about a level of self-government for either of those parties.²⁹ Autonomy, were formulated to accommodate diverse groups which include ethnic, religious and linguistic characteristics.³⁰ It is a device to allow ethnic or other groups claiming a distinct identity to exercise direct control over affairs of special concern to them, while allowing the larger entity those powers which cover common interests.³¹ Autonomy refers to independence of action on the internal or domestic levels as foreign affairs and defense matters normally left to the central or national government.³² Gash argues:

There is no uniform use of the term “autonomy”, for different kinds of arrangement; the term is being used differently. The first and the best kind of arrangement for autonomy is federalism, in which all federations have equal power and play identical relation to central government and also plays important role in national government and institutions (symmetry). However, this type of arrangement may not be sufficiently sensitive in the contemporary federalism when the need is to accommodate only one or two minorities particular culture and other needs of particular communities, in such cases regional autonomy may serve better where only very significant power are developed and the region plays only little role in the national government and institution (asymmetry). Both federalism and regional autonomy is characterized by constitutional entrenchment of autonomy.³³

Autonomy is increasingly gaining international credit as vital part of internal self-determination. It is gradually evolving as a dynamic force in internal political structures, shedding its old image by which it was largely associated with local matters.³⁴ In this situation it has been used by some states as a fundamental part of the democratization of modern multi-ethnic societies.³⁵ Therefore, autonomy is one form through which the rights spring from internal self-determination can be

²⁸ Supra at note 24 P. 19

²⁹ Supra at note 2

³⁰ Supra at note 23 P. 97

³¹ Supra at note 26 P. 8

³² Supra at note 27 P. 99

³³ Ibid p.8-9

³⁴ Supra at note 24 P. 127

³⁵ Ibid

importantly exercised.³⁶ Thus, it can be argued that these two concepts, autonomy and internal self-determination are increasingly being seen as two sides of the same coin.

However, both autonomy and self-determination are different concepts. The former is designed to benefit population in designated areas based on historical, political, cultural or economic grounds, and allows them to deal with the matters of direct concern that it only guarantees partial independence in forms of self-government or self-rule. Where as in the latter case peoples within a given state are empowered to determine without external interference, the form of state or political system they would like to have, as the result the right to independence and full sovereignty are fundamental to the right to self-determination. Autonomy should be chosen not because of some notion of preserving sovereignty but in order to enable different groups to live together, to define a common public space.³⁷

Autonomy has different models. Therefore understanding different types (modes) of autonomy may help us to understand what type of self-administration for what groups in multi-ethnic society. According to Elazar there are at least 100 functioning autonomous models ranging from classical federation to various forms of home-rule.³⁸ There is no uniform pattern in autonomous arrangements with respect to degree of the transfer of power to the region or structure of autonomous unit. Even if there are more than 100 modes of autonomy; according to Hannum and Lillich, autonomy which is necessarily limited through a “wide ranging of powers” can be seen in some models. Based on this there are two known models of autonomy which can be termed as territorial and non territorial autonomy, each of these forms of autonomy is important to exercise effective self-administration and are applicable based on certain circumstances.³⁹

A. Territorial Autonomy

In territorial autonomy, a certain territory inhabited by specific group is defined and vested with the special status.⁴⁰ In such case people in defined territory are given power to govern themselves. It is advisable to apply territorial autonomy where the given minority forms majority in the territory in question.

³⁶ Ibid P. 128

³⁷ Ibid p.25

³⁸ Gnanapala Welhengama, Minorities claims: From Autonomy to secession, international law and state practice. P. 106-112.

³⁹ Ibid

⁴⁰ Supra at note 26

*As its name implies the delimitation of territorial autonomy takes place in terms of territory and not in terms of people. Even if territorial autonomy is designed for the best of a given ethnic groups or minorities, it should serve the interests of its entire inhabitant. In federal political systems territorially concentrated diversities appear to be favored over those more broadly diffused throughout the federal political system. It forms a legitimate and efficient means to protect non-dominant cultures or languages.*⁴¹

Territorial autonomy provides the ethnic group to govern themselves in the defined territory in which they live. It is an integral part of the administrative apparatus governing the territory of a given state.⁴² It would be sensible to endow territorial autonomy with all the competencies and powers parallel units enjoy in other regions of the state.⁴³ Territorial autonomy may be the result of direct response to the demand of ethnic or other sub-groups of the population of the state, such as the proposed autonomy for the Kosovo province by six-Nation contact group and recognition of geographical or linguistic differences in Australia and India respectively or due to historical reasons, the Swiss model.⁴⁴ This form of administrative arrangement can serve the purpose of ethnic conflict resolution. Similarly as Harhoff expressed:

*Most importantly, territorial autonomy can emerge as a mechanism to prevent ethnic conflicts as in the case of Basques, Catalans in Spain. The operation of territorial autonomy may be limited only to a designated province or a region in the state yet it has a direct effect on every individual and a group of people living within that territory. These individuals who belong to that sub-group will have a great opportunity within a territorial autonomy to preserve, protect and promote cultural and traditional values of the groups. However, territorial autonomy has its own limitation when population are mixed and when they entertain competing claims over land.*⁴⁵

In such cases non-territorial autonomous arrangement are proposed to be solution for ethnic conflicts in areas where there are various ethnic groups.

B. Non-Territorial Autonomy

Non-territorial autonomy can be termed as:- personal federalism or cultural autonomy or personal autonomy. In all cases it can be defined as a form of self-rule of a group with

⁴¹ Ibid

⁴² Frank Geerken (ed), Third international conference on federalism: Turning diversity in to harmony, sharing best Practice (Belgium: drukkerij Lannoo nu, May 5, 2005) P. 181

⁴³ Balazs vizi, Minority Groups and Autonomy from an international political Perspective <http://www.ecmi.de/rubrik/66/vol.+1/> as last viewed on December 7/2009.

⁴⁴ Ibid

⁴⁵ Supra at note 39 p.1o5

institutions and governing organs exercising autonomous power over the group members.⁴⁶ Governmental power is not distributed over territories but over population. The crucial factor here is not residence but membership of the group.⁴⁷ Cultural autonomy can be understood as the right to self-rule by a culturally defined group with regard to matters that affect the maintenance and reproduction of its culture.⁴⁸ It does not relate to territory; it is a type of self-government granted to a group, with organs or organizational structures that exercise the various rights and powers of the autonomy.⁴⁹ In case of non-territorial autonomy, autonomy is not guaranteed to specific territorial administration but to ethnic group as such.⁵⁰ Since personal autonomy relates to the individual who belongs to that group. The subject of autonomy needs to be an institution that comprises and thus organizes its members in to a legally sizeable forum.⁵¹

Non-territorial autonomy might be a practical solution in the promotion and protection of minority rights, where ethnic and other sub-groups are interspersed throughout the state.⁵² This way of arrangement is important to accommodate the needs of minorities and ensures the preservation of their characters. However, it applies only to people who opt to be member of the group: living in state in respect of their place of residence.⁵³

Non-territorial autonomy provides a right to protection, to be guaranteed by their nation autonomy in cultural matters within their own homogenous district, and the right to protection in the homogenous district of the other nation.⁵⁴ As Christophe Van der Beken observed non-territorial autonomy seems to be practically adaptable to Ethiopia's ethnic diversity and found across other region in intermixed way. However, this mechanism is not included in the Ethiopian constitutional arrangement.⁵⁵ Had this mechanism been adopted in the Ethiopian Constitution, for instance, Amhara who have their own defined territory and non-indigenous in Benishangul, Gambella and South Nation, Nationalities and Peoples would get a chance to be responsible for

⁴⁶Supra at note 11 p.181

⁴⁷ Ibid

⁴⁸ Supra at note 39, p.103

⁴⁹ Supra at note 6

⁵⁰ Christopher Vander Beken, Federalism at regional level? Unity in Diversity In Ethiopian multi-ethnic region, paper presented at 17th international conference, Ethiopia studies P. 18.

⁵¹ Supra at note 16

⁵² Supra at note 1 p.104

⁵³ Ibid

⁵⁴ Supra at note 11 p.12

⁵⁵ Supra at note 25 P. 18

identity related matters regarding the Amharas no matter where they live in Ethiopia, the same is true for Gambella, Benishangul and SNNP within the region at each Council of Administrative Nationality.⁵⁶ In general, non-territorial or territorial autonomy can't be exclusively used in one country, but they are concurrently to each other. There are certain matters that have to be rest territorial due to their very nature (economics, police, land policy, agriculture and infrastructure), However, there are also some matters that can be exercised non-territorially (language and culture), as the result to keep the system workable both systems (territorial & Non-territorial) must operate in their respective filed.

2.3 Self-government and self-rule

Self-rule refers to the government of a country or part of a country by its own citizen.⁵⁷ It is another term for self-government.⁵⁸It means self-government: government of the particular unit by its own people. ⁵⁹From the above definitions one can understand that self-government and self-rule have the same meaning. As a result understanding the meaning of one of these terms help us to understand that of the other. Therefore, it suffices to discuss only the meaning and concept of self-government.

Self-government refers to the act of “governing one’s self, or the state of being governed by one’s self; self-control; self-command”.⁶⁰It is a great rule of popular representation and administration, the scheme that lets in all to participate in the councils that assign the good or evil to all that we may owe what we are and what we hope to be.⁶¹ It also refers to the government of a country by its own people (self-determination, self rule).⁶²It is the government of political unity by its own people of the governance of a region by its own populace; autonomy or the right of people to create and operate their own forms of government.⁶³

⁵⁶ Ibid p. 19

⁵⁷ Supra at note 1, p.1293

⁵⁸ http://WWW.encyclopedia.com/doc/10999_self-rule.html. as last visited on December 3/2009.

⁵⁹ http://WWW.goggle.com.Et/search_hl_en_&q_define_self_t_rule_and_ei=IXER-glossary_definition_and_ct=title_ved=OCACQKAE as last visited on December 3/2009.

⁶⁰ http://dictionary.die.Net/self_government as last visited on September 17/2009.

⁶¹ http://WWW.self_knowledge.com./86331/as as last visited on September 13/2009.

⁶² Supra at note 60

⁶³ <http://www.google.com.et/search?hl=en&defl=en&q=define:self+government> & eiNQMRSSlIdGi4Qb6ybsTBA &Sa=x oi=glossary-definition & ct=title & ved=OCACQKAE as last visited on November 9/2009.

It is the ability of specific group of people to pass or to determine laws, rules and make decisions about matters that affect their communities and lands.⁶⁴ In other words, it is a local exercise of legislative, judicial and administrative powers without routine involvement of outside or higher authorities.⁶⁵ Self-government can be termed as self-determination or self-rule which represents government of political units by its own people.⁶⁶“Self-governing” describes a territory that administers its own affairs but is not completely sovereign or independent. It can be used to describe a people or a group being able to exercise all of their necessary function of power without intervention from any authority which they cannot themselves alter.⁶⁷

People must be allowed to govern themselves.⁶⁸ Morally autonomous beings should have their political preference and territory that they can easily follow.⁶⁹ The objective of the republican form of government and of the principle that is essential to that form is to enable people to govern themselves to the most practicable extent possible.⁷⁰ In modern times these rights can be secured through self-government.⁷¹

These developments regarding federalism and autonomy have helped in the devising of arrangement for forms of self-government to suit a varying circumstances and contingencies for ethnic autonomy.⁷² This way of ethnic autonomy opens up additional possibilities of awarding recognition for specific groups with special needs or capacities, such as indigenous people whose tradition culture is central to their way of life, or minority linguistic groups.⁷³

Self-government used to take control over one’s own affairs effectively without interference from the center to preserve, ones culture, identity, customs, traditions and similar institutions in the way they like.⁷⁴Lapidon also pointed out that even though there is a similarity between autonomy and self-government to a greater extent the difference between these two concepts cannot be over looked. The term "self-government" implies a considerable degree of self-rule,

⁶⁴ <http://WWW.Gnb.ca/ooo7/culture/heritageNMC/glossary.asp> as last visited on November 9/2009

⁶⁵ Self-government” Microsoft R Student 2008[DVD] Redmond, WA, Microsoft corporations, 2007

⁶⁶ www.vcl.ac.UK/dutch/self_study_packs/English_language/Flemish_movement/glossary.htm

⁶⁷ <http://www.answers.com/topic/self-governance>, as last visited on November 5/2009.

⁶⁸ Will Kymilicka and Ian Shapiro (ed.), ethnicity and group right, (New York University Press 2002) P. 442

⁶⁹ Ibid

⁷⁰ <http://extent.virgioa.edu/Jefferson/quatations/Jeff0600.htm> as last visited on November 7/2009

⁷¹ Ibid

⁷² Supra at note 26 p.10

⁷³ Ibid p.11

⁷⁴ Ibid

where as autonomy is a flexible concept, its substance ranges from limited power to very wide one. In addition, self-government usually applies to specific region, whereas autonomy can be personal.⁷⁵ As pointed out by Alfredsson, this semantic debate is of little value. All these terms suffice, as long as the central government agrees to a meaningful shared sovereign power in the form of autonomy.⁷⁶

2.4 Self-Administration

Self-administration is a political concept which allows the specific ethnic group to administer their matters or affairs through themselves.⁷⁷ It is a government by the people, acting not in person, but through representatives chosen by them.⁷⁸ Self-administration gives ethnic groups full political autonomy.⁷⁹ Self-administration/self-management model provide for indigenous entities to deliver social services and educational services to their own communities.⁸⁰

Self-administration allows a group greater opportunity to establish their way of political administration system and to enjoy a certain degree of independence within modern nation.⁸¹ Self-administering governments, at all levels of government, may request the modification and suspension of central government policies that are unfavorable to local policies.⁸² Self-administration also requires formulation and implementation of policies and power of appointment and dismissal within self-governing territories.⁸³

Self-administration is directly related to self-government or genuine autonomy in which case groups or nationalities become the holder of high degree of political autonomy where they have power to enact their laws, adjudicate and administer their affairs through themselves and exercise

⁷⁵ Ibid p.101

⁷⁶ Ibid

⁷⁷ [http://papers.ssrn.com/so113/Delivery.cfm/SSRN-ID1262780-code109516.pdf? Abstracted = 12627as](http://papers.ssrn.com/so113/Delivery.cfm/SSRN-ID1262780-code109516.pdf?Abstracted=12627as) last visited on September 13/2009.

⁷⁸ <http://etext.virginia.edu/Jefferson/quotations/Jeff0600.htm>. as last visited on November 3/2009.

⁷⁹ [http://books.google.com/et/books? Id = 6kbW ues 6AC& Pg=PA318 &dq = concept of self administration](http://books.google.com/et/books?Id=6kbWues6AC&Pg=PA318&dq=concept+of+self+administration) P. 318, as last visited on November 11/2009.

⁸⁰ Supra at note 78

⁸¹ Supra at note 24 p.169

⁸² <http://WWW.JewishVirtualLibrary.org/source/Zionism/pzpeaceManifesto.html>

⁸³ [http://books.google.com/et/books? Id = DD94 Wn DKAdoc & pg=PAIOS & dq= the + concept + self administration + off nationalities](http://books.google.com/et/books?Id=DD94WnDKAdoc&Pg=PAIOS&dq=the+concept+self+administration+off+nationalities) as last visited on November 7/2009

administrative authority within their local territory.⁸⁴The extent to which the right of the self-government and self-administration can be exercised largely determines the genuine autonomy.⁸⁵The concept of self-determination and self-administration and its association ideas of autonomy and self-governance have acquired considerable importance and relevance.⁸⁶

Generally, the concept of self-administration revolves around the question who is the role maker in administering the affairs of a given society within self-governing territories or in the specific areas of the government structure designed to that specific group (ethnic, linguistic, religion, minorities, indigenous...), at whatever level of the government. These specific groups must be in a position to administer their affairs through their representatives in each organ of the government that are autonomous to pass decision on their local interest without being instructed by external or the central government in their defined territory.

Concerning its historical development, self-administration is linked to human nature⁸⁷. Everyone wants to administer his own affairs rather than being administered by others.⁸⁸ Naturally, human being posses the right to self-government,⁸⁹ man is capable of living in society, governing himself by laws self-imposed and securing to its members the enjoyment of life liberty, property and peace.⁹⁰ Therefore, man is born to administer himself.

Self-administration in some instance is considered as local self-government and is the most natural system of governance, the village, ancient Greek city states are examples of this.⁹¹However, with the increased population, and fuse of communities, because of, relations and choice,⁹² and as the colonization and colonialism have been practiced all over the world self-administration become contradictory principle with the notion of colonization.⁹³ The colonizers oppressive, emperors and kings claiming divine origin barred the whole governmental powers;

⁸⁴ <http://WWW.Tibet.net/en/print.php?Id=83> & article type = press as last viewed on December on 10/2009

⁸⁵ Ibid

⁸⁶ Jens woelk, Tibetan Autonomy and self government myth or Reality with shop in new, delhy [http:// WWW eurad/press/academia/al/AA3](http://WWW.eurad/press/academia/al/AA3) press as last viewed on December on 11/2009.

⁸⁷ <http://etext.Virginia-edu/Jefferson/quotations/Jeff0600.htm> press as last viewed on December on 10/2009.

⁸⁸ Ibid

⁸⁹ Ibid

⁹⁰ Ibid

⁹¹ Kedir Mohammed, the status power of function of local government the case of AA sub city (E.C.S institute of federalism studies,(2009) unpublished, P.132.

⁹² Ibid

⁹³ <http://WWW.Google.com.Et/search/=am&source=hp&Q=definition+of+autonomy+&btnG=%8B%AB+self+administration+and+politics+of+ethnic+accommodation> press, as last viewed on December on 13/2009

this centralized political system undermined the importance of self-rule⁹⁴ which creates domination of one ethnic, linguistic and religion groups over the others and leads to conflict and initiates the need for self-determination.⁹⁵ Mid 1770s has been seen as the first assertion of the right of national and democratic self-determination as violation of the natural right of man and sovereignty by the people governed.⁹⁶ Particularly John Locke and Thomas Jefferson further promoted the notion that the will of the people was supreme, especially through the authorship of declaration of independence, which stimulated Europeans throughout the 19th century. The French Revolution was motivated similar and legitimized the ideas of self-determination on that old world continent.⁹⁷

Within the New World during the early 1800s there was a demand for independence and self-determination (South America, Greek war of independence (1821-29) and Hungarian revolutionaries (1848) are some examples). However, during this time the notion of self-determination was rejected by Ottoman, Russian, and Japanese empires.⁹⁸ At the time of World War I, America committed for Self-determination at least for European states and also supports the right of all nations including colonies right to self-determination. During 1920s and 1930s there were some successful movements for self-determination in the beginning of process of decolonization.⁹⁹

In 1941 Alliance of World War II signed the Atlantic Charter and accepted principle of self-determination. In January 1942, 26 nations signed the declaration by United Nations which accepts these principles. The ratification of UN Charter, in 1945 at the end of World War II places the right of self-determination in the framework of international law and diplomacy.¹⁰⁰ Where latter both the ICCPR and ICESCR in the same manner recognized that all peoples have the right to self-determination.¹⁰¹

⁹⁴ Supra at not 91 p.28

⁹⁵ [http://WWW.Tibet.net/en/print.php? Id = 83](http://WWW.Tibet.net/en/print.php?Id=83) & article type = press press as last viewed on December on 13/2009

⁹⁶ Ibid

⁹⁷ Supra at note 93

⁹⁸ Supra at note 95

⁹⁹ Supra at note 93

¹⁰⁰ Supra at note 95

¹⁰¹ International Covenant on Civil and Political Rights Resolution 220A on 16 December 1966.

Since the early 1960s, the legitimization of self-determination has led to an increased demand for greater autonomy.¹⁰² The concept and notion of autonomy as a means of giving a certain group within the human race, the right to decide and administer certain affairs essential to their well being is very old in European political and legal culture.¹⁰³ In the continuing process of interpretation and implementation of the covenant right of self-determination, a gradual improvement of state appreciation of liberal constructions succeed in minorities internal self-determination.¹⁰⁴ In same interactions, internal self-administration creates possibilities of different arrangements as a means for ethnic conflict.¹⁰⁵ One of the most sought after is autonomy. Autonomy seems to provide the path to maintaining unity for a kind while considering claims to self-government.¹⁰⁶ In recent years, significant developments in international law have served to provide legal foundation for autonomy which heads to the right of self-determination.¹⁰⁷

Such view of self-determination has got some support in certain national constitutions in which it recognizes an entitlement to self-government.¹⁰⁸ It is on this base that:

*Philippines in relation to its indigenous peoples and the Muslim minorities, Papua, New Guinea, which authorizes provinces to negotiate with the central government for substantial devolution of power; and Ethiopia which gives its nation, nationalities and peoples the right to seek wide ranging powers as states within federation and even guarantee right to secession. In addition, the Russian constitution of 1993, in the wake of the breakup of the Soviet Union, provides for extensive autonomy to its constituent parts and also China's constitution entrenches the right of ethnic minorities to substantial self-government.*¹⁰⁹

From the above overall discussions it is possible to appreciate that the historical development of self-administration is related to human history as the natural form of governance, however, this natural form of governance in progress as the clan and village administration was diminished as the interaction between human community and creates the centralization of power in one hand or

¹⁰² Supra at note 93

¹⁰³ Minority governance concepts in Europe, theory and practice

http://lgi.osi.hu/publications/2002/213/0_TOC_MG-roman.pdf as last visited on September 23/2009 P.1.

¹⁰⁴ Patric Thornberry, International law and the right of minorities (Oxford: Clarendon Press, 2001) P. 218.

¹⁰⁵ Ibid

¹⁰⁶ Yash Ghai(ed.) autonomy and ethnicity, negotiating competing claim in multi-ethnic states(Cambridge University Press) p.2

¹⁰⁷ Ibid p.3

¹⁰⁸ Ibid

¹⁰⁹ Ibid p. 3-4

group and this creates internal dominance or colonization. This resulted ethnic conflict and calls attention for self-determination and autonomy through which self-government can be achieved. It is the concept of self-determination which has been started pre 20 century and latter legally recognized under UN charter, ICCPR and ICESPR that developed to the principle of self-administration.

This principle which is broadly interpreted and considered as the external and internal self-determination requires a free and genuine expression of the will of the peoples concerned in the context of colonial peoples. External Self-determination entails right of secession and internal self-determination provides the specific groups, ethnic, linguistic, religious groups...etc within the state keeping the integrity of that state and gives them opportunities to govern or administer their affairs by themselves.

2.5 Self-Administration of Nationalities in Ethiopia

In this section, endeavors will be made to examine self-administration in relation to Ethiopian history. The name Ethiopian is derived originally from Greek version of the trilingual inscription of the time of Ezana, the Aksumite king who introduced Christianity in to Ethiopian towards the middle of the 4th century A.D. This adoption of the term continued with the subsequent translation of the Bible in to Ge'ez.¹¹⁰ Looking at the years or the times in, the history of Ethiopia, it is full of controversy as some take it back to millions, other to thousands, and a few others to only hundreds of years, mainly to the emergency of the modern empire state in the last quarter of the 19th century.¹¹¹

Ethiopian history began with the Sabeans and not with the indigenous people.¹¹² It began with the visit of the queen Sheba, allegedly from Ethiopian, to Solomon, king of Israel, in the 10th century B.C.¹¹³ Hence the reference to Ethiopian's three thousand years of history that we hear and read so often indicates short history of Ethiopian precedent.¹¹⁴

¹¹⁰ Bahru Zewide, A history of Modern Ethiopia, 2nd ed, (1855-1991), P.1

¹¹¹ Assefa Fiseha Federalism and the accommodation of diversity in Ethiopia a comparative study (2007), P. 4

¹¹² Ibid

¹¹³ Ibid

¹¹⁴ Supra at note 110 P.7

The recent archaeological discoveries in the late 1960s and early 1970s of the earliest hominid in Hadar, in the Afar desert (Lucy or Denqenash) was dated back the Ethiopian history to three and half million years ago.¹¹⁵

This introductory remark is not intended to deal with the detail history of Ethiopian and to draw consciences as to the debates among the historian themselves, but it helps us simply to understand the foundation of Ethiopia which in turn helps to understand the system of administration since then. Having above controversy issue noted next section is divided to other sub sections.

2.5.1 Self-Administration of Nationalities in Ethiopia before 1991

Because of ample of time and recorded history, it may be difficult to discuss nationalities self-administration beyond the period of Zamana Massafent. Therefore, despite the long history of Ethiopia, the writer prefers to start discussion of nationalities self-administration from the period of Zamana Massafint.

a. The Period of the Zamana Massafint (1769-1855)

The year of 1769 marks the initiation of the period in Ethiopian history known as Zamana Massafent.¹¹⁶ The significance of this section is not to deal with wars and victory but it is simply to draw some pictures of the system of governance and to answer the question of whether or not nationalities in Ethiopia did administer themselves during the period. During this time there are different levels of administration that range from a small village head man named as Kuaari for Anuak and to the high rank of king of Gondar namely Tewodros.¹¹⁷

In particular during the period of Zamana Massafent the nation of Tigreans , Amharas, Oromos, Wolayta, Jonjar (call themselves Yam or Yammal), Afar, Somali, Harar, Cidama....etc have their own governors who are called by the title of either Lord, Rase, Dajjach, King...as the case may be.¹¹⁸ For instance, kingdom of Kafa, Wolayta, and Janjaro, Oromo Kingdom of Jimma, has Monarchical power in the area of Gibe river (Gibe Monarchies) and Wellega Monarchies in the

¹¹⁵ Ibid

¹¹⁶ Supra at note 111 P.11

¹¹⁷ Ibid P. 20

¹¹⁸ Ibid p 11 - 20

western part of Ethiopia, Gojjam lord (Dajjazimach Goshu, Begemder (Gonder) lord (Rasi Ali, King Tewodros).¹¹⁹ Therefore, with the some exceptions of unitary attempt by Tewodros (1847-1868) and Menilik II (1889-1913) before the coming to power of Emperor Haile Selassie(1930), a carefully evaluation of Ethiopian history shows that Ethiopia has for the most part been under a decentralized rather than a centralized system of government.¹²⁰

On the south and south west of the country equally autonomous kings existed. The Oromo led an autonomous existence as master of their destiny and makers of their own history and established five kingdoms around the Gibe region, namely Limmu, Ennarya, Gomma, Guma, Gera and the kingdom of Jimma. Cidama, Kambata and Janjaro mainly stated near the vicinity of the Omo River and the Rift Valley area. On the Eastern side we find the Afar Sultanate and the Emirate of Harar, representing another important of Islamic power and influence¹²¹

From the careful observation of this history, it is possible to say that the system of administration during the period was ethnic based. For instance kingdoms like Wollo, Gondar, Gojjam were administered by Amharas whereas, Jimma, Wellega, Gibe kingdoms were governed by Oromos. However, province arrangement is slightly different from the notion of ethnic attachments, it represents to special attachment between a person and group indicating one's origin. This represented a sense of narrow identities and diversity of sentiments and interests.¹²² This seems the potential reason for single ethnic group to have more than one kingdom.

In Ethiopia there are more than 80 ethnic groups whereas, only some of these were known to have their own form of administration. On this stand it is possible to assume that these ethnic groups which did not have their own form of government are under the direct or indirect control of other ethnic groups which have their own administrative province. The best example for this is the extended control of the Gojjam king over Gumuz and Shinasha ethnic groups in Mettekel part of Gojjam.¹²³ As Assefa clearly stated the period of Zamana Massafent is remarkable for unity and autonomy.¹²⁴

¹¹⁹ Ibid

¹²⁰ Supra at note 111 P. 16

¹²¹ Ibid P.17-18

¹²² Ibid P. 17

¹²³ Tsegaye Endalew Etefa Inter-ethnic Relation on Frontier: Mettekel (Ethiopia), 1898-1991(Harrassovitz verlag wies boden 2006) p.50

¹²⁴ Supra at note 111 P. 19

From the above whole discussion it is possible to conclude that there is a practice of nationalities self-administration in Ethiopia during the era of Zamana Massafent with exception of some ethnic groups that did not have their own form of administrative province. As indicated earlier, each provenance governor comes from their own ethnic group or clan and equally autonomous territory, they have wide power to exercise over matters of local interest with their own form of administration and exercise their power without interference from others with some exception of Tigrigna prince named Ras Mikaele Sehul who inferred the Gondar royal politics in 1869 and killed the reigning emperor Iyoas and put his own desired emperor Yohannes II.¹²⁵ The majority of the kingdoms of the south, southwest and Eastern side existed as autonomous units and only indirectly associated with the center typically manifest by the payment of tributes.¹²⁶ Therefore, both the autonomous of the kingdoms over the local matter and their existence without the interference of the center helped them to exercise right of self-administration at ethnic level.

So with the exception of some governors' who came to power by means of war and some who lacked the framework to recognize each ethnic groups' right to self administration, it can be said Ethiopian nations especially relatively dominant kingdoms such as, Oromo, Amhara, Tigrian and Sidama had the experience of self-administration either at ethnic or clan level.

b. The Period of Empire Making (1855-1974)

The coronation of Tewodros II in 1855 had symbolized the end of the separation between political power and political authority.¹²⁷ Since the middle of the 19th century, the unification of Ethiopia had been issue of utmost priority; this unification has been interpreted differently at different times. For Tewodros it meant the formation of a centralized unitary state. For Yohannes, it signifies the establishment of a loosely united Ethiopia, with autonomous regional rules under an emperor exercising generous political power.¹²⁸ Tewodros had not succeeded to establish a unitary Ethiopian state. His successors, Yohannes and Menilik, had thus been forced to make varying degrees of compromise with regionalism. Iyyasu's heterodox approach to national integration had cost him his throne. It was to be the major historical achievement of

¹²⁵ Supra at note 110 P. 11

¹²⁶ Supra at note 111 p. 18

¹²⁷ Supra at note 110 p. 30

¹²⁸ Ibid P. 60

Haile Selassie that he finally succeeds in realizing the unitary state of which Tewodros had dreamt.¹²⁹

*The beginning of the 20th century marked the first serious attempt to curb the autonomy of the regional force. It was reported in 1906 the Ethiopian emperor Menilik II (1889-1913) could at any time take away the authority of the highest Rases without giving any reasons for his action. But this is far from the measures taken by Haile Selassie. It is true that the power of Jimma Abajifar II survived for instance until 1932.*¹³⁰

From illustrations stated above, as opposed in the era of Zamana Massafent the period of emperor making the power of government became more centralized. Appointment of government officers had also began to be made by the central government and autonomy of the provinces had been diminished. As result, existence of nationalities with self-administration became impossible. “The making of modern Ethiopia was what is generally known as the nation building process”, a project of creating united Ethiopian nation out of diverse people and their cultures. In practical terms this involved political centralization.¹³¹ And this brings the imposition of culture, linguistic and religious value of one ethnic group over the others as positive factors for the formation of “One united Ethiopian nation”.¹³² The creation of “One Ethiopia nation” continued the expansion process involved evangelization of the local population, institutionalization of a new system of political control and imposition of a new political system, culture and language on the indigenous population.¹³³

Since the very objective of creating modern Ethiopia was not intended towards the making of autonomous regions or ethnic groups it is impossible to think that during time Ethiopian nations were guaranteed the right to self-administration, as the result the 1931 first written Ethiopian constitution has no space for nationalities self-administration. Instead it constitutionally abolishes the traditional check against the power of the kings of king and the power of provincial autonomous kings that existed in the country for a century.¹³⁴ In the same way the 1955 revised

¹²⁹ Ibid P. 141

¹³⁰ Supra at note 111 P. 22

¹³¹ Merara Gudina, *Competing nationalism and the Quest for democracy, 1960-2000*, (2003), P. 91

¹³² ibid P. 95

¹³³ Ibid p. 64

¹³⁴ Supra at note 2 P. 23

constitution further planned to reaffirmed and imposed centralized system of governance on Ethiopian nationalities.¹³⁵

It is the objective, mission and vision that one has in mind which brings about changes in the area of administration and others. Since the regime of Haile Selassie has same objective and mission towards imperial building search for the new face of administration, worth nothing. The Ethiopian nation, nationalities were not happy of this super imposed centralized power and started to manifest their opposition towards the imperial regime in various ways. The attempted coup-d'état of 1960 symbolizes a break point in the political opposition. Mass based opposition to the regime also had many faces, peasants rebelled against increasing demands on their produce, nationalities rose in arms for self-determination, intellectuals struggled for their vision of a just and equitable order.¹³⁶The very foundation of the creation of a nation state with one language had been dangerously challenged. The policy of the assimilation and integration of a large number of ethnic groups was attacked. The legitimacy, proclaimed in the 1955 constitution that Haile Silesia's Keen ship was driven and had its origin in the Biblical union between King Solomon and Queen of Sheba was satirically phrased¹³⁷

C. The Era of the Dergue Regime (1974-1991)

The roots of the Ethiopian revolution lie in the development of social and political attitude on the part of the students and their analysis of the reality of their country.¹³⁸ During the early 1960s students manifested a careful challenge to the established authorities through different means, especially through the poems written in Amharic which developed a tradition of covering its message in a language rich in ambiguities.¹³⁹

The question of "nationalities" is highly influenced by Walleign Mekonnen's article written in 1969 that calls for the building of a "genuine" national state which was both "democratic and egalitarian" in which all nations participated equally in the state affairs, it must be a state where every nation would be given an opportunity to preserve and develop its language, music and

¹³⁵ Ibid p. 27 & 28

¹³⁶ Supra at note 110 P. 209

¹³⁷ Randi Ronning Balsuik, *The Quest for expression state and the university in Ethiopia under three regimes (1952-2005)* Addis Ababa University press 2007 P. 35-36

¹³⁸ Ibid P. 18

¹³⁹ Ibid P. 19

history.¹⁴⁰This article challenges the regime, which has been engaging in illusion of a success history about its “nation building” project.¹⁴¹The recognition of the principle of “the right of Ethiopian nation and nationalities to self-determination” became the crucial test to be qualified as a revolutionary.¹⁴²

The students were not alone, they were accompanied by a large groups of teachers’ and workers’ and thousands of Muslims, who demand their due place in state that defined itself as Christian in spite of the fact that at least one third of the population was Muslim.¹⁴³ From 1965 to 1974 the students quickly organizing around unions and imbued with a sense of history to fight for the rights of the Ethiopian masses, they openly challenged the regime that continued to claim the support of tradition and imperial legitimacy against the popular will of the majority. By so doing the ESM demystified the imperial mythology and weakened the energy of the regime that had heavily invested in the maintenance of its own security.¹⁴⁴

*There was no properly organized political party that could give the necessary leadership to the unfolding revolution. The two political groups which were in existence prior to the revolution the all Ethiopian socialist movement (MEISON) as of 1968 and the Ethiopian people’s revolutionary party (EPRP) as of 1972 had remained secret and their activities were limited to their student constituency. When the revolution broke out in February 1974, in the absence of a credible organized civilian opposition, the military exploited the existing power vacuum and easily took over the leadership of the revolution.*¹⁴⁵

None of these parties supported the military regime which took over the power, considering it as the continuation of the imperial policy.¹⁴⁶The intended responses to the rising demands of ethnic nationalism in the country came with the declaration of National Democratic Revolution (NDR) in April 1976. This declaration includes regional autonomy formula as part of building socialism in Ethiopia which reads in part, “The right to self-determination of all nationalities will be recognized and fully respected”. No nationality will be dominated by the other, in accordance with this declaration history, culture, language and religion of each nationality got equal

¹⁴⁰ Ibid P 35

¹⁴¹ Supra at note 131

¹⁴² ibid

¹⁴³ Supra at note 113 p. 40

¹⁴⁴ Supra at note 137 P. 75-76

¹⁴⁵ Supra at note 131 P. 78

¹⁴⁶ Supra at note 137 P. 67

acknowledgment.¹⁴⁷The assumption seems that the problem of nationality in the country had been solved if each nation assured full right to self-government. This means that each nation will have regional autonomy to decide on matters concerning its internal affairs, within its locality, it has the right to determine the contents of its political, economic, and social life use its own language and elect its own leaders and administration to administer its own organs.¹⁴⁸This was the enormous measure planned to be taken in relation to the right of nationalities in Ethiopia. However, after the departure of MEISON, which was thought the main drafter of the NDR program, ethnic nationalism began depict as the most serious threat to the revolution.¹⁴⁹

As the result the government's response was to destroy these who run the idea of ethnic nationalism all together. This situation lead the Eritrean movements, the Tigrinya, Oromo and western Somalian liberation front had to force the military regimes much enhanced war.¹⁵⁰

The Dergue regime responses to questions of ethnic groups were war. As the whole the military dictatorship (Dergue) alleged as the continuation of the past regime for the reason of its oppressive and failure to answer the question of nationalities. Dergue continued ruling the country without answering the question of nationalities self-administration, but ethnic liberation continued their struggle to this end. However, the Dergue government formulated regional autonomy in 1987 constitution, where the country continued to be unitary state and the workers party was the only legally recognized political party in Ethiopia.¹⁵¹

The refusal of the military dictatorship to accept and implement nationalities question to the right of self-administration after it took state power, made fruitless and worthless the effort of the ESM, social groups, and liberation front's which contribute a great role to over though the oppressive imperial regime. As the result, struggle to challenge the regime was continued by different libration fronts unitl1991.

¹⁴⁷ Supra at note 131 P.82

¹⁴⁸ ibid P. 82

¹⁴⁹ Ibid P. 83

¹⁵⁰ Ibid

¹⁵¹ Ibid P. 83

2.5.2 Post Federation

There was strong connection between those who took over state power (EPRP) in Ethiopia in May 1991 and the Student's Movement at the time of emperor Haile Selassie. They were influenced by Walleign Mekonnen's article that advocates that Ethiopia is not a unified nation, but consisted of a large number of nationalities each with its own language and cultural expression.¹⁵² Soon after the EPRDF took power the 1991 Charter adopted and changed the political structure of Ethiopia, and it established the framework for the provisional government and promised self determination and self-government for all nationalities.¹⁵³ This Charter had been both fundamental and revolutionary. It has been fundamental because it has introduced the principle of self-determination for federated regional units in formerly highly centralized and unitary state.¹⁵⁴ It has been revolutionary, because Ethiopia has gone further than any other African states, and further than almost any state worldwide in using ethnicity as its fundamental organizing principle.¹⁵⁵

The Charter guaranteed nationalities to preserve their identity, administer their own affairs, within their own defined territory, the right to participate in the central government based on fair and proper representation, and the right to self-determination.¹⁵⁶ The Transitional Charter also empowered the TGE to establish regional and local council on the bases of nationality. Accordingly, proc. 7/1992 comes in to force and under its article 3 identifies sixty three nations, nationalities, and set up fourteen regions among these eight of the identified nationalities are able to establish their own national or regional self-government at the Woreda level or above. Whereas, the remaining other nationalities and peoples with small populations were defined as minorities and cannot establish their own Woreda self-government, however, these nationalities who are known as minorities were guaranteed with appropriate representation in the district council.¹⁵⁷

¹⁵² Supra at note 137 P. 114-115

¹⁵³ Supra at note 25, P. 188

¹⁵⁴ David Turton (ed.), *Ethnic Federalism, The Ethiopian Experience In Comparative Perspective* (2006) p. 1

¹⁵⁵ Ibid

¹⁵⁶ The Ethiopian Transitional charter of 1991, proc No 1 50th year Negart Gazeta No 1

¹⁵⁷ Ibid article 3 Of the charter

Both the Charter and proclamation used to establish self-government regions ensures nationalities right to self-government. It was during this period that the national/regional governments guaranteed law making, executive and judiciary power.¹⁵⁸ The charter attempted to address the nationalities question by acknowledging the right of all nationalities to self-determination, the preservation of national identities of group and the right of each nationality to govern its own affairs and their right to proportional representation at all levels of government was also assured. It is the 1995 FDRE Constitution which constitutionally answers the nationality questions in Ethiopia. All sovereign power is vested in the hands of nation, nationalities and people.¹⁵⁹ Accordingly Ethiopian nation, nationalities are empowered to make and break their government. The constitution also confirmed the Ethiopian nation, nationalities, and people right to self-determination which includes the right to self-administration and self-government¹⁶⁰. It provides the formula in which each nation and nationalities can be represented at federal level to encourage their participation in general policy making at center.¹⁶¹ It makes obligatory the establishment of local governments in each region¹⁶². It is on the base of this constitution and other pertinent law that these ethnic groups in Benishangul Gumuz Regional State starts to administer themselves.

¹⁵⁸ Ibid

¹⁵⁹ Article 8 of the FDRE constitution

¹⁶⁰ Art 39 of the EDRE constitution

¹⁶¹ Article 54(3) and 61(2) of the FDRE constitution

¹⁶² Article 52(2) (a) of the FDRE constitution

CHAPTER THREE

Self-Administration of Indigenous Nationalities of Benishangul Gumuz Regional State

3.1 Conceptual Understanding of Indigenous People

Indigenous people have different meaning to many people. According to Long man Dictionary “indigenous people” are people who are born in a country and they are natives who are born in a land or region.¹The word indigenous means originating in particular region or country.² The term indigenous people can be used to describe any ethnic groups of people who inhabit a geographic region with which they have the earliest known historical connection, alongside more recent immigrants who have populated the region and may be greater in number.³ Therefore, in a purely adjectival sense any given people, ethnic group community may be described as being indigenous in reference to some particular region or location⁴. Indigenous ethnic groups can be formulated as “a politically underprivileged group, who share a similar ethnic identity different to the nation in power, and who have been an ethnic entity in the locality before present ruling nation took over power⁵

Indigenous people are under categories of minority.⁶ Most indigenous groups easily satisfy definition of minority⁷. Both indigenous peoples and minorities possess some common characteristics i.e. both are vulnerable, have been in constant struggle to preserve and protect their identity, traditions and customs, and above all their way of life⁸. Both groups are non-dominant in the modern nation states. As the result, they are subjected to abuse and inequity⁹.

¹Burchfield R.W(ed), The oxford-English dictionary 2nd ed. Vol. VII (Oxford: Clarendon press, 1998), P. 867.

² <http://WWW.legal service indai.com/ articles 152- indigenous governance.html> as last viewed on December. 5/2009

³ “Definition and identify of indigenous peoples in general” Microsoft R Encarta R student 2008 [DVD] Redmond, WA: Microsoft corporation.2007.

⁴ Ibid

⁵ Ibid

⁶ Aberra Dagofa, The scope of rights of National Minorities under the constitutions of the federal Democratic Republic of Ethiopia (A.A VI.I 2008) p.38

⁷ Patrick Thornberry, International law and the right of minorities,(Clarendon press. Oxford, 2001) P.331

⁸ Gnanapala Welhengama, Minorities’ claims:- from autonomy to secession international law and state practice (Ashdate, Aldershot. Burlington USA. Singapore. Sydney, 2000) P.134

⁹ Ibid

However, as stated by Chief justice Lamer, in *RU van der peet* (1996 Canada) indigenous rights are different from rights of minority in the sense that indigenous rights are collective as opposed to individual rights or minority rights.¹⁰

Indigenous autonomy began moving ahead credited in several countries during 19th century and latter reinforced by constitutional and legal reforms in the 1980s and 1990s. It has been farther reinforced by agreement 169 of the international labor organization (ILO), the United Nation Draft Declaration of the right of indigenous people, the draft, American Declaration on the rights of indigenous people, and the Durban Conference, among others¹¹. The definition given to indigenous people according to UN declaration provides that:

Indigenous communities, peoples and nations are those which, having a historical continuity with re-invasion and re-colonial societies that developed on their territories, consider themselves distinct from other sectors of the society now prevailing on these territories or part of them. They form at the present develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance to their own cultural patterns, social institutions and legal system¹².

Asbjorn Eide has identified certain criteria that have to be fulfilled by indigenous people; they are descendants of a people who lived in the region prior to the arrival of settlers came in from the outside, settlers who have become the dominant population. They have maintained the culture, which is significantly different in respect to that of the dominant population. They are as a group, in an inferior position in both, political and economic aspects in the country.¹³

The ILO defines the Indigenous populations as composed of the existing descendants of the peoples who inhabited the present territory of a country wholly or partially at the time when persons of different culture or ethnic organ arrived there from other parts of the world, overcome them and, by conquest, settlement or other means reduced them to non-dominate or colonial conditions who today live more inconformity with their particular social, economic and cultural customs and traditions than with the institution of the country of which they now from part under state structure which incorporates mainly the national, social and cultural characteristics of the other sections of the populations which are predominant.¹⁴

According to this definition, Isolated and marginalized group are included in the definition of indigenous.

¹⁰ Ibid

¹¹ Supra at note 7

¹² Supra at note 6, p. 38-39

¹³ Supra at note 8, P.39

¹⁴ Supra at note 7, P.141

Indigenous peoples have the inherent right to sovereignty and self-government which can be realized through self-determination. As Michael Dodson States” self-determination is the river in which all other rights swim.” Arrangements in the form of autonomy in respect of indigenous peoples are often considered as internal self-determination which does not constitute dismemberment. All indigenous nations and people have the right to self-determination; by virtue of which they have the right to whatever degree of autonomy or self-government they choose. Autonomy and self-determination are prerequisites for achieving equality, human dignity, freedom from discrimination and the full enjoyment of all human rights.¹⁵

The Draft UN declaration on the right of indigenous people (1994) has made a significant progress by recognizing the right to autonomy in terms of the right to internal self-determination¹⁶. According to this declaration indigenous people can administer their affairs in their respective territory.

3.2 Ethnic Composition of Benishangul Gumuz Regional State

In Benishangul Gumuz Regional State there are many ethnic groups more than what the name of the region implies. Some of these ethnic groups are considered as indigenous and others as non-indigenous. Both the indigenous and non-indigenous ethnic groups have their own historical settlement pattern in the region and discussing the composition of these ethnic groups help us to understand the feature of the region as the whole.

3.2.1 Indigenous

It is on the base of article Art 2 of Benishangul Gumuz Regional State constitution that we can observe five indigenous ethnic groups in the region¹⁷. The recognition of these ethnic groups as indigenous people of the region may give rise to many issues and leads to debate. One may say that Berta, Gumuz Shinasha, Mao, and Komo can't be considered as the indigenous people of the region because of the fact that these ethnic groups in the present entitled to their own self-government, and recognition of indigenous people is important only where they are; dominated by others and they do not have their own form of self-government. Since these ethnic groups are autonomous in their region recognizing them as indigenous peoples seem to discriminate others. Even if the objective of this paper is not to reconcile such debates the author does not agree on

¹⁵ Ibid p.138-140

¹⁶ Ibid p. 141

¹⁷ Art 2 of the revised 2002 Benishangul Gumuz constitution provides that, notwithstanding the recognition of other peoples living in the region, the indigenous nation nationalities of the people are Berta, Gumuz, Shinasha, Mao and Como (Komo)

this view. Because of the fact that these indigenous peoples are the first inhabitants of the region, and they were non-dominant and none of them forms majority in the region; they were isolated and marginalized, these groups were inferior in their political and economic positions. Therefore, recognition of these ethnic groups as indigenous people of the region helps to draw special attention to preserve their identity by protecting further domination and to protect their land and territories. The recognition of certain categories of ethnic groups as indigenous people can be made for further protection of their rights and full exercise of their autonomy without discriminating others.

Given the unsolved debate the settlement pattern of each indigenous ethnic groups and their past status of administration will be discussed. However, due to time and space constraint it may be impossible to exhaustively discuss every historical settlement patterns, as the result historical settlement patters and events that have closed relations to administration is given due attention. Based on this, each of these five indigenous group settlement patterns are going to be discussed below:

A. Berta

The Berta indigenous group has the population of 173,743 and accounts around 25.90% of the total population of the region.¹⁸ In the present they live in Assossa zone. The historical settlement of Berta in this area started in 1617, by displacing the previous settlers of Mao and Komo ethnic groups.¹⁹ Many traditions place much of Assossa areas under the Fun; kingdom. In the southern most part of the Assossa border principalities which also include Fazughil and Keili incorporated around 1720 up to the coming of the Egyptian in 1820s²⁰. There are also another important group of settlers which also came from the north, they appeared to be mixed with local Berta and adopted their culture and language as the result, it is difficult to distinguish them as

¹⁸ The Ethiopian 2007 Census

¹⁹ Triulzi, Alessandro, salt, Gold and legitimacy Prelude to the history of anomie's land Bela Shangul, Wellega Ethiopia (1800-1898) (Napoli, 1981) p. 25

²⁰ Sarah Vaughan, Conflict & Conflict Management In & Around Benishangul-Gumuz National Regional State, Report Produced Under The Ministry Of Federal Affairs (2007), p. 24

different but latter they became known by travelers in the region as Jabalawin or mountain dwellers.²¹

The name Benishangul derived from son of Shangul, son of Bertawa. Thus most of the Berta nationalities today rejected the derivation because the term means slave in Sudanese language, preferring the reference to the mythical ancestor²². By the middle of 18thc, these Wetawit (Berta) families effectively controlled the population and collected taxes and tribute paid to the Egyptian administration in Fazughli. They also started the process of centralizing power in four Wetawit Sheikdoms, known as (Aqoldi/Assossa, Menge/Bela Shangul, Komosha and Bambasi/ Fadashi, during the period of Minilik's II expansion from the east they also controlled the area which at present known as Assossa zone.²³ Following the collapse of the Mahdist state in the Sudan, several interdependent Sheikdoms along the Ethiopia-Sudan border to the south of the Abbay continued to re-assert. Of these sheikdom of Benishangul, Bambasi was ruled and perhaps strengthened by Abdulrohaman Khogali, also called wad Tur El Guri, Jebel Agoldi or Assossa, which lies to the south west of Benishangul ruled by Khogali wad El Hassan and Jebel Dul-khomosha located between Aqoldi and Menig, ruled by Sheikh Mohammed Mahmud Himmadi²⁴

Formerly the Benishangul region at that time (1881-1885) belongs to the Famaka district and paid its tribute to the Jurco-Egyptian government in the Sudan. However, with the rise of the Mahdist states, the local chiefs continued to consolidate themselves and resist the Mahdist army. Tur El Guri, after fighting intimately for about a year defeated Abdel Rosul Omor in 1898 and after the defeat of Mahdist all districts surrounding the Benishangul became under the control of Tur El Guri²⁵.

After the distraction and defeat of Fugn-kingdom of Sudan by Egyptian, Berta ethnic groups established their own form of administrative structure based on area.²⁶ However, in 1897 Menilik II who was initiated by Sudanese government attacked on Berta, because of the fact that

²¹ Supra at note 19

²² Supra at note 20

²³ Ibid p.19

²⁴ Tsega Endalew Etefa Inter-ethnic Relation on Frontier: Mettekel (Ethiopia), 1898-1991(Harrassovitz verlag wise boden 2006) p.48-49

²⁵ Ibid p.50

²⁶ Interview with Ato Alkedi Assossa, Zone transport department head, Assossa December 02/092009

Egyptian entered between Ethiopia and Sudan through Bertas land. It was on this base that Menilik ordered Ras Mekonnen to open war against Berta ethnic group. Ras Mekonnen made Mendi (the present part of Oromia) a war camp and sent his groups messengers to Berta elites to peacefully surrender their hands to the government of Ethiopia with the serious warning. Following this three Berta elites of Assossa, Bambasi and Menge (Shehi-Hogele Hasen (Shegola), Mohamed (Abdurhaman Hojele Ademe) and Abubeker Mohamed Hasen after a long discussion on the issue they decided to start war against Ras Mekonnen.²⁷ Ras Mekonnen was defeated three times.²⁸ However, latter indirectly negotiated with Shahi Hojele the governor of Assossa) and Hojele was convinced to be with Ethiopia people than with Durboshi (Egyptian) and he also took the assignment to convince other governors in the same way, this was the time when Berta started to pay tax for Ethiopian government and became under the central government control.

Even if they become under the structure of central government they were governed by their own natives. However these governors were not serving the native interest but of the center and also they were instructed by the center as one of the clan is superior over the other, this cause conflict between each elites. This was designed by Minilik as divided and rule policy.²⁹ After the death of Hojele, his children's disputed over power succession and petitioned to Emperor Haile Selassie, and the emperor sent external governors to Berta land in 1923E.C. It was from that time onwards that Berta totally lost right of self-administration and fall under oppressive regime for at least 8 decades. Through time these oppressive regimes totally replaced the elites by Habasha and they started to struggle that oppressive regime. This struggle which started during Haile Selassie regime became fruitful in this regime³⁰.

From these historical analyses one can understand that Berta nation in Benishangul Gumuz lived in the region for long period of time and they have their own form of self-government through which they administer their own affairs. In other wards they were autonomous and independent, they have their own leaders who administered them and they were not under the influence or

²⁷ Ibid

²⁸ Ibid

²⁹ Interview with Ato Abdela Shehadin Assossa Zone administration deputy administrator December 03/09

³⁰ Ibid

domination of the central power until the expansion of Menilik II. After the expansion of Menilik II they became under the control of central government.

B. Gumuz

The indigenous Gumuz in Benishangul Gumuz Regional state is not confined only to one zone as that of the Berta, but settled in two zones of the region (Mettekkel and Kamahis). According to the 2007 census Gumuz has a population of 141,645 and account 21.11% of the total population of the region. Gumuz as the “aborigines” of Abyssinia and earliest inhabitants of present-day Ethiopian state was recorded as far back as the Aksumite period.³¹

The Gumuz occupied an extensive territory along the Sudanese from Matamma in the north to the Dhedheessa valley in Wellega.³² The Gumuz might have originally lived on a large area in Gojjam and Agew Midir including Dangla, KosoBar (Enjebara) and Fudi Mountain until they were pushed to the less favorable area towards the hot-low lands of Mettekkel and across the Abbay in to Wellega present day Kamahis zone.³³ They were forced to move to other places fleeing the military expansions and raids in both sides of Sudan and Ethiopia. They were moved to a place where there was no taxation and they were in search for places with better living conditions and no disease.³⁴

Gumuz region in Mettekkel was seen as the potential areas for slave. In 1682 Emperor Yohannes I sent “Cuhay the chief of Agew Midir who presented himself as the leader of Mettekkel people against the neighboring Gumuz”. Cuhay also played significant role as the ally of the state against the Gumuz under Emperor Iyasu I (1682-1706). In whatever case Gumuz were not given prime importance, rather than served the purpose of slave trade and other benefits. They have been aimed at raiding rather than at bringing these areas under effective administration with the appointment of governors³⁵.

To the north of Benishangul and the Abbay river there were also more or less independent sheikdoms during the collapse of the Mahdist state. One of this is “Jebe Guba” which is ruled by

³¹ Supra at note 20, p.46

³² Ibid

³³ Supra at note 24, p.15

³⁴ Ibid

³⁵ Ibid p. 38

the El Ajab Abushok Ibrahim it was founded around 1780. The first chief of Guba in 1876 was Abshok the father of Ibrahim. He was the Gumuz chief empowered to administer Gumuz and other ethnic groups in the same area, latter his power was succeed by this son Ibrahim.³⁶

In 1898 Yigzaw Cuffa who was appointed by Takile Haimanot, to administer the Belaya region the present part of Dangur Woreda attempted to annex Guba and attacked Gub's chief Abshok and handed him over Takile Haimanot and he was imprisoned, latter he was released and sent with troops to Guba to collect tribute, but he turned against the Gojjam troops who accompanied him. The troops escaped and Abshok went on to consolidate the foundation of Guba. This was latter continued under his son Sheikh Hamdan known to the Ethiopia's as Dajjazimach Banja.³⁷

Fitawrari Zeleke the known chief of Belaya in 1920 invaded Guba and continued raiding other Gumuz villages. He was also ordered by Ras Haylu of Gojjam to raid the territory between Guba and Wombera accordingly he returned with slaves. The Ethiopian government was not in a position to effectively control regions like Guba and Wombera. Guba in 1925 was too strong to be dominated by central government. Hamdan was said to have repulsed an invading army of Gugsu Araya, newly appointed governor of quro. Thus by the 1925 Guba was placed under the central government and gained recognition as one of the autonomous areas of Ethiopia, in a similar position to that of Wellega, Jimma, Awasa, and Benishangul³⁸.

As opposed to Guba Gumuz, others who are found in the other areas of Mettekel (Debate, Wombera, Bullpen, Madura, Dangur Woreda's) and Kamahis zone have no confined or formal way of administrative system. However, their inter-relation was based on clan leader which have the decisive factor in Gumuz affairs.³⁹

Most of the Gumuz areas such as villages under the present Mandura Woreda (Sasi, Tuni-Dodushi) became under the effective control of government after 1987. Whereas, most of present Debate Woreda villages came under the government control in 1952 E.C and it was during that time Debate Woreda itself is found to be well established.⁴⁰

The perception that we can get from over all history is that, Gumuz who are concentrated in the present areas of Mettekel and Kamahis zones has long history of settlement in Ethiopia

³⁶ Ibid p. 53-54

³⁷ Ibid p. 66

³⁸ Ibid p.69-70

³⁹ Interview with Aba Filate, Yibasi Guqi, and Meset Tiwa in Dibati and Giligel Belles on December 16 and 17/2009

⁴⁰ Ibid

especially in various areas of the Gojjam province before their present home land. However, due to oppressive regime the area become the source of slave and pushed through time to less favorable places. Therefore, with the exception to that of Guba Gumuz, it is possible to say that Gumuz in other areas of Mettekel 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 and were not recognized as human being 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 and lost their rights to administer themselves. Therefore, it was after 1991 that Gumuz got special recognition and began to administer themselves formally.

C. Shinasha

According to the 2007 census the indigenous Shinasha people in the region has the population of 50916 and accounts for 7.59% of the total population of the region.⁴¹ At present Shinasha ethnic group live in Bullen, Dangur, Debate and Wombera Woreda are of Mettekel zone. The name Shinasha is derived from Amharic word Shi Ina shi, it is to mean thousands and thousands. The term Shinasha also related to Shinasha clan name, called “Shinasnao” which belongs to one of the sub clan of Shinasha (Anifo)⁴²

The Shinasha ethnic groups are also known as Boro, Gongga, Sinisho, and...etc. Boro is relatively recent name and unknown to majority people of Ethiopia, due to this both Shinasha and Boro are used together .The word Boro is officially used since 1992 and after wards, during the time when Shinasha ethnic group formed their political organization, the Boro Shinasha People’s Democratic Party(BSPDP).⁴³ Boro-Shinasha claims their origin to be the Biblical Canaan. They were forced to leave their original homeland due to civil war, and in search of pastureland. Initially they have settled in Egypt and lived there for some periods.⁴⁴ However, for further search of pastureland, they moved to Horn and found Red Sea which they called Walel. By

⁴¹ The Ethiopian 2007 census

⁴² Interview, Demilo Beyen elder in Bullpen Woreda on November 17/2009

⁴³ Tsega Endalew, Christian influence on Shinasha oral tradition (HAAP 3, 2005) unpublished p.13-14

⁴⁴ Ibid

doing so they further moved to Ethiopia lead by one of their ancestral called “Hamati”, he was believed to be one of the son of the Canaan.⁴⁵

They crossed Walel (Red Sea) by Homatis’s traditional means. Latter on one of the clan chief called Shawa lead and directed Boro-Shinasha in to Shawa (Ethiopia). The name Shawa itself was derived from Boro-Shinasha clan leader named “Shawa”.⁴⁶ After two decades of settlement in Shawa, Boro-Shinasha people were forced to leave because of the Christian invasion and population turmoil in the 16th century and they were dispersed in both sides of the Abbay (Nile) and formed a strong kingdom called kingdom of Gongga.⁴⁷ This strong Kingdom includes Southern Gongga (Kaffa, Sheka, Bosha spoken in the south-western regions in the vicinity of the Gongga River), central Gongga (Anfilloo, Anfiloo spoken in western Wellega), and Northern Gongga (comprising Shamash’s in Gojjam or Mettekel which are moved as the result of population growth from south of the Abbay and considered themselves as Gongga of Damot, Wombera, Guba and Bullen, they form the present day of Boro-Shinasha of Mettekel.⁴⁸ When they came to Gojjam crossing over the Abbay River, they-first settled in Bure town, the present east Gojjam Zone of Amhara region, before they dispersed and dominated by Amharic and Agew speaking ethnic groups. The name Bure town itself is dived from the word Boro.⁴⁹ Boro is the influential leader of Shinasha when they leaved around the Bure town.⁵⁰

Again as the result of population pressure and Christian influences’ from south of Abbay, many Boro-Shinasha clans moved to the north of Abbay River (Gojjam) and increased the number of Gonggas that are already settled there. They continued their settlement to Mettekel; due to military expeditions. Four main invasions were made against Boro-Shinasha by Christian kingdom in the regime of Emperor Susenyos (1607-1632). Majority of them were forced to move farther in to unfavorable low lands of Mettekel up to Guba on the Sudanese border and then to Dangur.⁵¹

⁴⁵ Interview, Demilo Beyen elder in Bullpen Woreda on November 17/2009

⁴⁶ ibid

⁴⁷ Supp at note 24 p. 20-24

⁴⁸ Ibid

⁴⁹ Supra at note 45

⁵⁰ Ibid

⁵¹ Supra at note 43, p.15

When Boro-Shinasha reached to Bullen, Debate, and Wombera, there were no human being except the forest and wild animals on the land, and they claimed that Boro-Shinasha lived in these areas for more than 300 years. It was recently that Oromos and Amharas have come to the land by crossing Abbay and Dura rivers respectively.⁵²

After the long peaceful settlement of Boro-Shinasha in Bullen and Wombera again Oromo troops came to Wombera from Wellega and started their ancient process of integration.⁵³

The 60 members of troops who lead by Abba Dulla Ancho from Najjo, Gidmii, Manid...etc from western Wellega from where Wambera could be seen across the Abbay, following the foot prints of wild animal and found Wombera suitable for all thing and reported this fact back home. It is on this base that the second strong cam pain organized under new Abba Dulla, Jilo wubbi, which has many clans (Baabbo, Giddaa, Manasibu...etc) each claim under its own chief but under over all leaders of Abba Dulla invaded Wombera, they completely routed these resistant and took many in to captive and assimilated them through the traditional institution (Luba baasa).⁵⁴

After the great Gonga kingdom is dispersed to both side of the Abbay, 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 mandatory for them to accept whatever oppressive system under whatever form of the government before 1991.⁵⁵

Lastly the project to control over all matters of Shinasha administration and to put them under the influence of central government started by the journey of king Takile Haimanot of Gojjam from capital Debre Markos to Wombera (1898) by way of Agew Gimijabet, from Gimijabet to Zigam, from Zigam to Wambera passing the Bullen and in camped at Adami between Gessangessa and Sonkora town.⁵⁶ He farther moved to Debirezeit, thus new town and church was found in this area in 1898. During that time he appointed 12 and 5 governors for Wambera

⁵² Interview, Demilo Beyen elder in Bullpen Woreda on November 17/2009

⁵³ Interview with Ato Taye Habite deputy administrator of Mettekel zone administration on November 12/2009

⁵⁴ Supra at note 24 p.30-31

⁵⁵ Interview Taye Habite, Aba Filate, Demilo Beye on November 12,16,17/2009

⁵⁶ Supra at note 24 p.62

and Dangab region of his own respectively, in both cases these governors are locally called Quroo.⁵⁷

These governor only served their own interest and of the center. Even if the region relatively seemed more stable, there was no attention for identity, language and culture of Shinasha. 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 nation before 1991.

D. Mao and Komo

Both Mao and Komo are indigenous nationalities of the Benishangul Gumuz Regional state. Relatively both ethnic groups have Small number of population. Mao and Komo have the population of 12744, or 1.9% of the total population and 6464 or 0.96% of the total population respectively⁵⁸.

In the present these two ethnic groups are settled in Maokomo Special Woreda which was named after these ethnic groups. There are some historical indications that Mao and Komo ethnic groups were the Settlers of the Assossa during the 17thc. However, through time they gradually pushed to the south and at present they are populated in Maokomo special Woreda.⁵⁹

During the Transitional Government Tongo (Begi) was one zone of the Benishangul Gumuz Regional State. However, due to the Transitional Government map which extended Oromia to the border to the Sudan between Benishangul Gumuz and Gambella states created conflict over the area which finally called for referendum. The referendum was held in 1995 E.C and the highland areas of Begi went to Oromia where as the low land of Begi went to Benishangul Gumuz. It was on this base that the present Maokomo special Woreda was established⁶⁰.

During the referendum most of the Mao and Komo who considered themselves as black Oromos vote for Oromia and settled there. As the result, today there are many Mao and Komos in

⁵⁷ Ibid, p.63

⁵⁸ The Ethiopian 2007 census

⁵⁹ Supra at note 20, p.23

⁶⁰ Interview with Ato Abdul Kader head bureau of audit on November 12/2009

Oromia region in Tonga Woreda who are assimilated by Oromos and going to lose their identities⁶¹.

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). Their own affairs were decided by externals. They claimed that, they are oppressed for long time, their culture and language were not given recognition, leave alone the recognition of their language and culture, they were not even recognized as human beings. These community lives in very remote area where no infrastructures exists, as the result they had no access to school. The assimilation and domination of other ethnic group contributed more for Mao and Komo ethnic group to be small in size today.⁶²

In general it is relatively Berta and Gumuz of Guba that had got their own form of self-administration compared to the others before 1898. However, as any other Ethiopian ethnic groups they all become under the oppressive regime from the time of 1898. During the national building they all lost their right to administer themselves. However, after 1991 all of these ethnic groups legally acknowledged the right to administer themselves.

3.2.2 Non-Indigenous peoples

In Benishangul Gumuz regional state there are various non-indigenous ethnic groups, which have the population of 285,358 and account around 42.54% of the total population. The following chart shows the ethnic composition of non-indigenous ethnic groups in the region.

Non-indigenous ethnic group composition in Benishangul Gumuz Regional state

No	Non-endogenous ethnic groups	Number	percentage	Comment /Remark
1	Amhara	142,557	21.25	
2	Oromo	89,446	13.32	
3	Agew	30,317	4.49	both Awi &Hsmyra
4	Tigray	4559	0.68	
5	Fedashe	2051	0.31	
6	Kenbata	1787	0.27	
7	Hadiya	1691	0.25	
8	Somalie	1515	0.23	
9	Guragie	1268	0.19	

⁶¹ Ibid

⁶² Ibid

- ❖ Source Ethiopian 2007 census
- ❖ N.B only those ethnic groups in the regional population which has more than 1000, are listed

Each of these non-indigenous ethnic groups in the region has its own historical pattern of settlement. Amharas, the most populated non-indigenous ethnic group in the region has at least two ways of settlement patterns. The first was the settlement program during Dergue regime, and the second one was the interaction of the communities as the result of, trade, agriculture and labor. In addition to those factors migration of people to the region in search of labor, fertile land and...etc played important role. The majority of Amharas in the Assossa Zone and Pawe special Woreda were the result of Dergue settlement program.⁶³

Oromo settlement in the region can also be seen in two ways. The first one was through Oromo expansion, and secondly it was through interaction among communities as the result of trade, agriculture and labor. In the present Oromos are more populated in Assossa, Babasi, Wombera, and Mao & Komo Woreda's.⁶⁴

The Agew non-indigenous ethnic group in the region was found in dispersed way and they were relatively populated in Mandura, Dangur and Debate Woreda's. Their population size was increased as the result of their long-standing relation with Gumuz and Boro-Shinasha that created high interaction between them and their migration to the region in search of fertile land.⁶⁵

The other ethnic groups also came to the region either by the Dergue settlement program in Pawe which include Kembata, Hadiya, Fedashe and ...etc ethnic groups, or commercial relations or employment in government or private sectors. In present non-indigenous population is increasing day to day as result of migration from bordering states in search of fertile lands and natural resource.⁶⁶

3.3 Legal Framework for Indigenous Self-Administration in the Benishangul

Gumuz Regional state

⁶³ Supra at note 20

⁶⁴ Interview with Ato AbdulMahamud Ibrahim deputy head bureau of agriculture on November 05/2009

⁶⁵ Supra at note 24, p. 45

⁶⁶ Supra at note 20, p. 18

The design for legal framework to the right of self-administration of nation, nationalities and people of Ethiopia came to existence after long struggle carried out by Ethiopian nation, nationalities and peoples against the oppressive regime being from Haile Selassie period. In the same way, these indigenous peoples in Benishangul Gumuz also had contributed either through their own political parties or by co-operating with other ethnic groups. For instant Berta ethnic groups has their own political party called BPLM (Berta Peoples Liberation Movement which established in 1970s) with some Members of Gumuz.⁶⁷ Whereas, Boro-Shinasha were active participatory of the Ethiopian student movement in 1960s joining their face with other oppressed groups, among these Birile Ambesho and Tewodros Jaleta who were the leader of Gojjam province students movement are example. They later organized in Ethiopian's people revolutionary party (EPRP). Lastly, Brile and Tewodros thrown in to Jail in Debremarkos. Birile was killed by Dergue terrorist force, whereas, Tewodros escaped and went to America through Guba Woreda crossing over the Sudan border.⁶⁸ When EPRP reorganized around Sudan border in Matamma and Guba still some members of Boro-Shinasha and Gumuz joined the force and liberated Wombera Woreda in 1980 E.C and then other Mettekel Woreda's from Dergue oppressive regime. However the EPRP were defeated by TPLF/EPDM due to their political ideology.⁶⁹

Therefore, it is possible to say that, these indigenous nationalities of Benishangul Gumuz played their role to overthrow the oppressive regime and come up with the legal framework for self-administration. It was after the Dergue regime deposed from power that the legal framework for nations, nationalities and peoples to self-administration is designed in Ethiopian history for first time. The whole movement of nation, nationalities and peoples of Ethiopia to get rid of the military regime succeeded in may1991, and then followed by the great political reform to address the issue of self-determination of all ethnic groups in Ethiopian. To this end a legal framework was designed during the transitional government for the first time.

In the precisions of the Transitional Charter which was immediately introduced by EPRDF, the right of nation, nationalities and peoples to self-determination that includes right to preserve once identity and has its respective, in promoting the culture, history, and usage and advance of

⁶⁷ Supra at note 20 P.2

⁶⁸ Interview with Ato Taye Habite deputy administrator of Mettekel zone administration November on 12/2009

⁶⁹ Ibid

language is affirmed. It is also clearly stated in the Charter, administration of one's affair with in its own defined territory and participate in the central government on the base of proper representation and exercise the right to independence is also stated when the conditions under Art 2(c) are denied, abrogated and abridged is acknowledged.⁷⁰

Next to the Transitional Charter proclamation for the establishment of national/regional self-governments comes in to effect (proc No.7/1992). As clearly stated in its preamble, it was intended to give effect to the right of nations, nationalities and peoples, the right to self-government⁷¹. On this objective this proclamation under its Article 3 identifies 63 nations which can from their own national or regional self-government or entitled to proportional representation when they are less in number. Accordingly under sub (1) of the same article Gumuz ,Berta, Komo, Mao and Shinasha ethnic groups were entitled together to form one self-government(region six)⁷² It was this legal framework that made these five ethnic groups the owner of Benishangul Gumuz region. Latter, in 1995 FDRE constitution under its Article 47(1) again affirmed region six as the member of the federation and sub(2)of the same article provided that these nations nationalities and peoples within the state enumerated under sub(1) of Article 47 has the right to establish their own state. So to understand these nations, nationalities and people who are within these states under sub(1)of Article 47 of the FDRE constitution, it is necessary to refer back to article 3 sub(1) of the proclamation No7/1992 which provide the list of nation, nationality and peoples which are members of the given state.

This seems the potential reason for Benishangul Gumuz Regional state constitution to make the founders of the region Berta, Gumuz, Shinasha, Mao and Komo with less recognition of the others⁷³ More than this, the state constitution provides the establishment of council of nationality administration for the effective implementation of the right to self-administration of each indigenous nationality on the base of the revised 2002 regional constitution.⁷⁴ Therefore, it is the Transitional Charted of 1991, proclamation to establish regional/national self-government, the 1995 FDRE constitution, the revised 2002 constitution of Benishangul Gumuz, and proclamation

⁷⁰ Article 2(c) of the Ethiopian transitional period charter of 1991, proc No 1 50th year Negart Gazeta No 1

⁷¹ The Preamble of Proclamation to establish regional/national self-government (proc no 7/1992

⁷² Ibid

⁷³ Article 2 and 39 of the revised 2002 Benishangul Gumuz Regional state constitution

⁷⁴ Article 74 of the revised 2002 Benishangul Gumuz Regional state constitution

to establish council of nationality which together can be cited as the legal framework for self-administration indigenous nationalities of Benishangul Gumuz Regional State.

3.4 Challenges of Self-Administration of Indigenous Nationalities of the Benishangul

Gumuz Regional State

Under this section, problems that challenge the indigenous nationalities the right to self-administration, hamper the overall development, and close the way to good governance and democratization are discussed.

3.4.1. Competition for Key Political Position and Other Related Issues

Competition between these indigenous people for key political power had registered many conflicts in the region. It is important to see where this serious yet unsolved issue arises from and how the regional government solved it.

A. The Transitional Period(1984-870 E.C)

During the Transitional Charter it was only Berta which has formally organized political party (BPLM) since 1970s. However in 1992 Gumuz, Boro-Shinasha, Mao and Komo formed their own ethnic based political parties to exercise their right of self-determination. The first challenge started by resistant and opposition of OLF to the right of self-determination and identities of these ethnic groups, and this called out the attention of the Transitional Government and OLF was defeated⁷⁵

The second challenge was made by the BPLM who aspired to form their own state. These ethnic groups were put in to conflict and, caused the loss of life and distraction of economy in Assossa. On the other side of the region (Mettekkel, Kamahis and Maokomo special Woreda), were in border conflict with neighboring states, which initiated by these groups who do not accept the right of self-determination of nations. The border conflict in Mettekel specially changed in to ethnic conflict and caused loss of life and distraction of economy in 1986 E.C⁷⁶.

⁷⁵ Report presented to general assembly on the formation the new indigenous party, Assossa December 2/2009 copy on the file with the writer p.3

⁷⁶ Ibid

To overcome these problems, these indigenous groups form one centralized party known as west Ethiopian People's Democratic Party (W.E.P.D.P) at regional level, where still ethnic based parties are operating at zonal level and below. The creation of this ethnic based party creates competition for power among these indigenous groups based on tribalism within and extra ethnic.⁷⁷

B. The Era of The First Government(1988-92 Each)

This was the time when regional government is formed through popular election and established all organs of the government at all level of the government. However, BPLM has unfinished project i.e. the need to control all executive powers in the region. To meet its objective BPLM began to serve as the agents of external and internal unit peace organizations. This created strong challenge in the region,⁷⁸ and called out for political reform in general. BPLM organization was changed to Ethiopian Berta People's Democratic Party (EBPDP), whereas, Mao People's Democratic Party(MPDP) and Komo People's Democratic Party(KPDP) which was established at the time of transitional charter united together and form Maokomo People's Democratic Party (MKPDP), based on their common values and long standing interactions. It was in this time that central party (W.E.P.D.P) which was formed during the transitional period dissolved and instead Benishangul Gumuz people united Democratic front (BGPUDF) is established in 1997.⁷⁹

This party expressed the symbol of all ethnic groups. During this time Gumuz and Boro-Shinasha ethnic groups control the president and secretary positions in the region respectively.⁸⁰ This became headache and created further conflict and tension between these ethnic groups. Especially, Berta claims that Gumuz position of the president was unfair on the base of population size.⁸¹ There was no trust among these ethnic groups, the reason for this seems that the making of the region brings together these ethnic groups who are separate by geography and has their own tradition and culture, even if they share some common values together⁸². Each of these ethnic groups has hate and love. They form friendly relationship in

⁷⁷ Interview with Ato Alkedir Mohamed Assossa, Zone transport department head and the founder of WEPDP, Assossa December 02/092009

⁷⁸ Supra at note 64 p. 6

⁷⁹ Ibid, p.4

⁸⁰ Supra at note 20 p.16

⁸¹ Interview with Ato Abdela Shehadin Assossa Zone administration deputy administrator on December 03/2009

⁸² Interview with Ato Gawe Jane chief administrator of Mettekel zone, on November 13/2009

order to come to power through the others. To this end they form groups within and extra ethnic, for purpose of vote (vote seeker).⁸³ This is the area in which they have love to each other. However, within this formula there is a need to depose one from position and bring the other to position from one's clan. This tribalism concept creates hate among these ethnic groups.⁸⁴ Therefore, the calculation of power on ethnic and clan base is the serious challenge to these indigenous in the first era of the government.

c. The Era of the Second Government (1993-97 Each)

The challenge for self-administration of these indigenous nationalities in this era is not new. That is competition for key executive power among these indigenous groups. One important question should be asked here. Why this issue is rest unsettled? The constitution of the region or any other pertinent law does not provide scheme for executive power sharing and representation of each ethnic group in the regional executive and council. This aggravates the situation.⁸⁵ Representation in the regional council was not made on population size, but on number of Woreda's administered by either of these ethnic groups. It is on this base that Gumuz which has relatively small population than Berta sends more representatives to the HOPR and controls greater seats in the regional parliament.⁸⁶ This increases the demand to form Woreda at each village by Berta ethnic group. The question of representation both in federal and regional parliament is solved through the indigenous party negotiation. Whereas, still the scheme for executive power sharing is not formulated. But in at the present Berta controls the position of the president after ten years.

Benishangul Gumuz Regional State Constitution simply states that the number of members of the regional state council shall be on the base of the size of the population and it does not provided any scheme or formula both for representation and executive power sharing. It limits number of members of the regional council to hundred.⁸⁷ It gives special attention for Mao, Komo, and other ethnic group special representation that are believed to be represented. The details for the representation of these groups left to subordinate law, but no law is enacted in

⁸³ Interview with Ato Habitamu Hika head bureau of education and chare person of the new indigenous party, on November 05/2009

⁸⁴ Interview with Ato Abdulmahamud deputy head bureau of agriculture, on November 05/2009

⁸⁵ Interview with Ato Habitamu Hika head bureau education and chare person of the new indigenous on November 05/2009

⁸⁶ Christopher Vander Beken, Federalism at regional level? Unity in Diversity In Ethiopian multi-ethnic region, paper presented at 17th international conference of Ethiopia studies P. 9

⁸⁷ Article 48(2) of the revised 2002 of the Benishangul Gumuz Regional State Constitution

relation to this issue. This opened many loopholes. It is possible to solve such problem through the constitutional framework or by subordinate laws, or by regulation and rule or through their party program.

Boro-Shinasha lost the executive position (secretary) in 1996 E.C because of the separation of state organs. This created challenge to BSPDP. There were also other two challenging issues raised by EBPDP. The 1st is the quest to restrict representation of these ethnic groups who has small in population size (Shinasha, Mao and Komo) at Woreda level and below in all organs of the government and the 2nd is the need to deny representation of non-indigenous ethnic groups at any level of the regional government. However, the suggestion or plan of EBPDP was not supported by the majority of BGPDU (non Berta members) as a result the representation of these ethnic groups that are small in size and non-indigenous at all levels of government got majority acceptance.⁸⁸ This majority decision leads EBPDP parties to go out of assembly, and ongoing all the members of EBPDP at each level of the government including civil servant stop their work and went home. This bring very new feature of challenge to the regional government. Even this was the time that EBPDP required to secede from region and request to form its own state. However, the problem were solved to same extent by the assistant of EPUDF and federal government⁸⁹

d. The third era of the government (1998 E.C)

During this time the group or ethnic claim for presidential position by EBPDP changed from group claim to individual claim. Some of the EBPDP members especially who are at post positions joined their faith with Shaba and BPLM and become the facilitators and agents of these anti peace forces. As the result, the BPLM which was assisted by Shabia attacks Menge Woreda from may-July 2000 E.C and cause many economic distraction and loss of life, as the result government institutions were closed at least for three months in Menge Woreda. It seems that still some Berta's elites are in search of their own government.⁹⁰

⁸⁸ Report presented to general assembly on the formation the new indigenous party, Assossa December 2/2009 copy on the file with the writer p.3

⁸⁹ Ibid

⁹⁰ Interview with Ato Asimamaw Abishuk criminal affair prosecutor B.G bureau of justice on November 07/2009

Among the various members of EBPDP Ato Sebile Alibehit who is chairman of the EBPDP and BGPUF, as well as the deputy administrator of the region and head of health Bureau, Ato Zeruk Hamedin Abidela member of HOPR, Assossa zone finance and economic development department head, Homosha Woreda chief administrators, Assossa Woreda administration security affairs head...etc are who cooperate with anti peace organization and cause many distractions in the region for which they found guilty and sentenced.⁹¹

From the above discussions, one can understand that the challenge of indigenous self-administration was increased as the result of competition for key executive position and noticed to be changed its face from political conflict to military tension, and finally it caused the loss of life and distraction of economy. This tension seems solved but it re-appears again and again. Therefore, Berta's claim seems that formation of their own state which the government resisted.⁹²

The national parties of each ethnic group aggravate problems in the region. Because, decisions made at the regional level by the BGPDUF, is changed to ethnic politics. For instance, when measure is taken by BGPDUF against any member who fails to perform his duty due to, lack of capacity or grave fault, or abuse of power, such measures are misinterpreted and changed to ethnic politics. No one accepts such measure taken against him is because of his fault, but because of the fact that he/she is Berta or Gumuz or Boro-Shinasha⁹³.

Now, this ethnic politics seems to end, because each national party of indigenous group is dissolved and instead one centralized party in which all ethnic groups proportionally represent and has its structure up to low level of the government is established⁹⁴. However, there are two views on the formation of this centralized party or unification of ethnic parties. The supporting view is that, unification of these ethnic based parties in the region can brings solution by eliminating these national parties which each ethnic group used as hiding bush. It breaks the political boundary that exists between these ethnic groups and opens the door wide for one group

⁹¹ Criminal file No. 69421 decision on July 23/2009 in Assossa, unpublished

⁹² Supra at note 86

⁹³ Interview with Ato Habitamu Hika head bureau of education and chare person of the new indigenous party on November 05/2009

⁹⁴ Ibid

to exhort its helping hand for other ethnic groups without boundary.⁹⁵ In this situation, there is a chance to solve problems that faced the other ethnic group together without considering it as Berta's or Gumuz's only problem. It is the time when they develop together by solving their common problems commonly. However, on the other hand opponent raise that, this unification violates right of self-administration, it opens a wide door for these ethnic group who has relatively qualified man power (Shinasha) to control all political position as that of civil service.⁹⁶ However, the fears of those who are by the side of opposite can be better solved through their present party program which provides for proportional representation of each ethnic group at every level of administration of the government.⁹⁷ From the past experiences, it is understandable that uniting such ethnic based parties and formation of centralized party in which all ethnic groups are proportionally represented may enhance the overall development of region. This objective may be better fulfilled when there is true scheme for representation and executive power sharing. Mere centralization of unification of ethnic based party of the region does not solve the long-standing challenge in the region; unless workable scheme of representation and executive power sharing is adopted, it may invalidate all the efforts made to solve the long-standing problem in the region.

3.4.2. Capacity Resource and infrastructure

Self-administration needs trained professionals and resource to plan and implement the strategies. Infrastructures are also another essential tool for self-administration. Therefore, it is possible to examine challenges that faced the region in these areas.

Concerning the trained man power, when these indigenous groups started to administer themselves; Berta ethnic groups had no degree, but only had three diploma holders⁹⁸. Gumuz ethnic groups had no diploma holders, but two degree holders who were trained out of the country through the help of missionary schools in Wellega. Of these two degree holders Engineer Ebiale was killed during the 1986E.c ethnic conflict in Pawe.⁹⁹ Boro-Shinasha had 8

⁹⁵ Interview with Ato Abdulmahamud deputy head bureau of agriculture on November 05/2009

⁹⁶ Ibid

⁹⁷ Article 2.3.2 Of the Benishangul Gumuz People's Democratic Party.

⁹⁸ Interview with Ato Alkedi Assossa, Zone transtort department head, Assossa December 02/092009

⁹⁹ Interview with Ato Adimassu Babikire head of Mettekel zone education department, on November 14/2009

degree holders and above 20 diploma holders¹⁰⁰, Mao and Komo had only two certified people.¹⁰¹

With regard to infrastructures, there were no roads that directly connect the region to the zones, for instance, the journey from Assossa to Mettekel takes on average four days and it was mandatory to cross Oromia and Amhara regions to reach the center of the region from Mettekel. Even in the present with the exception to ongoing constriction of road by federal government routs from Assossa to Guba Woreda, there is no road that directly connect region to zones¹⁰². Apart from road problems there were no telecommunication, electric power, health institution, and buildings that can serve government and non-government agencies. For instance, in Mao Komo special Woreda the government agencies started to discharge their duties under the trees and they were forced to live alone buildings for government office and there were no private houses for civil servants. These problems were shared by most of the Woreda's in the region. It was then with these challenges that the indigenous self-administrations began to operate.

Financial resource is also main tool for the legislative and executive organs to properly function their responsibilities. Implementation of task required financial resource; however, Five million birr was collected, despite the fact that the region needs more than 150 million budgets annually. The reason for low collection of revenue seems lack of trained man power to find out source of revenue. Even if, the capacity of the region to collect revenue increased from time to time still it covers around 11% of its total annual expenditure. In the coming five years the revenue resigning capacity of the region is estimated to be one hundred million birr.¹⁰³

To conclude, it is possible to assume that self-administration may be difficult for these indigenous ethnic groups of Benishangul Gumuz regional state because of the fact that they have no trained man power, resource and infrastructure that helped them to administer themselves. The challenge of the resource was solved through the federal grant. Without the assistance of the federal government it is difficult for the region to administer itself financially. Regarding trained manpower, the civil servants were employed from the outside and high executives were advised by non-indigenous people. Even, most of the bureau heads were from the indigenous ethnic

¹⁰⁰ Interview with Taye Habite deputy administrator of Mettekel zone administration on November 12/2009

¹⁰¹ Interview with Ato Abdul Kader head bureau of audit on November 12/2009

¹⁰² Supra at note 99

¹⁰³ Ibid

groups, they have less knowledge of bureaucracy than their drivers and secretaries. They were not in a position to plan, monitor, and direct.¹⁰⁴ The above stated challenges together with competition for key executive positions made difficult self-administration of indigenous people in the region. However, the problem of leaders' potential is to some extent capacitated through short and long term trainings and capacity building facilitated by federal government. Among the Ethiopian civil service college is the most essential institution to enhance the capacity of the indigenous peoples, however, due to lack of good governance and search for better salary and working conditions experienced civil servants release their work in the region.¹⁰⁵

3.4.3 Developments After self-administration of these indigenous nationalities

What changes were registered since self-administration of these indigenous groups? There are groups who contend that there is no change after self-administration of endogenous nationalities since then. However, there are some changes in *town and around the roads in the area where red people (non-indigenous ethnic groups) have populated*.¹⁰⁶ *The indigenous life still, living standard, economic, capacity, way of farming and attitudes to education is not changed still now*.¹⁰⁷ The language and culture of these indigenous groups are not developed. This is the area where more is expected from indigenous self-administration. They sing the music of others and develop others culture. What they watch on the TV, what they hear on the radio is others language and culture. So where are their values?

Unless serious and immediate action is taken the indigenous language and culture is going to be disappeared.¹⁰⁸ Most of the indigenous ethnic groups are still at very remote areas, they live in the area where no civilization and unfavorable for all things. For instance, in Kussaa, Meti and Derat villages in Maokomo special Woreda no clinic and schools are still functioning.¹⁰⁹ Concerning the methods of farming, Gumuz, Berta, Mao, and Komo ethnic groups are not in a position to use the ancient one (farming by animal).¹¹⁰ Would the indigenous self-administration give special attention to change method of farming of these ethnic groups, it is

¹⁰⁴ Supra at note 85

¹⁰⁵ Interview with Ato Ebissa Shiferaw head department of Mettekel zone justice, on November 12/2009

¹⁰⁶ Interview with Ato Bamit Impuwa farmer in Mandura woreda Tune Dadushi kebele on November 13/2009

¹⁰⁷ Interview with Ato Menger Qulit farmer in Mandura woreda Gidimidafile kebele on November 13/2009

¹⁰⁸ Interview with Aba Demilo Beyene, Bullpen woreda elder, on November 17/2009

¹⁰⁹ Interview with Ato Abdul Kader head bureau of audit on November 12/2009

¹¹⁰ Interview with Ato Bezabihi Aleme on November 19/2009

possible to register many changes and possible to bring actual change in overall life of these indigenous ethnic groups.

On this base, it is possible to say that the indigenous self-administration fall to meet the need of these indigenous groups effectively; therefore more effort is expected from the leader to bring actual change in the life of their native. One of the most serious reasons for the collapse of indigenous self-administration to meet the need of these natives seems that the elite's capacity to formulate strategies that can best fit the interest of these indigenous ethnic groups.

On the other hand, there are some recorded changes since self-administration of these indigenous ethnic groups in the areas of infrastructure and social service. For instance, the length of road which was only 974km and constructed for security purpose and restricted around settler areas during the past regime became 2420km. Of this Chagin Wombera 153km, Kamashi-Yaso 72km, Bambasi-Tongo 70km, Homosha-Menge-Gizan 70km, Giligel-Beles-Debate 58 km, and Kamahis Kingi 50km¹¹¹ are constructed by the effort of the regional government. There are also important changes in the field of electricity, telecommunication, and water supply. For instance 90% of the Woreda towns and above 3% of the village towns in the region got 24 hour electricity power, and water supply coverage reached 51%.¹¹² Looking at social services (education and health) through great efforts of the regional government, the primary schools that were 125 and mostly build around the settler areas reach to 350. In addition 288 alternative educations are also available. As the result at present in each village there are primary schools or alternative schools. During the formation of the region there were only two secondary high schools where as currently the number of high schools including preparatory become 37 and more than 5 governmental colleges in the region are providing education.¹¹³

Indigenous people in Benishangul Gumuz state are guaranteed the right to speak and develop their language, heritage and culture. However, the indigenous self-administration in the present, did not give due attention to develop the language and culture of these indigenous nations. But there is an attempt to offer education by local vernacular of each endogenous ethnic group in

¹¹¹ Report presented to general assembly on the formation the new indigenous party, Assossa December 2/2009 copy on the file with the writer p.3

¹¹² Ibid p.15

¹¹³ Ibid p. 17

Latin alphabet since 2008.¹¹⁴ Language, culture, religion, education ... etc are the most important factors by which the efficiency of self-administration can be measured. In other words, self-governing nation have to develop their own spoken and written language. Indigenous nationalities within region must be in a position to develop and protect their heritage and culture. Media can play important role for the development of one's language and culture. In this respect these indigenous people did not given sufficient media coverage. As the result their cultures and language may not be developed as that of other ethnic groups who have sufficient media coverage. Therefore, both the regional and federal government should have to facilitate situations in which these indigenous people can get access to media.

Therefore, from the detail observation, it is possible to say that the indigenous nationalities self-administration is not doing well in the areas of language, culture, and media. So the right to language and culture which are guaranteed both in the federal and regional constitutions are left paper tiger in the region.

Education is the mechanism through which every ethnic group is expected to fulfill its own trained man power. This is why indigenous self-administration working to increase the enrollment of each indigenous group at every level of the school. With this regard important steps are made in the region. However, from the below chart one can understand that relatively Mao and Komo ethnic groups are not doing well in the area of education to increase their ethnic group enrollment at each level of education. It is difficult for them to administer themselves without educated man power. Therefore, Mao and Komo elites have to give special attention to education. The following chart can help one to understand the indigenous enrollment in higher educations.

Indigenous enrollment in higher education

No	Year	Berta	Gumuz	Shinasha	Mao	Komo	total	remark
1	1995	5	2	104	-	-	111	
2	1996	6	5	187	-	-	203	
3	1997	12	6	182	-	-	219	
4	1998	6	3	128	-	-	137	
5	1999	13	1	195	-	-	209	

¹¹⁴ Interview with Ato Assimamaw Embiale , indigenous people language curriculum development and teacher on November 12/2009 Giligel Beless

6	2000	17	20	212	-	-	249	
7	2001	9	4	230	4	-	247	

❖ Source Benishangul Gumuz education bureau

In conclusion, the regional government exerts much effort in the area of infrastructure and social services. However, during field work it is observed that most development changes after the indigenous self-administration are still made in the town and around the main roads. This resulted in the local natives, who are settled in rural areas, way of living standards such as, their farming system, housing, dressing still are not changed. They live mostly in very remote areas where civilization is very difficult to reach. Especially Mao and Komo ethnic groups are not given much attention for education. Therefore, it is recommended much effort is needed to change the life style of indigenous people and to develop their language and culture and to increase their school enrollment at every level of the school.

3.4.4 Quest for Political Space by Non-Indigenous Ethnic Groups in the Region

As I have discussed in preceding chapters and sections, in the Benishangul Gumuz regional state there are various non-indigenous ethnic groups, among them Amhara, Oromo, and Agew have significant number in the region and together with the other non-indigenous which have small number constitutes 42.54%¹¹⁵ of the total population. However, these indigenous nationalities are the owner of the region where non-of them are dominating, but together forms 57.46% of the total population of the region.¹¹⁶ The need to control over all powers by indigenous ethnic groups, and the desire for proportional representation by non-indigenous people in the region created challenges.

The constitution of the Benishangul Gumuz regional state promised that the representation of non-indigenous group shall be decided by law.¹¹⁷ But there is no such a law still now.¹¹⁸ Even if the indigenous nationalities had the lion share of the power, they provided equitable representation for non-indigenous groups in their party programs at each level of the regional government. However the non-indigenous group still requested for great representation in the

¹¹⁵ The Ethiopian 2007 census

¹¹⁶ Ibid

¹¹⁷ Art 48(2) of the 2002 revised Benishangul Gumuz Regional constitution.

¹¹⁸ Interview with Ato Taye Bulu Deputy Speaker of the Council of Benishangul Gumuz Region State November 19/2009

regional council and cabinet positions.¹¹⁹ The representation of non-indigenous groups at different level of the regional government is made not because of the federal laws and constitution but simply by regional political parties' commitment to accommodate others.

However, non-indigenous groups in the region continued to be unhappy, given the fact that they constitute above 42% of the total population; they are not proportionally represented in regional parliament and executives. Surprisingly, the present Benishangul Gumuz regional constitution does not contain provision about the right to vote and be elected. As a result, anyone wishing to come to election can compete without any limitation in the region. This may also bring another challenge in the future. Because right to vote and election is not included in the constitution and this seems to reduce tension that was created during the election in 1992, between the indigenous and non-indigenous ethnic groups. With this back ground the region opted to be governed by the electoral law and federal constitution concerning the right to vote and election.¹²⁰ Now a day, non-indigenous people are represented at all levels of the regional government more than enough, not only representation but also they form their own self-administration in the areas where they found in defined territorially at Woreda level and below. For instance, Pawe special Woreda is fully administered by non-indigenous groups and report directly to the region.¹²¹ Therefore, different non-indigenous ethnic groups who are found in Pawe special Woreda have their form of self-administration and administer themselves without interference of the indigenous peoples in the region.¹²²

Non-indigenous ethnic groups are not only represented in the regional councils, but also they are represented in executive position at regional and Woreda levels. For instance, head bureau of civil service, rural road authority and natural conservation are administered by Tigrian, Amhara, and Oromo respectively. In addition to this, in Woreda's where the non-indigenous people are significant in number, they are represented in the Woreda council and cabinets. For instance in Assossa and Bambasi the deputy administrators are from non-indigenous group, however, they are not satisfied and seek the position of chief administrator. They are claiming for chief

¹¹⁹ Interview with Ato AbdulMahamud deputy head bureau of agriculture on November 20/2009

¹²⁰ Ato Mulat Takel the former speaker of the council regional council December 3/2009

¹²¹ Interview with Ato Gawe Jane chief administrator of Mettekel zone on November 13/2009

¹²² Interview with Ato Worku Jara, elder in Dibati woreda November 05/2009

administrator position.¹²³ Non-indigenous groups in Wombera, Debate, and Dangur Woreda's also share the cabinet positions and they are deputy speakers of the Woreda council. *Benishangul Gumuz regional state accommodated non-indigenous groups in the region but the indigenous peoples of Benishangul Gumuz are not even given recognition, leave alone representation by Amhara and Oromia regions*¹²⁴ There are more than 15000 Gumuz who settled in territorially defined areas in Matamma (Amhara) who can form one Woreda but not yet given recognition even at village level¹²⁵. The Mao and Komos in Tongo Woreda (Oromia) are also in the same situation.¹²⁶ Also at Kebele level non-indigenous groups are represented.¹²⁷ It is even non-indigenous groups who dominate most of the executive organs at Kebele level, for instance Genetemariam, Jigida Silasse, Giligel Beles in Kebele 01/02 Komed bazi, Baruda, Manbuki in Kebele 01/02 Keble, Assossa town Kebele 01/02/03, Bambasi town Kebele 01/02.¹²⁸ On this base let us see how Benishangul Gumuz Regional State accommodates these non-indigenous groups at different levels of the government in the region in the following chart.

Regional and Woreda Council composition

No	Name of institutions	Number of councils in Ethnic									total	Remark
		Berta	Gumuz	Shinasha	Mao	Komo	Amhara	Oromo	Agew	Tigrian		
1	Regional council	36	35	10	2	2	10	3	1	-	99	
2	Assossa Woreda council	108	-	-	-	-	71	2	-	3	184	
3	Bambasi Woreda council	64	-	-	-	-	42	4	-	10	120	
4	Dangur Woreda council	-	74	10	-	-	9	-	37	-	130	
5	Debate Woreda council	-	67	42	-	-	12	18	-	-	129	
6	Wombera Woreda council	-	79	44	-	-	-	28	-	-	151	

▪ Source Benishangul Gumuz Regional council

▪ N.B only these Woreda's in which significant number of non-indigenous ethnic groups exist are taken in to consideration

On the other hand these non-indigenous groups opposed that: even if the representation of non-indigenous group is undeniable, the representation is not proportional and these representatives of the non-indigenous groups are not properly functioning. Because these representatives of non-

¹²³ Interview with Ato Habitamu Hika head bureau of education and chair person of the new indigenous party on November 05/2009

¹²⁴ Ibid

¹²⁵ Interview with Ato Adimassu Babikire head of Mettekel zone of education department, on November 14/2009

¹²⁶ Interview with Ato Alkedi Mohamed, Assossa Zone transtort department head, Assossa December 02/092009

¹²⁷ Interview with Ato Malaku Gissa deputy speaker of Mandura woreda on November 14/2009

¹²⁸ Interview with Ato Meshesha Antene Shawi Dangur woreda security and administration affairs on November 13/2009

indigenous groups serve as the spokesman of the indigenous, they do not protect non-indigenous interest. Totally they are un-functional. As the case they request true and proportional representation which can better protect the interest of these non-indigenous groups.¹²⁹ They claim that, children's of non-indigenous groups are not equally competent in employment opportunities and discriminated because of their ethnicity.¹³⁰ However, indigenous Peoples respond to this idea that the difference in employment is not made to discriminate others it is an affirmative action taken to increase number indigenous in civil service but in doing so, the right of other is not neglected¹³¹. The constitution of the region provides that non-indigenous groups have the right to work in the region,¹³² even non-indigenous people are given more advantages for special training opportunities (E.C.S.C) that were intended and primarily designed to enhance the capacity of indigenous people.¹³³ The representations of these non-indigenous groups are not restricted to council and executive but they are dominant in civil service, they are significant in number in judiciary, prosecutor, and police.¹³⁴ However, they are still complaining and unhappy because they are not proportionally represented and it seems like they are looking for presidential and other key executive positions.¹³⁵ Generally, by observing number of non-indigenous groups in different organs of the regional government it can be said there is no discrimination on bases of ethnic group opportunity except that of affirmative action.

The bellow chart helps to understand how non-indigenous ethnic groups are accommodated indifferent organs of the regional government.

The composition of ethnic groups in different institution of Benishangul Gumuz Regional State

No	Name of institution	Ethnic composition and their respective number														Total	Remark	
		Berta	Gumuz	Shinasha	Mao & Komo	Anhara	Oromo	Agew	Tigrian	Garage	Kambata	Hadiya	Wolayta	Wergji	Gamo			Dawro
1	Civil service	1306	1038	1731	239	3811	3221	570	480	123	37	27	20	11	1	-	11625	

¹²⁹ Interview with Ato Gizachew Meruriaw Mettekel zone health department, on November 14/2009

¹³⁰ Interview with Ato Bogale Goshu Manbuk woreda on November 13/2009

¹³¹ Interview with Ato Mengistu TebeJe Dangur woreda deputy speaker on November 13/2009

¹³² Article 34(1) of the revised constitution of Benishangul Gumuz Regional state (2002)

¹³³ Interview with Ato Fikadu Tadesse regional administration cabin affairs department head on November 10/2009

¹³⁴ Interview with Ato Habitamu Hika head bureau of education and chair person of the new indigenous party
On November 05/2009

¹³⁵ Interview with Ato AbdulMahamud deputy head bureau of agriculture on November 05/2009

2	court	9	9	26	-	14	9	3	5	2	1	-	-	-	-	-	78	
3	Prosecutor	8	3	34	-	20	8	4	1	-	-	-	-	-	-	-	78	
4	police	191	236	83	14	138	76	26	13	1	4	2	3		3		795	Komo only ¹
	Total	1514	1286	1874	253	3983	3314	603	499	126	42	29	23	11	5		12576	
	percent	12	10	15	2	32	26	5	4	1	.4	.2	.18	.09	.04			

▪ Source Benishangul Regional civil service , court, justice bureaus and police commission

From the above chart one can easily observe indigenous groups are non-dominant in the regional institutions. If non-indigenous groups are looking to presidential or key executive positions in the region, such way of thinking may not only challenging the indigenous people right to self-administration, but also the constitutional makeup of the Ethiopian federation. In the present, it seems that non-indigenous groups want to take advantage of the official language of the region on the base of decision made by of HOF which can be summarized as:-

Non-indigenous groups are prohibited to run the 2000 election for the regional council on the ground that they are not able to speak any of the endogenous language. On this stand they petitioned to election Board but the electoral board forbidden them to run election, since they are not able to speak Berta's language. They appealed to the HOF to quash the decision of electoral board and electoral law which violates the right assured to everyone to elect and be elected and violate supremacy of the federal constitution. The CCI Majority opinion found that such requirement of candidates language of language in running election under proclamation No 111/787 Contradicts with the Art 38 of the federal constitution. Because the proclamation discriminated between the candidates on the base of the local vernacular and since the board decision is based on this provision the law is referred to the HOF for its viability. The minority opinion on the other had based on the general goal and objective of the constitutional interpretation and attempted to look in to this issue in light of the letter rather than referring to specific provisions as that of the majority opinion. They stressed on the idea that self-determination of nation's nationalities and peoples which is central goal of the Ethiopian constitution can't be attained without making provisions for language.¹³⁶

There are two competing interests in the Ethiopian federation. The first interest emanates from the very creation of the regional states on the base of language, identity and the right to self-administration. The second interest is right of individual to be elected. These two interests seem to be balanced by electoral law, as stated any individual who can speak the local language either member of nation in question or not can participate in election without requirement of

¹³⁶ Assefa Fiseha, Federalism and the accommodation of diversity in Ethiopia, comparative study(2007), p.280-282

membership as far as he/she speaks the local language.¹³⁷ If we see in this perspective, the electoral law seems more liberal because it opens the situation in which an individual who is not member of the ethnic groups in question can participate in the election. If the right to be elected is without limitation in federal structure, especially in countries like Ethiopia where the structure of the state is based on ethnic or linguistic groups, how self-administration of nationalities can be achieved?, especially in regions like Benishangul Gumuz where some potential areas are dominated by non-indigenous groups. Unless such right is restricted, it opens the door wide for others to wholly control the regional administration. As the result, erodes the right of these indigenous peoples to administer themselves.

The decision of the HOF seems to discriminate between these regions which made their dominate ethnic language their official language such as Amhara, Oromo, Somali, Afar...etc and others which adopted the working language other than none of their ethnic group because of the fact that they are multi-ethnic for instance, in Benishangul Gumuz Regional State Amharic is adopted as working language.¹³⁸

In this case the HOF accepts the requirement of knowledge of the candidates' official language, of the region but rejected the Benishangul case, because of the fact that none of the indigenous language is adopted as the official language/Berta/ in the region but Amharic. Such a decision opens advantage for these non-indigenous groups to dominate the regional council in the future. Would the region adopt either of the language of indigenous ethnic group as the official language, there is no situation for HOF to pass such discriminatory decision. If this decision is going to have effective it will endanger the right of self-administration of these indigenous nationalities. It was on this base that the B.G government requests the HOPT, HOF, and CCI to re-consider the decision passed, because the decision has negative impact on the right of self-administration of indigenous groups. As Asefa States it clearly; if in the states of Amhara, Oromia, Afar, Tigray & Somali Knowledge of local language is a prerequisite to run public office there is no reason to deny multi-ethnic regions the same right, because they do not have their own constitute state, they should not Subjected to different treatment. This seems potential

¹³⁷ Supra at note 20

¹³⁸ Ibid

reason for the Berta's request to form their own state in which they can adopt their own local vernacular as working language.

The Benishangul Gumuz regional state claims that as it plays a role model in representing non-indigenous ethnic groups because in Kemissie, the Oromo zone of ANRS, OPDO representatives are under Amhara political authority. But in B.G they have their own delegate, from ANDM, TPLF, and OPDO.¹³⁹ Despite this fact non-indigenous groups allege that in the region there is no accommodation of other ethnic groups.

From above points it can be concluded, the regional government provides a political space to accommodate non-indigenous groups at each level of the government including guaranteeing them self-administration at Woreda. However, they are not satisfied by such representation and still requiring great number of representation. But representation of these non-indigenous groups in different levels of the regional government must be guaranteed by the constitution or any other law. But if the regional parliament and executives at each levels of government are going to be dominated by non-indigenous groups it may be against the principle of self-administration of nationalities which is guaranteed in the federal constitution. These steps taken by the regional government to promote unity in diversity, to build one political and economic community must be strengthened and promoted, but care must be taken not to affect the right of self-administration of indigenous groups. The cadres of these non-indigenous groups must work for the best development and preservation of the culture and language of these non-indigenous instead of looking for key executive positions. Regard this; it is only Amhara ethnic groups which are benefited by chance because of the working and education language of the region. But Oromos, Tigrian, Agew...etc languages and cultures is not given attention in the region. This must be the areas in which these cadres have been devoted, even this is the area in which non-territorial or personal autonomy works well, but not still call attention of Ethiopian federalism.

3.5 Migration

In the present, Benishangul Gumuz Regional state is facing challenge as the result of massive migrants of peoples from neighboring states. The liberty of movement and freedom of resident guaranteed both in international documents and national laws, and the resistant of regional

¹³⁹ Supra at note 20

government to these rights, the promotion of unity in diversity to build one political and economic community in Ethiopian federal system together calls the attention of scholars and politician. The regional government considers the massive migration and settlement of non-indigenous ethnic groups in the region without permission of the concerned authority as illegal and going to overrides the autonomy of the region and farther affects the basic rights of indigenous people and natural resource. Whereas, these migrants and settlers thought that the resistance of the region towards the settlement and migration is against the right of liberty of movement and freedom to residence.¹⁴⁰ The following table can help one to understand how illegal settlement became serious in the region.

Illegal settler in forest, grazing land and other protected areas in Bullen Woreda in 2001 E.C

No	Name of village	No. of husband	No. of family	Total	Remark
1	Bekugi and Godarare	110	420	530	
2	Baruda and Dobi	27	102	129	
3	Addis Alem	136	413	549	
4	Amangi and Gogi	25	58	83	
5	others	643	-	643	For labor
	Total	941	993	1934	

❖ Source Bullpen Woreda police office

Both the international and national documents including the Benishangul Gumuz Regional constitution guarantee the liberty of movement and freedom to choose resident.¹⁴¹ However, both article 12(1) of the international covenant on civil and political rights and article 33 of the Benishangul Gumuz Regional state constitution provide the requirement of lawfulness for one to exercise his/her right to liberty of movement and freedom to establish residence.¹⁴² In this regarded both provisions seem to provide the fulfillment of certain requirement for one to exercise the right to liberty of movement and freedom to choose residence. On this instance, let us examine the liberty of movement and freedom of reside in the state. Some consider as there is restriction of liberty of movement simply by referring to check point for security purpose, the

¹⁴⁰ Interview with Ato Getnet Worku, Baruda village settler, on October 20/2009

¹⁴¹ Article 32 of the FDRE constitution and article 12(1) of the International covenant on civil and political right

¹⁴² Without to prejudice to the federal constitution of article 32, any resident of the state or any person lawfully in the state has within the territory of the region the right to liberty of movement and freedom to establish or choose his residence right to work, right to possession of private property as well as to leave the region at any time he wish to

measures that are taken at check points are not discriminatory, all indigenous and non-indigenous groups are required to show their ID card and all are search for security.¹⁴³ This is the process through which the region successfully controls every illegal activity, if this is not the case the door is widely opened for anti peace organizations.¹⁴⁴ From these two statements, we can understand that there is no discriminatory restraint of liberty of movement on the base of ethnicity and it is simply made for the purpose of security and become the common practice everywhere in the present. No absolute right, there are certain situations in which these rights can be restricted especially for general security.¹⁴⁵

In relation with the right of residence, the FDRE constitution provides freedom to build one's residence of his wish.¹⁴⁶ The right of liberty of movement and right to residence which are provided in the FDRE Constitutional are substantive right as the result, the implementation of these rights needs procedural law. This does not mean that everybody can build his house everywhere without following the necessary procedures to get land and authorization of the concerned organ. *Liberty of movement and right to residence under the constitutional law does not mean that one can freely enter and settle in to others home.*¹⁴⁷ There must be certain restriction on these rights.¹⁴⁸ *"It is our governments who administer this land so everybody who wishes to reside must first get permission from the concerned authority otherwise, our communities land become a house without door that everybody enter".*¹⁴⁹ To build house in towns, one must first get permission from municipality, what make the local land and authority different? It is impossible to get land in urban areas without fulfilling certain requirements; therefore, the same procedure must be followed at rural areas.¹⁵⁰

The government must protect this kind of illegal settlement, because it is territorially defined and autonomous.¹⁵¹ A territorial autonomy may also be empowered to control migration not only

¹⁴³ Interview with Dabas Guqi police officer, on November 15/2009

¹⁴⁴ Interview with Shabele Melikamu Bressaw merchant, on November 13/2009

¹⁴⁵ As provided under article 12(3) of the international covenant on civil and political rights, there is a situation in which the right to liberty of movement and freedom of residence can be restricted for purpose of security, public order, public health,...and right and freedom of others

¹⁴⁶ Article 32 of the, The Federal Democratic Republic of Ethiopian constitution of (1995)

¹⁴⁷ Interview with Ato Bayssa Besse head anti corruption commissioner on November 18/2009

¹⁴⁸ Interview with Ato Malaku Gissa deputy speaker of Mandura woreda November 14/2009

¹⁴⁹ Interview with Ato Getahun Mergiya expert in the bureau of finance on December 6/2009

¹⁵⁰ Interview with w/t Askalech Tessema 2nd year college student on November 14 /2009

¹⁵¹ Interview with Ato Malaku Gissa deputy speaker of Mandura woreda November 14/2009

from foreign, but also from other areas of the states, this enables the state to maintain the minorities' local majority.¹⁵² These indigenous are not equally competent to live together with these migrants. *When peoples of the red color/highlanders/Shuwa/ comes to the Gumuz area their children run away to the forest because their parents instructed them, to run to the bushes when they saw highlanders, as a result of the past injustice.*¹⁵³ Still these highlanders undermine the people and say “*how can a leg scrunch a head?*” that means they consider them as a leg.¹⁵⁴ In present days, settlers from neighboring state are pushing the indigenous peoples to the bush for instance; indigenous people in Albassa areas are pushed to Abbay gorges (2002-2006) which is unfavorable and unfertile land.¹⁵⁵ Formerly, these indigenous communities land were extended to Kossobar/Enjebara/, for example, Gumuz were settled around the Gimbaha mountain¹⁵⁶ Latter they pushed to unfavorable areas, but onwards they have no place to go so it is essential to protect these illegal settlers.¹⁵⁷ It is impossible to settle in the government land and destroys natural resource without any authorization of the concerned organ. It is on this base that the region considered these settlers as illegal settler and sends them back. Returning illegal settlers to their home land is not only the practice of Benishangul Gumuz state but this is done in Amhara region by Awi administrative zone within the same state. For instance in 2008 around 300 settlers in Jawi Woreda were sent back to their home land by Awi Nationality administrative. There is agreement between Benishangul Gumuz region and Amhara region to send back these illegal settlers for purpose of general security and to protect further destruction of natural resource.¹⁵⁸

Illegal settlers in Benishangul Gumuz case does not concern these Amharas, Oromos and Agew and any other ethnic group who lived in the region for long period together with these indigenous groups but these who massively migrated to the regions in recent time.¹⁵⁹ They consider these Amharas, Oromos, and Agew who lives together with them for long as their alliance and judge them as their *fathers and teachers, right hand and brothers in-law, and long place to pass the night respectively and they*

¹⁵² Balazs vizi Minority governance and autonomy from an international political perspective, p-12

¹⁵³ Interview with Ato Yigermal Sahilu Dibati woreda administrative representative Nov.15/2009

¹⁵⁴ Interview with Aba EjetaWorku Dibati woreda elder on November 16/2009

¹⁵⁵ Interview with Ato Gawe Jane Mettekel zone chief administrator on November 13/ 2009

¹⁵⁶ Interview with Ato Belachew Mekonene president of Mettekel zone high court on November 14/2009

¹⁵⁷ Interview with Ato Lemessa Agegnehu Bullpen Woreda head justice office, Nov 16/2009

¹⁵⁸ Interview with Taye Habite deputy administrator of Mettekel zone administration, on November 12/2009

¹⁵⁹ Interview with Ato Ejeta Korku Bulle Woreda administrative representative on Nov.16/2009

consider these who violate their right as their common enemy".¹⁶⁰ Many thought as if there is no freedom of movement, resident and right to work in Benishangul Gumuz state. This is not practically true, if one observes the population in the towns, civil servants, merchants, potential farmers in the region; it is non-indigenous groups who dominate these fields and the region examples symbol of the Ethiopia in accommodating different ethnic groups.¹⁶¹

During my field work, I observed that most of the regional towns are populated by non-indigenous groups and people from neighboring states massively migrated to Benishangul Gumuz regional state and illegally settled. So the region is expected to protect such illegal settlement. Through such Protection it is possible to protect the domination and assimilation of culture and language of these indigenous. The fundamental objective of autonomy or regional government is the preservation of identity, culture, and language and so forth of the concerned group.¹⁶² As the result, the entry of the large number of the others in to indigenous areas will change conditions necessary for the exercise of the regional autonomy that means the territory is changed and under mined by population movements and transfer.¹⁶³ Migration has its own impact on the identity, culture, and language if there is dominance.¹⁶⁴ The movement of people between nation states has been a constant feature of history however, one of the most challenges of migration is that it brings change of identity and it may challenges the very autonomy or sovereignty of nations¹⁶⁵ as the result it needs limitation.

One of the common limitations that can be imposed on freedom of movement and resident is that obligation to register change of address or partner with the state authorities and protection local-regional barriers to house building and therefore settlement in particular district need the pre-authorization of the concerned authority the right to liberty of movement and right of residence can be limited.¹⁶⁶ Art 31 of the UN draft declaration of the indigenous peoples rights provided

¹⁶⁰ Interview with Aba Filate elder in Debit woreda on November 16/2009

¹⁶¹ Interview with Ato AbdulMahamud deputy head bureau of agriculture on November 05/2009

¹⁶² Lens Woelk, Tibetan autonomy and self-government myth or reality with shop in new delhy <http://www.eurad/press/acadamia/al/AA3>, as visited on December 2/2009

¹⁶³ Ibid

¹⁶⁴ Ed by Elspeth Quild and Joanne van, se/m, International Migration and security, Opportunities and challenges/rout ledge, Tylor & Francis Group London and New York/ p.106

¹⁶⁵ SARAH Spencer, The politics of Immigration Managing, Opportunity, p. 14.

¹⁶⁶ Htt: // wapedia . mobi/en/ freedom-of-movement as last visited on December 9/2009

that indigenous peoples, as specific form of exercising right to autonomy or self-government...has the right to protect entry by non members.¹⁶⁷

The international covenant on civil and political rights also provided a situation in which the liberty of movement and freedom of residence can be limited or restricted under its art 12(3) when provided by the law to protect national, security, public order, public health moral or the right and freedom of others.¹⁶⁸ From this it is possible to understand that liberty of movement and freedom of residence are not without limitation and can be restricted by laws to protect the right of others.

The settlements of migrants on the indigenous land, grassing lands, forest areas become cause of conflict if not restricted. *“It is our way of farming and special attention to forest, that preserve this land green, we considered this forest as our food stock, home and shelter. This forest is very essential to our life. It is this basic thing that settler burn and destroys”.*¹⁶⁹ Many forest areas in the region become desert, rivers and springs have been derided such areas are Baruda, Aqonity and Dobi. Under the umbrella of liberty of movement and freedom of resident *“we are being to be dominated, we consider this as the 21st invasion”.*¹⁷⁰ *“We succeeded the green and fertile land from our ancestors and we have the same duty for our child but now our areas become change fast to desert”*, so the government must protect from such settlements, *“we have inherent right to protect our land, culture and language by protecting illegal settler”.*¹⁷¹ However, *“we have a culture to accommodate and to help others in case if there is a clear shortage of land in other regions”*. In such a case *“We can manage it through negotiation with that region and accept manageable settlers and settled them in areas where the settlers cannot disturb the peaceful life of indigenous and natural resources”.*¹⁷² From over all argument, it is possible to understand if migration and settlement is considered as free ride it affects the right of indigenous people in many aspects. It creates dominance through which their language and culture is going to be assimilated, it causes shortages of land and become cause of conflict so as to compete for

¹⁶⁷ Draft deceleration of the right of indigenous people.

¹⁶⁸ Article 12 of international covenant on civil and political rights (general assembly resolution 2200A(XXI) of 16 December 1966.

¹⁶⁹ Supra at note 106 and 107

¹⁷⁰ Interview with Ato Bezabihi Aleme, on November 19/2009

¹⁷¹ Interview with Ato Getahun Merigiya expert in bureau of finance November 19/2009

¹⁷² Interview with Ato Adimassu Babikire head of Mettekel zone education department, on November 14/2009

resource. It also affects the natural resource of the region, it violets the autonomy of the indigenous people over their land and as the result it affects overall rights of the indigenous people. However, the region has to adopt certain procedures to accept and settled these who need to reside in the region. This serves to discourage these illegal settlers, reduce conflict which can be arise over the ownership of the land and grazing land and also it serves to promote unity in diversity in the country.

3.6 Are these indigenous nationalities actually administering themselves?

This refers to the issue of being politically autonomous to plan, implement, administer with one's own representative. It is also the question of capacity and efficiency? Concerning this issue, there were contradicting views in the region. Some say that, these indigenous groups are actually administering themselves because each of these ethnic groups has their own representative in the regional council who enact laws and they are administered by such laws.¹⁷³ It is the regional government which plan and implement its objectives; there are organs of government at each levels which lead by theses indigenous representatives.¹⁷⁴ Except assistance, there is no involvement of the federal government in the internal affairs of the region. To give an example when a son get married a good father is expected to assist until his son become capable of leading his house, this is what is done by federal government in Benishangul Gumuz.¹⁷⁵ The dual challenges (internal conflict as the result of competition for power and lack of capacity) in the region left unsolved and lead to destruction without involvement of federal government.¹⁷⁶

The opponent idea on the other hand reflects that: theoretically these indigenous are given the right to self-administration and administrating themselves but this is not practically true. Because for one thing they has no sufficient trained man power, resource, infrastructure and also there is long standing conflict which hindered the development of the region and good governance, as the result it was the federal government which solved these problems.¹⁷⁷ It is also possible to say that, it is federal government which takes all necessary measures by dismissing higher officials

¹⁷³ Interview with Ato Gawo Jane chief administrator of Mettekel zone administration, on November 12/2009

¹⁷⁴ Ibid

¹⁷⁵ Interview with Ato Taye Habite deputy administrator of Mettekel zone administration, on November 13/2009

¹⁷⁶ Ibid

¹⁷⁷ Interview with Ato Ebisa Shiferaw head justice department of Mettekel zone administration, on November 14/2009

through its pertinent organs (in the former through Kilil Guday zerf and in the present through the ministry of federal affairs). For instance the 2008 evaluation which is resulted in oust of many Berta elites from their position including the deputy president of the region Ato Sebil Alibehit was assisted by teams made from federal government Ato Sirag Fegessa minister of federal affairs And Aboye Tehay¹⁷⁸ This idea is similar as to what Assefa Fiseha states:

practically, the EPDRF is controlling all the regional state governments in the Ethiopian federation, either directly through the member parties(Oromo people's democratic organization (OPDO), the Amhara National Democratic Movement (ANDM), the Southern Ethiopia Peoples Democratic Front (SEPDE), and Tigray People Democratic Front (TPLF) Which operates in Oromia, Amhara, SNNORS And Tigray Respectively) or indirectly through affiliated parties the EPRDF has close allies on other regional parties which were formally autonomous, one of these parties is Benishangul Gumuz Peoples Democratic Unity Front (BGPDUF), for instance, the 1996 evaluation in the region is lead by the then deputy prime minister Tamirate Layne who dismissed the entire Berta dominated regional government and instead replaced Gumuz dominance.¹⁷⁹

In the present, there is great involvement of the EPRDF in the regional affairs through the ministry of federal affairs. It was through the great federal effort that the 2004 and 2007 conflicts were resolved in the region.¹⁸⁰ Principally, assistance of the federal government is undeniable fact because of the shortage of trained manpower in different disciplines, conflicts between these indigenous groups, and lack of practice to administer themselves. There is indication that the regional party (BGPDUF) was not as such autonomous and capable to take all necessary measure it deemed. As the result, decisions of great political matters are seems to be made indirectly by EPRDF.

There are situation where regional evaluations that involve matters of sensitive political issues are indirectly handled by the center. From this we can understand that there is abuse of power by the EPRDF under the umbrella of the assistance. Due to lack of capacity, shortage of finance, internal conflict as the result of competition for power, lack of practice of these indigenous people to administer themselves, and federal involvement in regional matters may be difficult to conclude that these indigenous peoples actually administer themselves. This assistance and abuse of power needs some balance. Affairs of purely local matters such as promotion and dismissal of higher officials must be left to regional government autonomy, but the federal government still must extend its helping hand to the region in the area of capacity building and conflict resolution.

¹⁷⁸ interview with Ato Getahun Mergiya expert in bureau of Benishangul Gumuz finance, on November 8/2009

¹⁷⁹ Assefa Fiseha, Federalism and the accommodation of diversity in Ethiopia, a comparative study (university of Utrecht, the Netherlands, 2007).p.392

¹⁸⁰ Interview with Ato AbdulMahamud deputy head bureau of agriculture on November 05/2009

Chapter Four

Institutional Framework for Self Administration of Indigenous Nationalities of the B.G.R.S

Institutional arrangement is essential to effect self-administration at each level of the government. The recognition of self-administration within the Ethiopian Federal System has three levels. One at the grass-roots level, within the territory that any ethnic community inhabits and the other are at the member states and at the federal level.¹

At grass-roots level the realization of the right to self-administration is manifested by the establishment of self-governing institutions of these ethnic communities in their respective territories and at high level by their proportional representation in the state and federal government.² The representation of each ethnic group at high level of government organ helps them to promote shared rule and the establishment of the local government promotes self-rule.³ In all cases the institutional arrangement is important, because it helps to exercise the autonomous power that each ethnic group has. This institutional framework includes impartial mechanism to adjudicate disputes.⁴ In this chapter we will see how each indigenous nationalities of Benishangul Gumuz regional state is represented in these institutional frameworks at each level of the government.

4.1 At Federal Level

The present Ethiopian federal arrangement comprises two houses (the house of peoples' representative, and house of federation), the Judiciary and the executive branches. The FDRE

¹ Third international conference may 5 2005

² Ibid

³ Ibid

⁴ Geors Branner and Herbert kupper, Minority governance concepts in Europe, Theory and practice, european options of autonomy www.ceeol.com/aspx/getdocument.aspx?logid=5&id=9AA897A3 as last viewed on 5/10/2009P.66

constitution guarantees representation of nation, nationalities, and peoples in these two houses and other branches of the government to increase their participation in the central affairs.⁵

The constitution provides mechanisms through which each ethnic group in Ethiopia can be represented both in House of People Representative and House of the Federation. In the former case it guarantees both proportional means of representation on the base of population size and reserved seat or special representation for minority nationalities and peoples,⁶ whereas, in the latter case it provides the representation of each ethnic group in the house by at least one member and provides one additional representation for each one million of its population.⁷ However, the constitution does not provide the scheme of representation in Judiciary and executive branches.

On the bases of this introductory remark let us see the inclusion of indigenous nationalities of Benishangul Gumuz Regional State in the Federal institutions. In the House of Peoples Representatives Berta and Gumuz have two representatives whereas, Shinasha, Mao & Komo ethnic groups each have only one representative. In the House of Federation each indigenous nationalities has one representative.⁸ Without special arrangement of representation as provided under the article 54(3) of the FDRE Ethiopian constitution representation of Shinasha, Mao and Komo is impossible in the federal institutions due to their small population.

On the base of their population size, each indigenous ethnic group thought that *they are represented enough in these two houses; however they are not yet represented in Judiciary and in cabinet position at federal level.*⁹ However, in the resent times one member of Berta ethnic group has become state-minister-deata in the ministry Labor and social affairs and a Gumuz has become the director of Federal cooperative association organization authority and diplomat. Whereas other ethnic groups have no representation in federal executive organs with some exception of the involvement of Shinasha in the federal civil service institutions, especially in ministry of foreign affairs. This is why they are looking for more representation in the executive

⁵ Article 39(3) of the constitution of Federal Democratic Republic of Ethiopian (first year No 1 Addis Ababa 1995)

⁶ Article 54(3) of the 1995 FDRE constitution

⁷ The house of federation is the representative organ of the diverse diversity in the federation all nations, nationalities and peoples have right to be represented in the house of federation each is entitled at least for one representation 61(1) of the 1995 FDRE constitution

⁸ Interview with Ato Taye Bulu Deputy Speaker of the B.G.R region state council November 17/2009

⁹ Interview with Ato Gawe Jane chief administrator of Mettekel zone on November 12/2009

and Judiciary positions in the federal arrangement¹⁰. This is why they are looking for more representation in the executive and judiciary position in the federal arrangement.¹¹ The denial of the federal government to enhance the representation of these ethnic groups in the federal executive and judicial organs seems to enhance the capacity of these ethnic groups first at regional level.¹² However, the federal government must give due attention for the representation of these indigenous ethnic groups of Benishangul Gumuz state both in executive and judiciary organs.

The present federal constitutional framework gives due attention to accommodate all nation, nationalities and people of Ethiopia in Federal Institutions. It is through this mechanism that these indigenous groups in Benishangul Gumuz Regional State are in a better way to be included in the federal institutions, particularly in the HOPR and HOF. In the first case they represent all Ethiopian people and in the second case they represent their ethnic groups. By looking into their population size and their number of representation in each institution it is possible to say that they are represented enough in the HOPR and HOF. However, none of these indigenous are represented both in cabinet and judiciary at present. Therefore, the Federal Government is expected to include or increase the enrolment of these ethnic groups in the Federal Institution. The representation of these indigenous ethnic groups in the Federal Institutions is more helpful to enhance their role and participation on matters of the common interest than self-administration.

4.2 At Regional Level

At regional level there are certain institutional arrangements to effect the indigenous self-administration. There are three separate organs after the amendment of 1996 constitution since 2004. As a result the institutional framework for indigenous self-administration at regional level comprises of legislative, executive and the judiciary organs. These organs helped them to enact, implement, and interpret, or adjudicate their own laws. The power to enact laws is vested upon regional council. The power to adjudicate or interpret and apply these laws is vested upon the regional courts and the power to implement or execute policies and strategies is vested upon the

¹⁰ Report presented to Assembly for the unification of indigenous parities Assossa December 02/2009

¹¹ Supra at note 9

¹² Interview with Taye Habite deputy administrator of Mettekel zone on November 17/2009

hands of the executive council of the region.¹³ Therefore, the proportional representation of these ethnic groups in these organs has great importance for effective self-administration of each indigenous ethnic group.

The legislative council which is given the power to enact laws is the highest organ in the region.¹⁴ This council is elected for terms of 5 years through direct election.¹⁵ However, the constitution did not formulate how these ethnic groups can be proportionally represented in the regional council, but it provides guaranteed representation for Mao and Komo where the details are to be decided by law that is not yet still enacted¹⁶. However when we see the composition of indigenous nationalities in the regional council as indicated under chapter three in section 3.4.4 their representation seems proportional i.e. 36,35,10, 2, and 2 for Berta, Gumuz, Shinasha, Mao, and Komo respectively. This proportional representation is made through their party program and not through the regional constitutional formula.¹⁷

Also the constitution does not provide any legal framework for the representation of these indigenous ethnic groups in the regional executive organ. Yet, their representation in the regional executive council or cabinet seems still proportional, i.e. out of 13 cabinet positions 7, 4, 3, and 1 are controlled by Berta, Gumuz, Shinasha and Maokomo.¹⁸

The Judiciary is an organized body to interpret and apply laws. From serious observation of the composition of the Judges, it is possible to say that these indigenous groups are not well represented in the judiciary organ. Because out of the 78 total numbers of Judges in the region 9, 9, and 26 are from indigenous Berta, Gumuz, and Shinasha ethnic groups, whereas, 25 are from different non-indigenous ethnic groups. Mao and Komo are not represented in this organ. The reason for non-representation of Mao and Komo ethnic group and less representation of Berta and Gumuz is lack of trained manpower in the field. Therefore, the regional government must give special attention to the proportional representation of these ethnic groups in the judiciary organ through arrangement of special training program.

¹³ Article 49, 57, 59 and 67 of the, The revised constitution of Benishangul Gumuz Regional state (2002)

¹⁴ Article 49 of the revised Benishangul Gumuz national Regional state constitution of 2002

¹⁵ Article 48(1) of the revised Benishangul Gumuz national Regional state constitution of 2002

¹⁶ Ibid sub(2) of article 49

¹⁷ Interview with Ato Fikadu Tadesse the regional cabinet affair department head December 04/2009

¹⁸ Ibid

Another noteworthy institutional framework for indigenous self-administration which is designed in 2002 Benishangul Gumuz Regional constitution is constitutional interpretation commission¹⁹. The constitution provides the representation of each indigenous nationality by four members²⁰ and limits the number of members of the commission to 20. It also provides for equal representation of each indigenous people without taking in to account their population size and with no space for non-indigenous ethnic groups.

Despite the disparities in number of population among indigenous groups, the constitution guaranteed equal representation of each indigenous ethnic group in the constitutional interpretation commission. This seems to promote equal participation of each nation in the commission. Members of the commission are elected by council of nationalities at zonal level²¹. It is the council of nationality which is mandated to elect the member of commissions.²²The council of nationality is not established yet for reasons which will be discussed under section 4.3 of this chapter. Constitutional interpretation commission also has not come to existence because its establishment is dependent on the establishment of the council of nationality that is not yet established.

The non-representation of non-indigenous ethnic groups in the constitutional interpretation commission needs improvement. The regional constitution is not designed only to govern indigenous nationalities, but all of the people who have inhabited in the region. Therefore, it must provide space for the representation of these non indigenous groups in the commission. It is possible to decrease the number of members of each indigenous group by one. Instead it represented Amhara by two, and Oromo, Agew, and Tigre each by one member. These representatives of non-indigenous groups in the commission can be elected through the council of nationality since the proclamation to establish council of nationality allows the representation of non-indigenous groups in the council.

¹⁹ Article 71 of the, The revised constitution of Benishangul Gumuz national Regional state (2002)

²⁰ Article 71(1) of the revised Benishangul Gumuz national Regional state constitution of 2002

²¹ Article 71(1) of the revised Benishangul Gumuz Regional constitutions of 2002

²² Ibid

4.3 At Zonal Level

The 1996 constitution provides zonal administration as a second level of government next to region and above Woreda's. However, the revised constitution of 2002 comes with another arrangement. It is abolishing the zonal administration and provides for the establishment of council of nationality administration, which has three separate organs (executive, Judicial, and legislative).²³ The council of nationality administration has supreme political power over their nationalities notwithstanding the power given to the HOPR and HOF under the FDRE constitution and to the regional council under the Benishangul Gumuz Regional Constitution.²⁴ Specifically the council has the power to determine its working language, protects rights of nationalities to speak and write, to develop, preserve, express, promote, and to expand its language as well as to maintain its historical heritages.²⁵ In addition it has the power to issue and enforce directives that are consistent with regional laws, regulations and directives.²⁶ It has the power to evaluate and approve its plans and budget based on regional plans and budget approved by regional council.²⁷ However, still this institution has not come to existence, as result the zonal administration which was abolished by 2002 revised constitution continued to operate defacto and the council of nationality which was established by the 2002 constitution had failed to come in to existence.

Of the three zones (Assossa, Kamahis and Mettekel) in the region Berta ethnic group is highly concentrated in Assossa zone and all cabinet position at zonal level is controlled by Berta ethnic group. Whereas, Gumuz ethnic group controls all cabinet positions in Kamahis zone and share cabinet positions in Mettekel zone with Shinasha.²⁸ Shinasha does not have its own zonal administration. Mao and Komo ethnic groups have their own administration in Maokomo special Woreda. In all cases at present, zonal administration level existed as the extended arm of the regional council of administration.

²³ Article 74 of the revised Benishangul Gumuz regional constitutions of 2002

²⁴ Article 75(2) of the revised Benishangul Gumuz regional constitutions of 2002

²⁵ Article 7(2)(a & b) of Proclamation No. 73/2008, Benishangul Gumuz Regional State proclamation enacted to determine the organization, power and function and internal working procedure of nationalities council and their office

²⁶ Article 7(2)(c) of Proclamation No. 73/2008, Benishangul Gumuz Regional State proclamation enacted to determine the organization, power and function and internal working procedure of nationalities council and their office

²⁷ Article 7(2)(d) of Proclamation No. 73/2008

²⁸ Interview with Ato Habitamu Hika head bureau education and chairperson of the BGPDP on November 05/2009

Here it is important to raise some questions. The first question is how this council of nationality administration comes to constitutional framework of Benishangul Gumuz state? Why its implementation is delayed? What are its negative and positive effects on the indigenous self-administration? Is it practically possible to implement this ethnic based territorial autonomy?

The incorporation of the council of nationality in the Benishangul Gumuz Regional Constitution is not principally based on the desire to establish effective indigenous nationalities self-administration and was not based on detailed study. However, it is made simply to answer Berta's question to establish their state. As a result, its implementation brought certain challenging issues with respect to man power and financial resources. Above all the dispersed settlement of each ethnic group and its ethnic based territory came with challenges to make defined territory for each nationality.²⁹

The indigenous ethnic groups in Benishangul Gumuz are populated in dispersed way. Mao & Komo ethnic groups are populated side by side in Maokomo special Woreda, Gumuz and Shinasha ethnic groups are populated in Mettekel Zone (Bulle, Debate, Wombera and Dangur Woreda's) side by side. And they are mixed with non-indigenous groups. In such cases demarcation of ethnic based territory and implementation of territorial autonomy came with its own challenges. In Mettekel zone it is difficult to find certain areas or places which are purely populated by Gumuz or Shinasha; the same is true in case of Mao and Komo in Maokomo special Woreda's. Therefore, it is totally impossible to make ethnic based territory specially for Shinasha and Gumuz in Mettekel (Bullpen, Dangur, Debit, and Wombera), and Mao and Komo in Maokomo special Woreda, because, Gumuz and Shinasha in Mettekel and Mao and Komo in Maokomo special Woreda are highly dispersed, or not territorially concentrated and do not have their own defined territory in these areas. Therefore demarcation of ethnic based territory in such case may lead to conflict.

In its positive aspect, the Council of Nationality administration may help each indigenous group to have territorially defined autonomy and exercise their right of self-administration autonomously in their respective territory. In such cases, they can develop their own language, culture and religion. On negative side since each of five ethnic groups are guaranteed to establish

²⁹ Interview with Ato Taye Bulu Deputy Speaker of the region council November 17/2009

their own council of nationality³⁰, it may expose the region for extra cost and constitute shortage of man power especially in case of Mao & Komo. In addition to resource and shortage of manpower it can also be the source of conflict as the result of boundary dispute.

From the plain reading of Article 75(2) in regional constitution & article 3(2) of the proc. No.73/2008, (proclamation to establish council of nationality), it is possible to say that each of these five indigenous ethnic groups are empowered to establish their own council of Nationality in their respective territory. In other words they are guaranteed to establish ethnic based territorial autonomy. However, most of these ethnic groups have no defined territory. Instead, they are dispersed and they are intermixed. As I have discussed in chapter two, territorial autonomy is advisable when certain ethnic groups are found in territorially concentrated manner than in dispersed way. In case of Benishangul Gumuz state since each ethnic group are dispersed and intermixed it is difficult to implement ethnic based territorial autonomy. In such cases, it may be more important to adopt non-ethnic territorial autonomy based on geographic, which is convenient to administration. However, it is also possible to adopt non-territorial autonomy for these ethnic groups who are dispersed in territorial autonomy of others ethnic groups for the purpose of their language and culture.

The proclamation to establish Council of nationalities and administration seems to solve the representation of non-indigenous ethnic groups in the council of nationality which was not given due attention by 2002 constitution. This proclamation guarantees special representation of non-indigenous ethnic group in the council of nationality.³¹ As the result, it opens new chapter for non-indigenous ethnic groups to be represented at zonal level. This may help to solve the present problem of non representation of non-indigenous groups at zonal level and would lead the council of nationality become effective. However, this proclamation does not specify the number of representative these non-indigenous groups can have in the council of nationality. Nevertheless, by looking in to article 2.4.7 of the draft regulation of Benishangul Gumuz Peoples

³⁰ Article 3(2) of Proclamation No. 73/2008, Benishangul Gumuz Regional State proclamation enacted to determine the organization, power and function and internal working procedure of nationalities council and their office

³¹ Article 3(7) of Proclamation No. 73/2008 provides that, the representation of other peoples in the councils organized under sub article 3(2) herein above shall be given special consideration in accordance with article 45(3) of the constitution. Therefore, according to this sub article non-indigenous groups are guaranteed to be represented in the council of nationalities at zonal level

Democratic Party (BGPDP) it is possible to say that representation of these non-indigenous groups are proportional to the number of their population in the region.³²

In general the disperse settlement of these ethnic groups make it inconvenient to implement ethnic based territorial autonomy. So re-thinking the situation is important for the implementation of the designed regarding council of nationality. If the proclamation allows the representation of non-indigenous ethnic groups in the council of nationality, there is no reason that limits the formation of council of nationality on the base of proportional representation in the areas where these indigenous nationalities are found in dispersed way. In such cases it is possible for Gumuz and Shinasha in Mettekel zone and Mao and Komo in Maokomo special Woreda to form only one council of nationality on the base of proportional representation which includes non-indigenous ethnic groups in the area. By doing so, it is possible to use the limited resource and man-power effectively. This arrangement may serve to establish zonal council with less power to challenge and helps to have all organs of the government at zonal level that can better perform indigenous self-administration.

4.4 At Woreda Level

The indigenous self-administration is further decentralized in to Woreda council, which is established by representatives drawn from kebeles organized under it.³³ The administrative hierarchies in the region are delimited based on the settlement pattern, language, identity and consent of nations, nationalities or peoples of the region.³⁴ Without prejudice to the rights and powers of self-administration to develop and to determine its own affairs, the Woreda administrative council is endowed with the power to draw up and determine plans of economic development, social services and implementation of policies, laws, regulations and directives issued by the regional state within its own administration.³⁵ From this it is possible to understand that Woreda is the important level of the government designed to effect self-administration of these indigenous nationalities at low levels.

³² Article 2.4.7 of the BGPDP provides that the representation of at every level of the government can be made on the base of the equity, number of population size and capacity of performance

³³ Article 84 of the revised Benishangul Gumuz regional constitutions of 2002

³⁴ Article 45(2) of the revised Benishangul Gumuz regional constitutions of 2002

³⁵ Article 85(2) & (3) of the revised Benishangul Gumuz regional constitutions of 2002

According to article 85 of the 2002 constitution Woreda council is empowered to issue directives based on its own internal rules of procedure, issue detailed directives to insure peace and security of the Woreda, approve economic development and social services and administrative plans, approves programs and budgets of the Woreda...etc among the other powers.

From the provisions of the regional constitution it is possible to understand that Woreda is the institutional frame work through which indigenous nationalities exercise their right of self-administration at low level of the government. It is the institution closer to the indigenous nationalities. Regarding to this, Bertas have four Woreda's in Assossa Zone which is purely administered by Berta ethnic group. Both the cabinet and members of Woreda councils are all from Berta ethnic group, with the exception of civil servants, police, and the judiciary. Berta also share administration of two Woreda's (Assossa and Bambasi) with other non-indigenous ethnic groups (Amhara, Tigreans, and Oromo) as indicated in Chapter three.³⁶ Gumuz controls both the cabinet and Woreda councils in six Woreda's of the Kamahis zone and two Woreda's in Mettekel (Mandura and Guba) zone.³⁷ Mao and Komo ethnic groups control all council and cabinet positions in Maokomo special Woreda.³⁸ Shinasha ethnic group which are populated in Mettekel Zone has no unique Woreda. But they share the Woreda council and cabinet together with indigenous Gumuz and other non-indigenous ethnic groups in Bullpen, Debate, Dangur and Wombera Woreda's.³⁹

The 2002 revised constitution of the Benishangul Gumuz Regional State has no place for the creation of special Woreda's which is opposed to the 1996 constitution which provided for the establishment of two special Woreda's (Maokomo and Pawe). Pawe Woreda was established by Dergue settlement program. It has got the name Pawe special Woreda for administrative purpose during the Transitional Charter specially to settle the conflict that arises among ethnic groups in 1986 E.C.⁴⁰ In this Woreda Amhara, Hadiya, Kembata, Agew, Tigre, Oromo, and...etc communities live together with different population size.⁴¹ The abolishment of status of special Woreda structure from the provision of the constitution called the attention of the regional

³⁶ Interview with Ato Abdela Shehadin Assossa Zone administration deputy administrator on December 03/09

³⁷ Interview with Ato Gawe Jane chief administrator of Mettekel zone on November 13/2009

³⁸ Interview with Ato Abdul Kader head bureau of audit on November 18/2009

³⁹ Interview with Ato Taye Habite deputy administrator of Mettekel zone on November 11/2009

⁴⁰ Minutes of the 5th Benishangul Gumuz Rgional Council assembly

⁴¹ Interview with Ato Arega Alamirew chief administrator of Pawe special woreda on November 10/2009

council at its 5th Assembly and the Assembly decided by majority vote that Pawe special Woreda shall be termed as Pawe Woreda. The Assembly made this decision based on three reasons. The first reason relates to the abolishment of the structure of special Woreda by the revised 2002 Constitution of the region and the Assembly assumed the existence of structure of Pawe special Woreda as unconstitutional. The second reason refers to the delay of administrative decision because of the fact that Pawe special Woreda directly report to the region, then the Assembly made arrangement for the Pawe Woreda to report to the zonal administration Mettekel to avoid delay on administrative decisions. The third reason is petition signed by certain groups from Pawe community to abolish the status of such special Woreda that resulted in delay of administrative decisions because it was made to report for the region.⁴²

It was on this basis that the chief administrator of the region directed Pawe Woreda to become accountable to Mettekel zone by the letter dated on 15/12/2001 EC. However, Pawe special Woreda cabinet invited the regional and Mettekel zone high authorities to conduct discussion with Pawe community. In the discussion, no agreement was reached among the Pawe communities and elites from the region and zone. The community was not willing to be accountable to Mettekel zone; they fear that this may over-ride their right to self-administration. They thought that if the Woreda becomes accountable to zonal administration, the zone may send their own representative from indigenous group and this may made them under indigenous administration.⁴³ It was on this stand that they strongly disagree with the decision and gave three options to the regional government: to continue as previously named “Pawe special Woreda” and to directly report to the region, if this right is denied they seek to join Amhara Region; and if both options are denied this may bring the 1986E.C ethnic conflict in the area back again.⁴⁴ As the result this issue was left unsolved and still waits for a solution.

The regional council in its 5th Assembly passed its decision without taking in to account the need and wishes of that specific community simply based on individual information and referring the issue to Constitution which does not specifically provide for the abolishment of special Woreda. Even under careful observation of Article 45(1) of the Benishangul Gumuz Constitution does not prohibit the establishment of special Woreda. According to this provision the administrative

⁴² Supra at note 34

⁴³ Interview with Ato Gawe Jane chief administrator of Mettekel zone on November 12/2009

⁴⁴ Interview with Taye Habite deputy administrator of Mettekel zone on November 12/2009

structure and division of power of the region includes region, council of nationalities, and administrative hierarchies and still the same provision gives the council of state to organize other administrative hierarchies. The administrative hierarchies in the region shall be delineated on the base of settlement, language, identity and consent of the nation, nationality or people in the region.⁴⁵

As a result, this provision does not strictly forbid the establishment of special Woreda's; instead it promotes the establishment of such administrative hierarchies through the regional council. The regional council did not follow the right procedure to abolish the name special Woreda and make it accountable to zone rather than directly reporting to the region. Even if the abolishment of the name special Woreda is necessary, first the consensus of the concerned community is important. The regional government has to let the people of Pawe decide on this issue first.

The regional constitution and the proclamation to establish council of nationality provides the situation in which non-indigenous groups can be represented at each level of government. This shows that the regional government is on the way to accommodate non-indigenous ethnic groups and to strength their right of self-administration. Therefore, there is no sufficient reason to abolish Pawe special Woreda through which that community directly report to the regional government and administer their affairs. However, the intention of the regional government is said to be not to override the right of Pawe community to self-administration for which they have long experience.⁴⁶ But it is simply made, to make administrative levels accessible to Pawe community.⁴⁷ If this is the case, it must be made with pre-consultation of these communities.

If non-indigenous ethnic groups are concentrated area, there might be no reason to deny them special form of administrative arrangement, because it enhances development and democracy in the region. Abolishing such administrative structure without pre-consultation of the concerned community shows deficit of democracy, if not improved it may lead to conflict. Therefore, the regional government is expected to maintain the name special Woreda and enable them to directly report to the region as a self-governing entity.

⁴⁵ Article 45(2) of the revised Benishangul Gumuz regional constitutions of 2002

⁴⁶ Interview with Ato Habitamu Hika head bureau education and chairperson of the BGPDP on November 05/2009

⁴⁷ *ibid*

4.5 Neglected Institutional Frameworks

Under this section attempts will be made to discuss some institutional frameworks which are important for indigenous self-administration but not yet in place in the region.

4.5.1 The Second House

The second house with which the writer is dealing in this section refers to the council of nationality at regional level. At the present as it has been discussed under section 4.3 of this chapter, there is a council of nationality at zonal level which is intended to be established on ethnic based territory delimitation.

As discussed earlier in this paper, in Benishangul Gumuz regional state there are five indigenous ethnic groups who are recognized by the regional constitution and other non-indigenous peoples. On this basis, it is possible to form a federation within federation. Therefore, by creating council of nationality at regional level which is composed of all ethnic groups, it is possible to establish suitable institution which can serve as the second house in the region. This was what is proposed by committees established to present the workable institution that meets the regional situation by conducting study and sharing the practice of other regions. The committee then proposed the council of nationality at regional on the practice of SNNP. However, the regional council opt the present council of nationality which is based on the ethnic based territory and intended to operate at sub regional level and failed to come in to existence.⁴⁸

The practice of Southern Nations, Nationalities and People's state seems more suitable to the case of Benishangul Gumuz. If the region adopts council of nationalities at regional level on proportional representation basis, it can serve the objective of constitutional interpretation, it can also, give solution for disputes which can arise on the base of administrative hierarchies, create favorable condition for the study of the history, language and culture of these indigenous groups. It can also help to promote and consolidate unity and equality of the people in the region and can seek also solutions to conflict which arise between the nations, nationalities and people in the

⁴⁸ Interview with Ato Wodisha Habite chaire person of the member of committee who present the proposal of council of nationality

region. This kind of arrangement can also solve the problems of ethnic based administration at zone level.

4.5.2. Council of Elders

From the various on-going roles that elders play and the attitude and respect that these indigenous groups have towards elders, it is possible to think that if elders' council is formally established in the region it can play crucial role in over all social, political and economic aspect of the region.

The community in the region trust elders more than other institution. It is not the politicians, police, or the judiciary that solves serious problems in the region but elders.⁴⁹ The whole community has common understanding for the role of the elders despite their ethnic diversity. No matter the ethnic identity the elders have, equal recognition is given by all groups for the decisions and commands made by elders.⁵⁰

If government policies and strategies go to communities through the elders it can get more acceptance and recognition and can be effectively implemented. Elders know how to handle and solve problems in the community. Whatsoever, a judge, or a politician, or a police decision cannot effectively be implemented without the involvement of the elders.⁵¹ It is the way the elders handle the case and their knowledge as to how to solve problems and also the custom of the community which give them acceptance and recognition. For instance, it is through elders, role that the 2008 conflict between Kamashi and East Wellega zones was solved.⁵² Despite this fact much attention is not given to elders. Formal establishment of elders' council and their involvement in the day-to-day activities of the government is crucial in different aspects.

⁴⁹ Interview with Aba Filate Dibati woreda elder and farmer on November 15/2009

⁵⁰ Interview with Ato Deressa Damera elder in Dibati Woreda on December 15/2009

⁵¹ Interview with Aba Demilo Beyene Mettekel zone elder on November 16/2009

⁵² Interview with Ato Abdela Shehadin Assossa Zone administration deputy administrator December 03/09

It is true that the roles of elders are important in every society for example in Benishangul Gumuz regional state great role is played by elders in every aspect. Therefore, formal establishment of elder council at every level of the government is necessary.⁵³

One can say that in such diverse society establishment of elders council cannot meet its objective, because each ethnic group has its own culture and custom. However, even if there are different ethnic groups which have their own culture and custom all ethnic groups have common value which they can share together in common. All elders speak the same language, all societies have good attitude towards elders, all accept and trust the elder and give great value for what is said and done by elders whatever their ethnic identity may be.⁵⁴

One important question to be asked here is that, why these communities in Benishangul Gumuz regional state give much trust to elders than the Judiciary, politician or police? This seems to be related to the traditions or system of administration of those ethnic groups which was based on clan relation than civilized form of government.⁵⁵ As the result, if elder's council is formally adopted in the region, it plays important role to implement government policies and strategies. It can also serve to handle and solve problems smoothly and effectively and it contributes greatly in maintaining peace and security both inside and outside of the region. Other important factor is through this institution it is possible to transfer customarily or traditional system of dispute resolution to new generation; which is very difficult to acquire through formal training.

4.6. Issues Related To Urban Administration

The small population of indigenous ethnic groups and dense population of non-indigenous ethnic groups as well as the need to control political authority by indigenous ethnic groups with the intent to dominate the urban councils is not without challenge. The need to control urban councils and city administration was considered as undemocratic or minority rule over majority

⁵³ Interview with Ato Asediqi Abdulkerim economic affairs standing committee of regional council on December 4/2009

⁵⁴ Interview with Aba Demilo Beyene Bullpen woreda farmer and elder on November 16/2009

⁵⁵ Supra at note 43

by many.⁵⁶ Article 10 of proclamation No 69/2007 (Proclamation for Establishment and Organization of Urban Centers) provides that:

*55% of the seats of the city council of city administration and municipal towns or the size of constituent to be determined by the administration council of the region shall be reserved to the indigenous nationalities of the area.*⁵⁷

In relation to reservation of seats, the same is provided in the Oromia under proclamation No 65/2003.⁵⁸ The objective of this reserved seat seems to increase the participation of the indigenous ethnic groups in urban administration, to control political power or authority in the urban areas.

The total population of indigenous and non-indigenous ethnic groups in the urban, municipal, and emerging towns of the Benishangul Gumuz Regional State is about 97,965.⁵⁹ Of these population 28.81% is indigenous and 71.89% are non-indigenous⁶⁰. It is on this base that many non-indigenous consider this proclamation as undemocratic; however the intention of the regional government seems to encourage the indigenous people political and social participation in the urban, town and municipalities, with the intent to open the door for indigenous to reside in the town areas of the region. Of the total population, (385489) of the indigenous peoples only 7.32% live in urban areas, whereas, 92.68 are living in rural areas.⁶¹

Therefore, it is not only political empowerment that brings the indigenous people of the region to urban areas, but also the urban policies of the region must be in a position to encourage these indigenous peoples. Most of the indigenous peoples are not in a position to meet the standards to

⁵⁶ Interview with Ato Wodisha Habite the former head bureau of justice on November 3/2009

⁵⁷ Article 10(6) of the proclamation No 69/2007, proclamation for establishment and organization of urban centers and also sub 6 of the same article provides that whenever the regional council believes that the special representation of the indigenous nationalities in urban centers it can increase the number of the constituent seats under sub(5) of article 10

⁵⁸ Article 4 of the proclamation no. 65/2003 provides that when the number of Oromo resident in 1st and 2nd grade city is found small, the administrative council of the national regional government may see the number of Oromo people against other people and reserve 50% of the seats in the city council. This provision is applicable also to the council of the city Ganda and under sub(5) of the same provision it provides that in the 1st and 2nd grad city, 205 shall be reserved from the seats in the city council for the hinterland rural Ganda/Gandoota surrounding the city administration

⁵⁹ The Ethiopian 2007 censuses

⁶⁰ Ibid

⁶¹ Ibid

build house in the town, they are not in a position to afford for plan...etc.⁶² As a result, and they are pushed to the bush when certain rural areas are developed to urban center. For instance Giligel Beles was Gumuz village which is upgraded to urban area in 1992 and now serve as the center of the Mettekel zone.

In this new town which was named as Gumuz town during the celebration of the Giligel Beles town, Gumuz are forced back to bush, because they were not in a position to pay for plan, to build house according to the standard formulated by the government.⁶³ Even those who settled around the Giligel Beles town are considered to be illegal and forced by police to distract their house.⁶⁴

Therefore, unless and otherwise the Benishangul Gumuz Region State formulates different mechanisms which encourage and build the knowledge of these indigenous people to live in the urban areas, it is difficult to meet this objective only by increasing the political involvement of indigenous people in the town.

Non-indigenous ethnic groups think as they contribute more for the overall development of the town in the region as the result of this, they need to control the political authority in the urban centers. On the other hand these indigenous ethnic groups claimed the land as their own property which they said they lost it because of oppressive regime and now they need to administer it.

Generally, it is difficult to neglect the indigenous involvement in urban administration; on the other hand serious attention must be given to non-indigenous as well. If the region simply let the minority indigenous in the town it can constitute minority rule over the majority and create challenge to democracy. However, in whatever case the present less population of indigenous nationalities in the town need another special policy attention: how the indigenous people share technologies? How they became civilized if they are left in rural areas? In this perspective the region is expected to design strategies that can benefit the indigenous people to live in towns than political domination. The regional government has to facilitate situation in which indigenous groups can build their home in the town, and have to encourage these indigenous

⁶² Interview with Ato Meseret Tiwa HIV secretariat head Mandura woreda November 14/2009

⁶³ Interview with Ato Hudassa Eticha head of Giligel Beles municipal November 14/2009

⁶⁴ Interview with sergeant Kefale Zenebe police on November 13/2009

people who have money to build both residential and commercial places in the town. Limitations to this might still be a challenge to increase the number of indigenous people in urban areas of the region only by providing more at reserved seats in the urban council and city administration.

4.7. Conclusion and Recommendation

A. Conclusion

The period of Zamana Massafent symbolized that the Ethiopian nations, nationalities, and people have practice of self-administration. However, the formation of modern Ethiopia in the second half of 19th century to create one Ethiopia out of diverse people and culture; brought about political centralization and imposition of culture, language and religious value of one ethnic group over the others. The downfall of the communist military government of Ethiopia by EPRDF in 1991 opened a new chapter for Ethiopian nations, nationalities and people to administer their own affairs through themselves.

The 1991 Transitional Charter affirmed equal right and self-administration of nation, nationalities and peoples of Ethiopia. The right of nations, nationalities and peoples to self-determination which acknowledged in the Transitional Charter and proc. No. 7/1992 is further deep-rooted in the 1995 constitution. The right of self-determination under the Ethiopian constitution includes the right of language, culture and self-administration. It is on this constitutional base that Berta, Gumuz, Shinasha, Mao & Komo ethnic groups in the Benishangul Gumuz Regional State of Ethiopia started to administer their affairs through their organs. These ethnic groups are considered as indigenous peoples in the revised 2002 of the Benishangul Gumuz Regional State.

Self-administration of these indigenous ethnic groups started formally since 1987 E.C. However, they did not run self-administration without challenge since then. These challenges were both internal and external. Competition for key executive power among these indigenous nationalities was the serious challenge. Absence of power sharing and representation schemes and multiplication of ethnic based political parties aggravate tension among these indigenous nationalities. Competition for key executive power among the indigenous group changed its face

from time to time and in recent time resulted in destruction of property and loss of life. Without solving this issue among the indigenous groups, it is difficult to enhance democracy.

Lack of infrastructure and shortage of finance is also challenge for indigenous self-administration. It is impossible for all organ of the government to properly discharge its responsibilities without finance. In the present the problem of finance seems to be solved through federal grant. However, the regional government must increase its revenue raising capacity to finance its own projects. These indigenous peoples have shortage of manpower especially in areas of civil service and the judiciary. Simply by controlling political positions without trained manpower in different disciplines it is impossible to actual run self-administration.

The request of non-indigenous groups for proportional representation at all levels of the government based on their population size is also another challenge to indigenous self-administration. The regional government provides space for representation of non-indigenous ethnic groups at regional and Woreda levels. There is also the situation in which they administer themselves where they are found to be concentrated in same territories. By doing so the region is playing role model to accommodate others, but the present measure taken to abolish the status of Pawe special Woreda shows deficit of democracy. In order to advance democracy and good governance in the region; non-indigenous groups should have to accept and promote self-administrational of these indigenous ethnic groups. And also indigenous groups have to strengthen different systems that can help to accommodate non-indigenous groups and provide mechanism that help them to administer themselves instead of locking over the pre-existing means that help these non indigenous to administer themselves. In this way it can help to maintain peace and security and enhance the overall development of the region.

Culture and language are the symbol of one's identity. However, indigenous self-administration does not give much attention to develop and promote their culture and language. Therefore, the culture and language of these indigenous nationalities must be given special attention through the indigenous self-administration for its preservation, promotion, and development. The non-procedural migration and settlement of peoples from neighboring state in the indigenous land may create domination of these indigenous groups by others in the future. It might also result in domination of language and culture of these indigenous groups and cause for conflict as the

result of competition for resource if not restricted. It also can cause displacement of these indigenous groups to more unfavorable areas. Therefore, unless the attitude, economic, and educational background of these indigenous ethnic groups are developed such illegal settlement will be continued.

The indigenous people who are living at very remote areas of the region are not benefited still. Therefore, the indigenous self-administration must give due attention to bring actual change in the life of these indigenous people who are living in remote areas. It is possible to meet the need of these natives by designing policies that can bring change in the living standard and way of farming of these indigenous through their economic status. Developing urban policies that can encourage these indigenous peoples to live in urban areas is also important. By mere domination of political spaces in urban administration, it is impossible to bring these indigenous groups in town.

Workable institutional framework is also important to effectively run self-administration. Proportional representation of each ethnic group in the institution is also another important thing. At regional level, the indigenous self-administration consists of three organs. Each of them seems to be fairly represented in the regional parliament and executive organs but in the judiciary organ; except Shinasha, Berta and Gumuz are less represented where Mao and Komo are not totally represented. At zonal level, the present administration is operating defacto as the extended arm of the regional council of administration after it replaced by council of nationality.

The council of nationality guarantees each indigenous group to administer itself in its respective territory. In this respect this institution seems important because each ethnic group are entitled to establish its own council of nationality based on ethnic identity but they are settled in dispersed and intermixed way. As the result such arrangement may incur the region for extra shortage of manpower and finance as well its implementation might cause conflict. Therefore, rethinking the system on geographical and proportional base can save manpower, economy and create smooth operation of zonal administration. The roles of elders in Benishangul Gumuz are very important. However, much attention is not given to enhance the elders' role in over all regional aspects. If elder's council is legally established at all levels of the regional government it can play important role to address strategies and policies of the government.

Given the problems, it is difficult to conclude that these indigenous groups administer themselves. Therefore, the writer recommends the following for these indigenous groups to effectively run their right to self-administration

B. Recommendation

1. Because of the absence of trained manpower in different fields the participation of indigenous groups in civil service and the judiciary are very minimal. The mere control of political position or power may not be enough to effect one's self-administration. As a result, without sufficient trained manpower it is impossible to effectively run self-administration.
 - Therefore, the regional government should enhance the capacity of each indigenous group. In addition to this each indigenous group, political elites must give special attention to education to develop its own man power.
2. Development, promotion, and preservation of language and culture of these indigenous ethnic groups are not given attention since the start of indigenous self-administration. If immediate response was not given to this important issue, the language and culture of these indigenous groups are at risk.
 - Therefore, the regional government must establish institution of language and cultural studies that work for the better development of each indigenous ethnic group's language and culture. In this regard, attention must also be given to media which can play important role to develop and promote culture and language.
3. The design of council of nationality administration on ethnic based territory made its implementation difficult and costly. If it continuous to exist; it can also create conflict among these indigenous groups.
 - Therefore, this institution has to be replaced by zonal council administration on geographic basis. In other words its establishment must be made on non-ethnic territorial base in which all the inhabitants proportionally represented.
4. Absence of legal framework for executive power sharing and representation brings continuing tension and creates conflict between the indigenous ethnic groups
 - Therefore, to solve this challenge permanently in the region executive power sharing and representation scheme must be developed on the base of population size.
5. Elders are the most important prominent organs in dispute resolution. They know how

- to handle and solve conflicts. The community in the region trust elder's more than government institutions. So if government policies and strategies are going to the indigenous communities through elders, it can be better accepted and implemented.
- Therefore, the regional government has to formally establish elder's council at each level of the government.
6. Migration of other ethnic groups to indigenous land from different areas can affect the land right given to these indigenous groups. The massive movement and settlement of other ethnic groups can also cause for the domination of culture and language of these indigenous groups. So it must not be left uncontrolled under the umbrella of liberty of movement and freedom of residence.
- Therefore, both the federal government and the state government must develop legal schemes through which interstate migration can be regulated.
7. The regional constitution is not designed only to govern indigenous nationalities but also all inhabitants of the region. In such cases the organ to interpret the constitution must comprises both the indigenous and non-indigenous groups.
- Therefore, in the regional constitution interpretation commission non-indigenous groups must be included.
8. Political inclusion of non-indigenous groups based on their population at all levels of the Regional government organs can help to enhance democracy and overall development of the region. It is difficult to maintain peace and security as well as good governance which are significant to the community.
- Therefore, non-indigenous groups in the region must be proportionally represented in the regional, zonal, Woreda and Kebele council and executive. Such proportional representation must be guaranteed by constitution and other laws.
9. The present on-going project to abolish the status of Pawe special Woreda can be cause for ethnic conflict as that of the 1986 EC in the region.
- Therefore, to maintain peace and security in the region and to not disturb self-administration of Pawe community the regional government has to keep the status of Pawe special Woreda and its previous reporting system to the region.

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